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

Roy and Josie Fisher, et al.,  
Plaintiffs

CV 74-90 TUC DCB  
(Lead Case)

v.  
United States of America,  
Plaintiff-Intervenor,

**TUSD'S COMBINED RESPONSE  
TO PLAINTIFFS' OBJECTIONS  
AND SPECIAL MASTER  
RECOMMENDATIONS RE THE  
2015-16 USP BUDGET**

v.  
Anita Lohr, et al.,  
Defendants,

CV 74-204 TUC DCB  
(Consolidated Case)

and  
Sidney L. Sutton, et al.,  
Defendants-Intervenors,

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1 Maria Mendoza, et al.  
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3 Plaintiffs,  
4 United States of America,  
5 Plaintiff-Intervenor,  
6 v.  
7 Tucson Unified School District No. One, et al.  
8 Defendants.

9 Defendant Tucson Unified School District No. One (the “District”) responds to the  
10 budget objections filed by the Mendoza (ECF 1829) and Fisher (ECF 1830) Plaintiffs, as  
11 well as the Special Master’s Recommendations (ECF 1833).

12 **I. Introduction**

13 The outer boundaries of judicial oversight authority in a case like this are delineated  
14 by: (1) the plain language of the Unitary Status Plan, and (2) the Constitution. Moreover,  
15 state statute governs whether the District may collect and spend certain monies for  
16 “expenses of complying with or continuing to implement activities which were required or  
17 permitted by a court order of desegregation.” See A.R.S. § 15-910(G).

18 Time and time again, Plaintiffs and the Special Master have sought judicial  
19 intervention into the discretionary details of the District’s implementation activities. In  
20 each instance, differences of opinion on ministerial and policy matters devolves into costly  
21 and protracted litigation for which local taxpayers foot the bill.<sup>1</sup> In the meantime, the

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22 <sup>1</sup> For the activities of counsel from April 2013 through December 2014, for  
23 example, taxpayers incurred \$394,567.61 in attorney fees and expenses for the Mendozas  
24 (ECF 1784), and \$393,750.00 for the Fishers (ECF 1811), for a total of \$788,317.61. This  
25 does not account for the District’s own attorney fees or the time district staff spent  
26 responding to various submissions about disputes ranging from who is hired to direct the  
27 District’s Culturally Relevant Curriculum to whether the Court should order the District to  
28 revise its Recruitment & Retention Plan to confirm that “diversity” means “racial and ethnic  
diversity”, to whether the District could bring a portable classroom to an overflowing K-8  
school. All this expense has been incurred well after adoption of the Unitary Status Plan

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1 challenged implementation efforts and educational programming are held in limbo and  
2 delayed for months.

3 On July 24, both the Fisher and Mendoza Plaintiffs filed objections to the Board-  
4 adopted 2015-16 budget (ECF 1829 and 1830). Neither the Special Master nor the  
5 Department of Justice did so. The District sought leave to respond to Plaintiffs’ objections.  
6 See ECF 1831. The Court granted the request, but *sua sponte* invited the Special Master to  
7 file a Report and Recommendation regarding the budget.<sup>2</sup>

8 These issues – both as reflected in the Plaintiffs’ objections and in the Special  
9 Master’s Report and Recommendation – present a clear opportunity for the Court to address  
10 the scope of review. Such analysis would be appropriate not only before resolving the  
11 issues at bench, but also to provide direction to the parties and Special Master that might  
12 deter future filings that are not consistent with the legal authority in this case.

13 In submissions framed as “budget objections” under USP § X(B)(5), the Plaintiffs  
14 and Special Master seek by judicial order to direct detailed programmatic revisions. The  
15 Plaintiffs and Special Master ask, for example,

- 16 ● for a court order prohibiting the use of “The Seven Habits of Highly Effective  
17 Teens” in connection with the alternative-to-suspension program (ECF 1833,  
18 p. 8);
- 19 ● for a court order directing the reallocation of money from one school to  
20 another (ECF 1829, pp. 6-7);

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23 and in connection with disputes about implementation strategy. During the same 21 month  
24 period of time, the District paid approximately \$350,000 in compensation to the Special  
25 Master, \$48,000 to his experts, and \$50,000 to the Implementation Committee (formed in  
summer 2013).

26 <sup>2</sup> The District did not object to the invitation, although it was outside the established  
27 USP process. However, the District nevertheless submits that the budget objections involve  
28 the application of law to fact and thus are appropriately decided *de novo* by the Court.

- for a court order directing changes to the staffing formula at certain magnet schools (ECF 1830, p. 12); and
- for a court order directing that funds allocated to direct student services and instruction (ISI/DAEP) instead be reallocated to sensitivity training for faculty and staff (ECF 1830, p. 15).

In other areas, the parties and Special Master – again under the banner of “budget objections” – ask for remedies that have nothing to do with approval or rejection of the budget. For example, they ask that various types of studies or reports (ECF 1833, pp. 11, 12, 13, 15) and new Action Plans be prepared and submitted for their approval (ECF 1829 p. 5). Finally, they ask that the Court order the District to reformat its budget and post it on the District website (ECF 1829 at 7; ECF 1830 at 10-11).<sup>3</sup> The objections and recommendations should be rejected in all respects.

**II. The Court Should No Longer Resolve Budget Objections Without First Evaluating the Scope of Its Authority.**

In each USP budget year — 2013 (ECF 1474), 2014 (ECF 1677-78) and now in 2015 — the District has asked the Court to first reflect on the scope of the Special Master’s authority in light of the applicable standard of review and likewise has asked that “budget” orders be confined to directives on budget allocations, leaving the propriety of judicially mandated program change to proceedings in which the District is afforded a reasonable opportunity be heard. To date, the Court has neither allowed a hearing on nor addressed in its orders the standard. During that time, the Plaintiffs have used the “budget objection” process to obtain court orders:

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<sup>3</sup> The District has been amenable to a variety of changes in budget format designed to provide greater detail. The 2015-16 budget shifts from the former use of 11 categories (USP “Projects”) (see 2013-14 Budget, ECF 1469-1; see also 2014-15 Budget, ECF 1742) to the use of 65 “activity codes.” (2015-16 budget, ECF 1827). As the Mendozas note, during the budget process the District even provided all parties a fully sortable Excel document that included *every single line item* in the USP budget. ECF 1829 pp. 5-6.



- 1 ● that the District abandon its use of Lindamood Bell materials for the reading support work of its Mexican American Student Services personnel in favor of
- 2 a program of the Special Master's choosing;
- 3 ● that the District work by committee with the Plaintiffs to develop agreed
- 4 criteria under which it may spend 910(G) funds;
- 5 ● that the District work by committee with the Plaintiffs and Special Master to
- 6 develop criteria by which it will evaluate its student support programs;<sup>4</sup>
- 7 ● that the Court direct which department within the District should manage the
- 8 behavior specialists; and
- 9 ● that teacher professional development be outside of regular teaching hours
- 10 with payment of overtime, rather than using substitutes during teacher
- 11 training.

12 Against this historical backdrop, the submissions of the Plaintiffs and Special Master  
 13 include more demands for special studies, reports, and programmatic tweaks than ever; the  
 14 Mendozas even allege non-compliance in the area of dual language and seek a remedy  
 15 therefore.

16 Judicial oversight authority derives from the USP, the Constitution and, in this  
 17 context, A.R.S. § 15-910(G). Yet, time and time again, the Special Master and the  
 18 Plaintiffs seek judicial intervention into the discretionary administrative details of District  
 19 decision-making far beyond USP boundaries. In an expansive view on collaboration and  
 20 consultation, Plaintiffs and the Special Master demand veto power over any allocation or  
 21 initiative that the District has not proven to their satisfaction is the best among competing  
 22 options. *See Mendoza v. United States*, 623 F.2d 1338, 1345 (9th Cir. Ariz. 1980) (“If the  
 23 school officials present a plan which will correct the violations found, and it does not  
 24 infringe upon other rights in the process, the District Court must approve that remedy even  
 25 if the Court does not believe it was the most desirable plan which could have been

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26 <sup>4</sup> The District does not contend that all examples listed here are an improper  
 27 exercise of the Court's authority. Most assuredly, however, the expedited and limited  
 28 process for objecting to budget allocations is not the place to resolve factual disputes,  
 differences in professional assessment or otherwise order programmatic activity.

1 selected.”).<sup>5</sup> Nor is their position rooted in the budgetary review authority contemplated by  
 2 USP §§ X(B)(4-5).

3 Judicial deference to discretionary policy judgments is part of the legal framework  
 4 governing institutional reform litigation, seen perhaps most often in prison reform cases.  
 5 See *Kendrick v. Bland*, 740 F.2d 432 (6th Cir. 1984)( “[j]udicial deference is accorded not  
 6 merely because the administrator ordinarily will, as a matter of fact in a particular case,  
 7 have a better grasp of his domain than the reviewing judge,” but also because the operation  
 8 of prisons is entrusted to the executive, not judicial branch).<sup>6</sup> The operation of school  
 9 districts is squarely within the domain of state and local government, and this Court must  
 10 give adequate weight to the views of District officials.<sup>7</sup>

11 If the Plaintiffs object to the District’s budget, the “Court shall resolve the objections  
 12 on an expedited basis.” USP § X(B)(5). Resolution of objections is not commensurate with  
 13 veto power; principles of federalism and comity still dictate restraint into intrusion on the  
 14 day-to-day operations of the District. Plaintiffs’ objections must be balanced against the  
 15 judgment, skill, expertise, and experience of dozens of TUSD’s educators who engaged  
 16 with Dr. Hawley, Dr. Balentine, and the Plaintiffs over the course of six months to arrive at  
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 19 <sup>5</sup> Federal courts recognize “[v]iolations of law must be dealt with firmly, but not  
 20 used to launch the federal courts on ambitious schemes of social engineering. ... Children  
 21 ... should not be made subjects of utopian projects.” *People Who Care v. Rockford Bd. of*  
*Educ.*, 111 F.3d 528 (7th Cir. 1997).

22 <sup>6</sup> See also *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 393 n. 14 (1992)  
 23 (“[p]rinciples of federalism and simple common sense require the court to give significant  
 24 weight to the views of the local government officials who must implement any  
 25 modification.”); and see *Frew ex rel. Frew v. Hawkins*, 540 U.S. 431, 442 (“principles of  
 26 federalism require that state and officials with frontline responsibility for administering the  
 program be given latitude and substantial discretion.”)

27 <sup>7</sup> To the extent the Court previously has suggested that either the Special Master or  
 28 the Plaintiffs have a right to control programmatic choices within the district (see ECF  
 1477), the Court was in error.

1 the current allocations after the District developed and shared with them no fewer than four  
2 budget drafts.

3 In *Flores v. Arizona*, 516 F.3d 1140 (9<sup>th</sup> Cir. 2008), the Ninth Circuit affirmed this  
4 Court’s order requiring government officials to “demonstrate ‘appropriate action’ through a  
5 particular funding source.” *Id.* The “appropriate action” at issue involved a requirement for  
6 the State to formulate a plan, implement the plan, and achieve adequate results related to the  
7 education of English Language Learners. See *Flores v. Huppenthal*, 789 F.3d 994, 1002  
8 (9<sup>th</sup> Cir. 2015).

9 The Supreme Court reversed. In *Horne v. Flores*, the Court criticized the Court of  
10 Appeals decision affirming a trial court order which had “improperly substituted [the  
11 district court’s] own educational and budgetary policy judgments for those of the state and  
12 local officials to whom such decisions are properly entrusted.” 557 U.S. 433, 455 (2009).  
13 Less than two months ago, the Ninth Circuit acknowledged the high court’s reproach,  
14 noting its criticism of “our court for affirming the district court’s order.” *Huppenthal*, 789  
15 F.3d at 1001, citing *Horne* at 455. Instructively, the Supreme Court in *Horne* held:

16  
17 Federalism concerns are heightened when, as in these cases, a federal court  
18 decree has the effect of dictating state or local budget priorities. States and  
19 local governments have limited funds. When a federal court orders that money  
20 be appropriated for one program, the effect is often to take funds away from  
21 other important programs.

21 557 U.S. at 448. This Court likewise must maintain a “heightened” sense of the federalism  
22 concerns at issue as Plaintiffs and the Special Master again ask this Court to dictate budget  
23 priorities at a time of shrinking State funding. Requests to simply “add more funding”<sup>8</sup> to a  
24 particular program cannot be viewed as though the District has endless resources.

25  
26 <sup>8</sup> Plaintiffs do not identify the possible the source of these extra funds. The 2015-  
27 16 USP budget allocates every dollar, allowing nothing for overhead and only  
28 approximately \$60,000 in contingency. Although some savings over the course of the year  
may free up additional funds eventually, for the moment the USP budget is a zero sum  
game; to increase funding for “x” we must decrease it for “y.”

1 **III. Neither Plaintiffs Nor Special Master Contend That the Budget Violates ARS §**  
 2 **15-910(G), the Unitary Status Plan, or the Constitution.**

3 The rules for collecting and spending 910(G) funds are established by statute. ARS  
 4 §15-910(G) (“The governing board may budget for expenses of complying with or  
 5 continuing to *implement activities which were required or permitted* by a court order of  
 6 desegregation....”) (emphasis added). ARS § 15-910(J) requires that any school district  
 7 levying 910(G) funds use a prescribed form to file its budget annually with the Arizona  
 8 Department of Education (ADE). Such districts also must file an annual report of  
 9 expenditures with the Auditor General. *Id.* Finally, districts must certify that expenditures  
 10 of 910(G) funds are in accordance with various statutory mandates and reporting  
 11 requirements. ARS § 910(J)(3). The review and comment process the USP provides does  
 12 not alter the fundamental notion that determining the legal foundation for the expenditure of  
 13 910(G) funds is solidly entrusted to the Arizona Department of Education. Nor has any  
 14 party averred non-compliance with the 910(G) framework.

15 Using similar language to 910(G), the USP requires that the Budget include funding  
 16 “necessary to implement the terms of [the USP],” based on an assessment of “funding  
 17 needs.” See USP §§ X(B)(3) and (B)(4). This language provides the general yardstick  
 18 against which the budget’s allocations must be measured. No party has charged that the  
 19 activities funded in the adopted budget are not those “required or permitted by a court order  
 20 of desegregation.” Nor do they contend that the allocations do not reflect funding necessary  
 21 to implement the USP based on a reasonable assessment of funding needs. Rather, once  
 22 again, they ask that the Court arbitrate differences of opinion regarding strategic choices.  
 23 This the Court cannot do.

24  
 25 **IV. To the Extent that the “Objections” Relate to Something Other Than Budget**  
 26 **Allocations, they are not Properly Litigated Here.**

27 The USP provides for a fast-tracked process for the filing, briefing, and disposition  
 28 of objections to the USP budget. USP § X(B)(5). This accelerated process (ten days for

1 the filing of objections and a directive that the Court “shall resolve the objections on an  
 2 expedited basis”) is adequate to address objections to funding allocations under the standard  
 3 of review discussed above. It is not, however, a proper format to resolve allegations of  
 4 non-compliance, complaints about whether or not the budget can reasonably be understood,  
 5 or demands for special reports and investigations.

6 **A. Plaintiffs’ Alleged Lack of Information/Inability to Understand the**  
 7 **Budget.**

8  
 9 Some of Plaintiffs’ objections appear to be process complaints. For example,  
 10 Mendozas’ allegation of a “failure to get adequate information” (quick enough or in enough  
 11 detail) is perhaps a reflection of unreasonable expectations. Armed with a District-paid  
 12 budget expert, they received four (one more than the process called for) line item budget  
 13 drafts, were invited to a two-day conference in March at which the budget was a lead  
 14 agenda topic, and were engaged in a 90-minute teleconference in late June designed to  
 15 answer all remaining queries.<sup>9</sup> See *Declaration of Martha Taylor (“Decl. Taylor”), ¶ 2*.  
 16 This is the second year the Mendozas have complained that they lack the information  
 17 necessary to determine if they approve of the District’s programmatic choices.<sup>10</sup> It is  
 18 unclear the extent to which they are consulting with their appointed budget expert, who  
 19 spent approximately 75 hours on matters relating to review and analysis of the budget. See  
 20 *Decl. Taylor ¶ 3, Ex. A*.

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21  
 22 <sup>9</sup> Counsel for the Fisher Plaintiffs was offered a similar telephone conference but  
 23 refused. *Id.*

24 <sup>10</sup> See 2014 Budget Order, ECF 1705 at 8 (“This Court recently clarified that in  
 25 instances where Plaintiffs believe their discovery requests are unanswered, they must first  
 26 present the discovery request to the Special Master and if the Special Master is unsuccessful  
 27 in obtaining the discovery, he will present the matter to the Court by a Motion to Compel.  
 28 (Order (Doc. 1660) at 10.) *In this case as in any case, Plaintiffs are responsible for prosecuting it*, and may appeal directly to this Court in all matters.”)(emphasis added).

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1 The dispositive inquiry is whether the District followed the budget process with  
2 fidelity. It did. In its October 22, 2014 Budget Order, this Court ordered that the District –  
3 in consultation with budget operations expert (Dr. Balentine) – develop a process for the  
4 timely creation of a 2015-16 budget. ECF 1705, pp. 11-14.<sup>11</sup> The development of that  
5 process is chronicled in ECF 1762 (Notice of Filing of Expert’s Report on Budget Review  
6 Criteria and Explanation of Recommendations Not Ultimately Adopted) and attachments  
7 thereto. It provided for the circulation of three drafts of the budget, each followed by a  
8 review and comment period. The last of those periods ended in May. ECF 1762-1, pp. 8-9.  
9 Neither the Plaintiffs nor Special Master charges a failure to comply with the court-ordered  
10 process. On July 14, 2015, the Governing Board approved the proposed 2015-16 USP  
11 Budget; the District filed it with the Court on July 15, 2015. See ECF 1827; see also  
12 *Declaration of Karla Soto (“Decl. Soto”), ¶2, Exs. A-B, July 14, 2015 Governing Board*  
13 *Meeting Agenda/Minutes and Special Master and Plaintiff Recommendations*. During  
14 the budget presentation, staff detailed for the Governing Board any of Plaintiffs’ unresolved  
15 objections, as the process requires. See *Id., ¶2, Ex. C, Board Presentation Materials*.

16  
17 **B. Requests for the Court to Enjoin Hypothetical Budget Cuts and Hiring**  
18 **Freezes.**

19 Mendoza and Fisher Plaintiffs seek a court order prohibiting the District from  
20 “imposing cuts” in the Budget. They cite no instance of the District “imposing a cut.”  
21 Likewise, they seek an order banning a hypothetical hiring freeze. On this basis alone, the  
22 Court should summarily deny this particular request and decline to create a remedy for a  
23 problem that has not been identified, and does not exist.

24 Plaintiffs demand a solution in search of a problem; they seek a Court order  
25 prohibiting the District from placing a “freeze” or “hold” on the hiring of “USP positions”  
26

27 <sup>11</sup> The Order also directed revision of the Student Support Criteria, which was  
28 successfully accomplished. The criteria are not at issue here. ECF 1705.



1 (presumably referring to unfilled vacancies for Learning Supports Coordinators).<sup>12</sup>  
 2 Plaintiffs thus mischaracterize the information they have been given. There was no hiring  
 3 freeze. See *Declaration of Anna Maiden* (“*Decl. Maiden*”), ¶ 2, Ex. A. At the start of the  
 4 2014-15 school year, the District prohibited *existing classroom teachers* from seeking LSC  
 5 positions or otherwise “jumping ship” from their teaching contract (thereby exacerbating  
 6 the District’s use of long-term substitutes). This did not mean that the District stopped  
 7 hiring for USP positions, only that existing classroom teachers could not apply for these  
 8 positions for a temporary period of time. *Decl. Maiden* ¶ 2, Ex. A,<sup>13</sup> and ¶ 3. The District  
 9 adamantly defends this approach as in the best interests of children. The Special Master  
 10 and the Court have recognized that “substitute teachers have a negative impact on student  
 11 learning.” See ECF 1705 at 11. The District invited retired administrators to apply, and told  
 12 classroom teachers that vacancies, if any, would be reposted in the spring so they could  
 13 apply. *Decl. Maiden* ¶ 4.

14 The Special Master’s request for a Court prohibition “on deviations from Court-  
 15 approved budgets and the activities they involve without notification to and approval by the  
 16 Court” (ECF 1833 p. 4) conflicts with the agreed-upon Budget Process.<sup>14</sup> As proposed by  
 17

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18 <sup>12</sup> Although Learning Supports Coordinator provide key site-based support related  
 19 to critical USP goals (PBIS, MTSS), these positions are not among the positions specified  
 20 in the USP for the District to “hire or designate.”

21 <sup>13</sup> The District’s May 29, 2015 response to the Fisher RFI stated: “[i]n August,  
 22 ...since school had already started, it was more important we maintain classroom teachers  
 23 with students ... In order to support the schools, we did bring back a number of retired  
 24 administrators and told staff these positions would be reposted in the spring so teachers  
 25 could compete for them.”

26 <sup>14</sup> The Budget Process states: “[T]he District shall provide the plaintiffs with  
 27 information quarterly related to mid-year under or over-expenditures of 910G funds and/or  
 28 needed reallocations. The proposals for the use of these funds (reallocations) shall be shared  
 with the plaintiffs and Special Master for comment. .... The plaintiffs shall provide  
 comments on proposed reallocations within ten days of each quarterly proposed reallocation  
 communication.” See ECF #1762-1 at 42.



1 the Plaintiffs’ budget expert, the District reports expenditures quarterly and notifies the  
2 Special Master and Plaintiffs of any significant reallocation proposals. Imposing now an  
3 additional notification obligation is neither realistic nor functionally workable. Just as  
4 courts are ill-suited to “evaluate the substance of a multitude of academic decisions that are  
5 made daily,”<sup>15</sup> so are the Plaintiffs. Consider the Mendozas’ demand that the District  
6 “commit to filling any of these positions that may become vacant during the 2015-16 school  
7 year.” ECF 1829 at 9. The District can make a good faith effort to fill these vacancies, but  
8 cannot guarantee filling them any more than it can commit to filling all teacher vacancies.  
9 The USP does not exist in a vacuum; external forces limit the District’s ability to make  
10 absolute commitments.

11 Of course, the District does not anticipate deviating from the budget. The allocations  
12 are the product of a multi-month, labor intensive process and the funding amounts therein  
13 reflect TUSD’s best estimate of programmatic expenses in a variety of areas. In any event,  
14 however, the USP-required annual audit is designed to report to the parties whether  
15 expenditures have been made in accordance with budget allocations. See USP § X(7)(“the  
16 audit report shall indicate whether the funds allocated in the USP Budget were spent in  
17 accordance with that budget....”). It is in connection with the annual audit that the parties  
18 can evaluate whether any improper variance occurred.<sup>16</sup>  
19  
20

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21 <sup>15</sup> See *Regents of the Univ. of Mich. v. Ewing* , 474 U.S. 214, 226 (1985).

22 <sup>16</sup> During the 2014-15 school year, the District made more than 150 individual USP  
23 budget modifications (“deviations”) during the normal operation and implementation of the  
24 USP – all of which could be subject to review during the USP budget audit. See *Decl. Soto*,  
25 ¶ 4. “Deviations” can result from factors as simple as a cost overrun, or an inability to fill a  
26 budgeted position. Budgets are built on best professional estimates of the costs of planned  
27 activities, but they are just that: estimates. A prohibition on any deviation from the budget,  
28 and a requirement for notification (and potentially court approval) for every deviation, is  
unreasonable, unworkable, and would in effect grind to a halt many USP and District  
activities causing irreparable harm to students.

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1 **V. All Remaining Objections To Allocations Must Fail.**

2 **A. The Fishers Provide No Proper Basis for the Court To Cut Funding**  
3 **for the ISI and DAE Programs.**

4 The Fishers<sup>17</sup> object to the use of 910(G) funds to support the implementation of the  
5 District’s major “alternatives to suspension” initiatives, despite the USP mandate that the  
6 District “ensur[e] that students remain as often as practicable in the classroom settings  
7 where learning happens” developed “with the aim of preventing students from being  
8 excluded for any amount of time from the classroom or school.” The Fishers acknowledge  
9 the District’s intent “to provide in-school placement for students who might otherwise be  
10 suspended out-of-school and expand the alternative program for students on long-term  
11 suspension” (see ECF #1830 at 14:6-9). The Fisher objection is two-fold. The allocation  
12 should be denied because: (a) the District allegedly failed to follow proper procedures in  
13 developing the programs (as they allegedly impact student assignment and discipline); and  
14 (b) the allocation instead should be spent on professional development.<sup>18</sup>

15 Apparently, the Fishers confuse their role in connection with consultation and  
16 collaboration with a “decision by committee process” and veto right that could slow District  
17 operations to a crawl. Although the District’s Dropout Out Prevention and Graduation Plan  
18 was a product of extensive collaboration under USP § I(D)(1), it does not follow that the  
19 implementation of every component requires group vetting. The DAEP and ISI funding  
20 was identified – and the program explained – during the budget process. Nothing more  
21 was required.

22  
23  
24 <sup>17</sup> Although the Special Master characterizes this objection as a Fisher and Mendoza  
objection, only the Fishers filed a budget objection to the funding of programs.

25  
26 <sup>18</sup> Neither the Special Master, the Department of Justice, nor the Mendoza Plaintiffs  
27 object to these programs. Further, the District incorporated the funding for these programs  
28 into the 2015-16 USP Budget in response to a recommendation from the Department of  
Justice as described on the Cover Letter to the Final 2015-16 USP Budget. See *Decl. Taylor*  
¶ 5.

1 Fisher Plaintiffs assert that the ISI/DAE programs “warrant... the solicitation of  
2 feedback from the Special Master and the Plaintiffs,” that such solicitation had not  
3 occurred, and that the District is requesting approval of the funding “carte blanche.” See  
4 ECF #1830 at 7-8. The development of an Alternatives to Suspension Program was a  
5 product of discussion and development during creation of the revised Dropout Prevention  
6 and Graduation (DPG) plan. See *Decl. Taylor, ¶ 4, Ex. B, DPG Plan, pp. 1, 18-20*. The  
7 final DPG Plan included details of both programs, and outlined specifically the District’s  
8 plans to expand the programs in 2015-16. *Id.* During the resolution of the requested R&R  
9 on the DPG Plan (between 2014 and March 2015), the Fishers did not object to the  
10 District’s plans to expand these programs in 2015-16. See *Decl. Taylor, ¶ 4*. Thereafter,  
11 many aspects of the program were fleshed out in direct consultation with Dr. Joseph Payton,  
12 the Implementation Committee member the Special Master has assigned primarily  
13 responsibility for the area of student discipline.

14 As with other strategies, the District will evaluate the effectiveness of ISI/DAEP and  
15 will adjust the programs accordingly if they prove ineffective. Per USP § X(B)(8), the  
16 Fishers will have the future opportunity to seek to discontinue the program and reallocate  
17 funding if, after implementation and review, one or both programs are deemed redundant,  
18 unnecessary, or unduly wasteful.

19 The Fishers further argue that if disparities in discipline rates are not addressed the  
20 program may function to segregate students. The District agrees. The new programs are  
21 not standalone initiatives. That is, if all that ISI/DAEP does is move suspended students  
22 from the sofa to an alternative classroom without addressing disparities, then students who  
23 presently are segregated by complete removal from campus still would be segregated (albeit  
24 in an education setting). The District is thus mindful of its obligations under USP §  
25 V(F)(1):

26  
27 [t]he District shall not assign students to classrooms or services in a manner  
28 that impedes the District from meeting its desegregation obligations. The  
District shall review its referral, evaluation and placement policies and

1 practices, as well as relevant disaggregated enrollment data, and shall take  
2 appropriate action to remedy any classroom assignment or placement of  
3 students that results in the racial or ethnic segregation of students.

4 The District will review and monitor placements and take appropriate action to remedy  
5 “any classroom assignment or placement of students that results in the racial or ethnic  
6 segregation of students.”

7 The Special Master’s R&R rightly rejected this Fisher objection. However, in the  
8 context of doing so, the Special Master inserts an issue not raised by any filed objection.  
9 That is, he asks the Court to order the District to use a social-emotional learning tool other  
10 than “The Seven Habits of Highly Effective Teens.” ECF 1833, p. 8. This issue 1) was not  
11 raised by the Mendoza, or any other, filing; 2) is not a budget matter; and 3) invites the  
12 Court to misuse its authority under the well-established case law cited earlier in this brief.

13 **B. Neither Objection Justifies Revisions in Magnet School Funding.**

14 The Mendoza and Fisher Plaintiffs seek Court intervention to compel the District to  
15 adjust funding for magnet schools. The Mendozas ask the Court to direct the District to *add*  
16 magnet school funding; the Fishers ask the Court to direct the District to *reduce* it. The  
17 debate here exemplifies the tug-of-war in which the District finds itself on a number of  
18 policy judgments.

19 Mendozas demand the District spend more money, but they neither suggest an  
20 amount nor identify the source of these new funds. It is axiomatic that “[w]hen a federal  
21 court orders that money be appropriated for one program, the effect is often to take funds  
22 away from other important programs.” See *Horne*, 557 U.S. at 448. The District has made  
23 significant and deep cuts to activities previously funded from 910(G) funds (including  
24 absorbing USP-related costs into its M&O budget and eliminating most of the USP’s  
25 contingency fund), in order to increase magnet funding by almost \$3,000,000 – an increase  
26 of almost 40% over the magnet budget from the 2014-15 school year.

27 The conflicting opinions Plaintiffs offer is clear evidence that they seek to do  
28 nothing more than substitute their judgment for the skill, expertise, and experience of

1 District staff. They ask this Court to second-guess the judgments of those who have  
2 worked diligently over the past two years with the Special Master, Implementation  
3 Committee, magnet experts, principals, magnet coordinators, communities and parents, to  
4 develop the CMP and individual site plans. This Court must be reluctant “‘to trench on the  
5 prerogatives of state and local educational institutions,’ as federal courts are ill-suited to  
6 ‘evaluate the substance of a multitude of academic decisions that are made daily’ by experts  
7 in the field.” See *Ewing*, 474 U.S. at 226.

8 Despite that the District has increased funding to magnet schools from  
9 approximately \$8M in 2014-15, to approximately \$11M in 2015-16, the Mendozas feel four  
10 schools (Holladay, Ochoa, Robison, and Utterback) have been allocated insufficient funds  
11 and therefore have inadequate plans; Fishers assert that two schools (Ochoa and Cragin)  
12 have been allocated too much funding and should not receive a magnet coordinator.  
13 However, the Special Master has recommended that for “schools at risk of losing magnet  
14 status because they are C or D schools, funding should prepare them to engage in  
15 continuous school improvement (CSI)...” See *Declaration of Victoria Callison (Decl.*  
16 *Callison*”), ¶ 5, Ex. C. The District has done exactly that. See *Decl. Callison*, ¶ 5.

17 A lack of agreement among the Special Master, the District, the Mendoza Plaintiffs,  
18 and the Fisher Plaintiffs as to “appropriate” allocations for magnet schools highlights the  
19 impossible situation wrought by this case’s devolution into district-management-by-  
20 committee.

21 The Special Master further seeks court intervention on a new issue never before  
22 raised in over six months of budget discussions, and unrelated to any filed objection: a  
23 request that the Court order the District to “ensure that activities needed” to implement  
24 academic improvement plans at C and D magnet schools be revised to “include family  
25 engagement.” This demand arose neither during the CMP’s development process nor  
26 during budget development. There is no proper basis for the Court to issue such an order in  
27 the context of an R&R on budget objections.  
28

1                   **C. The Budget Criteria Address Concerns on Salary Allocations**

2                   The Fishers ask the Court to direct the District to show, *for each salary allocation*,  
 3 that the employee’s percentage of USP-related job duties correlates with the 910(G) portion  
 4 of their salary. Two years ago, this Court approved the SY 2013-14 USP Budget  
 5 conditioned on the parties working together and with the Special Master to “develop . . .  
 6 research based criteria for determining when desegregation dollars may fund all or part of a  
 7 program to justify expenditures of desegregation money.” (Order [Doc. 1477] at 7-8.) One  
 8 year ago, this Court ordered the Special Master and the Parties to work to revise the “USP  
 9 Budget Criteria [which are] aimed at making funding resource decisions.” (Order [Doc.  
 10 1705] at 14.) The Fisher Plaintiffs now find unsatisfactory these mechanisms. The Special  
 11 Master rightly rejects their unreasonable proposal. ECF 1833, p. 12.

12                   **D. The Objection to the Level of UHS Funding Is Without Merit.**

13                   Fisher Plaintiffs object to the use of 910(G) funds to support out-of-district students  
 14 attending UHS. However, there is no such category as “out-of-district students attending  
 15 UHS.” Arizona is an open-enrollment state where, space permitted, the enrollment right of  
 16 a student residing in another district is absolute if space is available. That student in turn  
 17 brings with him or her the per-pupil funding allocated by the State, and the District in turn  
 18 educates the child as one of its own. Accordingly, once non-resident students enroll in  
 19 UHS, they become District students for all purposes.

20                   The Special Master recommends that the court commission him to investigate the  
 21 issue and “make a report to the Fisher plaintiffs.” ECF 1833, p. 12. However, given the  
 22 District’s duty to all students properly enrolled at its schools, the District submits that such  
 23 a study would be costly and without legal consequence. Accordingly, the Court should  
 24 reject it.

25                   **E. Gifted and Talented Education Funding from 910(G)**

26                   In objecting to the amount of money allocated to Gifted and Talented Education  
 27 (GATE), the Fishers once again insert an issue not raised timely during the budget process.  
 28 See *Decl. Taylor*, ¶ 6. If the “review and comment” process is to mean anything, it requires



1 the parties to identify the revisions they want before the budget is adopted. In addition to  
 2 being unwarranted on the merits (see below) this objection threatens to create chaos if the  
 3 District were to lose GATE funding long after teacher contracts have been issued.

4 The objection also misstates the 910(G) contribution to GATE. The ratio of 910(G)  
 5 funding for GATE in 2015-16 is approximately 57%, not 60%. The ratio of 910(G) funds  
 6 for GATE teachers in 2015-16 is even less – 55%. See *Decl. Soto*, ¶ 5.<sup>19</sup> The ratio of  
 7 910(G) funding for the GATE program had been increased to 60% in 2010-11 under the  
 8 Post-Unitary Status Plan’s mandate to expand GATE offerings – but since has normalized .  
 9 The District does not have a surplus of M&O funding available – in fact, State budget  
 10 reductions have caused the District to enact cuts to its current budget. As with dual  
 11 language programs, if the proportion of 910(G) funding for GATE is reduced, the result will  
 12 be fewer GATE offerings and fewer opportunities for African American and Latino  
 13 students to attend GATE classes.

14 The Special Master proposes that the Court direct him to “undertake a careful  
 15 analysis of the rationale for the use of 910g [sic] funding for GATE classes.” ECF 1833, p.  
 16 13. Although such a review is not the proper subject of a court order in this budget process  
 17 (for reasons already discussed), the Special Master’s general oversight authority makes such  
 18 a review possible in the absence of judicial action. The District does not object to such an  
 19 analysis, but does have concerns about it being court-ordered in this context.

20 **F. 910(G) Funding for Asian Pacific American Student Services (APASS)**

21 Approximately 62% of the District’s refugee students are African refugees who are  
 22 classified as African American. See *Decl. Taylor*, ¶ 7. These students are served in part by  
 23 the African-American Student Services Department, but have extraordinary needs and  
 24 obstacles (including language barriers and cultural acclimatization challenges) that they  
 25

---

26 <sup>19</sup> The percentage of African-American and Latino students participating in the  
 27 District’s GATE programs is also approximately 55%. See ECF 1687-8 at 46 (the District’s  
 28 2013-14 Annual Report, Appendix V.20, p.1, shows the percentage of African-American  
 GATE enrollment (6.4%) and Latino enrollment (48.7%)).



1 share in common with other refugee student populations – many of them from southeastern  
 2 Asian countries. The District’s refugee work is handled by its Asian and Pacific American  
 3 Student Services (APASS) department. In 2012-13, the District funded *all* of APASS’  
 4 efforts from 910(G) funds. In response to objections from the Plaintiffs, the District  
 5 adjusted the funding so that it is split between 910(G) and M&O. An attempt to estimate  
 6 how much of the time of APASS staff involves services to the Plaintiff classes would be  
 7 difficult indeed.

8 The Special Master recommends that any cut to 910(G) funding of APASS funding  
 9 await the outcome of an evaluative study regarding the Department of Student Services  
 10 (within which APASS is housed). The District believes that is the best course, and concurs  
 11 that the allocation of 910(G) funds to APASS properly should correlate to the goals of the  
 12 Unitary Status Plan. No more, no less.

13  
 14 **G. Proposed Allocation to Implement Recommendations of the**  
 15 **African-American Academic Achievement Task Force (AAAATF)**

16 In 2015-16, the District has proposed an allocation of approximately \$613,000 to  
 17 Activity Code 514 (AAAATF).<sup>20</sup> This allocation includes \$500,000 to implement specific  
 18 strategies outlined in the Task Force recommendations, and a portion of the African-  
 19 American Student Services Department budget. As grounds for their demand, the Fishers  
 20 do not cite the USP, the Constitution, or any other source. Instead, they aver that an  
 21 allocation of \$1.2 million was “promised” by a former District employee. ECF 1830. The  
 22 District has found no confirmation of this promise and, in fact, has verified with the former  
 23 administrator that this promise was never made. See *Decl. Taylor*, ¶ 8. Moreover, under  
 24 Arizona law, only formal action of the Governing Board can commit an allocation of funds.  
 25 See A.R.S. § 15-905.

26  
 27 <sup>20</sup> The final Budget incorrectly added a portion of the funding for the Mexican  
 28 American Student Services Department into this activity so that an incorrect total,  
 \$723,000, appeared on the final Budget.

1 The Special Master recommends no action on this objection, stating that he is  
2 comfortable with the \$500,000 allocation. He erroneously states that the AAAATF has not  
3 yet made its recommendations; the Task Force in fact made its recommendations in July of  
4 2013. ECF 1690-1, pp. 81-88 (AAAATF recommendations and plan).

5 **H. Request for an Order to Create an Action Plan for Dual Language  
6 Expansion.**

7 The Mendozas seek additional funding “to create an aggressive plan to ensure [dual-  
8 language] expansion” and for other actions “necessary to accomplish” expansion. ECF  
9 #1829 at 5; fn. 2. Once again, the budget objection process (designed to be narrow and fast-  
10 tracked per the USP § X.B) is not the place to litigate the adequacy of the District’s dual  
11 language efforts or demand special plans or reports. Ironically, the Mendozas were also the  
12 strongest opponents of the District’s efforts to add three dual-language magnet programs in  
13 the 2015-16 school year.<sup>21</sup> The USP establishes procedures for addressing allegations of  
14 non-compliance, and those processes are available to the Mendozas. Accordingly, the  
15 District does not submit now a full response to this allegation. In brief, however, the  
16 District avers that it has continued to develop, implement, and fund its efforts over the past  
17 few years to “build and expand” its dual-language programs, See *Declaration of Mark  
18 Alvarez (“Decl. Alvarez”)*, ¶¶ 2-8; see also ECF 1686 at 128 (TUSD’s 2013-14 USP  
19 Annual Report).

20 The Mendozas assert that the District is “still is not using any 910(g) money to  
21 expand dual language programs.” The District has allocated \$2,628,896 towards activity

---

22 <sup>21</sup> The District’s Magnet Plan for 2013-15, proposed to add three new dual-language  
23 magnet programs for 2015-16 at Catalina High School, Dietz K-8 School, and Kellond or  
24 Hudlow Elementary School. *Decl. Callison*, ¶ 2. The proposed eastside pipeline, and the  
25 current westside pipeline, was aimed at pipelining all dual-language students into Catalina  
26 High School – an integrated school with a high refugee population and a confluence of  
27 multiple spoken languages. *Id.* Mendoza Plaintiffs strenuously objected to the proposal,  
28 asserting the District was trying to “game” its reporting – despite the District’s explanation  
of its long-term strategy to meet the USP’s goal of increasing opportunities for more  
students to attend an integrated school. *Decl. Callison*, at ¶ 3. Ultimately, in the face of the  
Mendoza objections, the District abandoned its plans at the three proposed sites. *Decl.  
Callison*, at ¶ 4.

1 V.4 “Build and Expand Dual Language Programs,” including \$200,000 for supplemental  
2 textbooks in Spanish. See *Decl. Soto*, ¶ 3. Of sixty-five USP activities, only eight receive  
3 more funding than activity V.4. *Id.* They also suggest that dual language participation is  
4 sinking, but their calculations fail to take into account the overall decline in *District*  
5 enrollment in the years covered by their chart. Dual language participation rates have held  
6 steady over the last five years. This in itself is an accomplishment given the dramatic  
7 decline in the District’s ELL population in the wake of SB 1070. See *Decl. Alvarez* ¶ 3.

8 The Special Master recommends that the District be ordered to develop a dual  
9 language expansion program for the 2016-17 school year. He recommends no changes in  
10 funding. This recommendation is, of course, far afield of a “budget recommendation.”  
11 Given the complexities associated with a demand for yet another Action Plan, the District  
12 asks that the Dual Language issue be briefed and litigated separately, if such a process is  
13 even necessary. At a minimum, the Court should await the District’s 2014-15 Annual  
14 Report – due in approximately one month - and then review the status of the issue before  
15 making any determinations and or/setting a briefing schedule. In any event, an allegation  
16 that the District has not properly accomplished what the USP requires of it is a serious one  
17 which can be resolved only by a fact-finding hearing.

## 18 **VI. Conclusion**

19 The Supreme Court warns against the type of judicial intrusion sought by Plaintiffs’  
20 objections: subjective, line-item analyses over site-level magnet school funding; alleged  
21 failures to fulfill undocumented promises from former administrators; and allegations of  
22 inadequate funding for programs with little or no connection between alleged compliance  
23 concerns and a lack of funding. See *Missouri v. Jenkins*, 515 U.S. 70, 131-32 (1995)  
24 (Thomas, J., concurring) (“[s]tate and local school officials not only bear the responsibility  
25 for educational decisions, they also are better equipped than a single federal judge to make  
26 the day-to-day policy, curricular, and funding choices necessary to bring a school district  
27 into compliance with the Constitution. [citation omitted] ... When we presume to have the  
28

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1 institutional ability to set effective educational, budgetary, or administrative policy, we  
2 transform the least dangerous branch into the most dangerous one.”)

3 Although the Special Master’s R&R correctly proposes rejecting almost all of the  
4 objections the Plaintiffs tendered, that is not the point. Whether the remedies Plaintiffs  
5 demand are within the scope of judicial authority does not turn on whose ox is being gored.  
6 Moreover, the continued litigation of every minute step of USP implementation has sunk  
7 this matter and the District’s operation into a quagmire. The briefest scan of this Court’s  
8 electronic docket reveals that in the last 12 months alone, there have been 174 court filings.  
9 This number does not include matters submitted only to the Special Master that did not rise  
10 (or have not yet risen) to the level of judicial review.

11  
12 DATED this 1st day of September, 2015

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

14 s/ J. William Brammer, Jr.  
15 J. William Brammer, Jr.  
16 Oscar S. Lizardi  
17 Michael J. Rusing  
18 Patricia V. Waterkotte  
19 Attorneys for Tucson Unified School District No.  
20 One, et al.

21  
22 **TUCSON UNIFIED SCHOOL DISTRICT  
23 LEGAL DEPARTMENT**

24 Julie C. Tolleson  
25 Samuel E. Brown  
26 Attorneys for Tucson Unified School District No.  
27 One, et al.

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

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24  
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27  
28

## **Index of Exhibits**

**EXHIBIT 1: Declaration of Martha Taylor**

Exhibit A: Plaintiffs' Budget Expert's Invoices

Exhibit B: DPG Plan pages 1, 18-20

**EXHIBIT 2: Declaration of Karla Soto**

Exhibit A: July 14, 2015 Governing Board Meeting Agenda and Minutes

Exhibit B: SMP Final Recommendations (as presented to the Governing Board on July 14, 2015)

Exhibit C: Deseg Verification, Expenditure and USP Budget, Presentation, SMP Final Recommendations

**EXHIBIT 3: Declaration of Anna Maiden**

Exhibit A: District 5/29/15 Response to Fisher 5/14/15 Request for Information

**EXHIBIT 4: Declaration of Victoria Callison**

Exhibit A: Plan 2013-15, page 12 and Appendices "E" and "F"

Exhibit B: Mendoza Objections to Draft Magnet Plan 2013-15, September 2013 (see highlights on pages 4, 7-9)

Exhibit C: Dr. Hawley Memo on Suggestions for CMP (see highlights on page 1)

**EXHIBIT 5: Declaration of Mark Alvarez**

Exhibit A: Literacy Squared Description and Bibliography

Exhibit B: TWDL Institute Summer 2015 Agenda

Exhibit C: TWDL Symposium Brochure May 6, 2014

# **EXHIBIT 1**



**DECLARATION OF MARTHA TAYLOR  
IN SUPPORT OF TUSD'S RESPONSE TO PLAINTIFFS' OBJECTIONS  
AND SPECIALS MASER'S RECOMMENDATIONS RE THE 2015-16 USP  
BUDGET**

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

1. I am the Senior Desegregation Director for the Defendant Tucson Unified School District. I served in an interim capacity from January to early-June 2015, and in a formal capacity beginning in mid-June 2015. Prior to holding this position, I served as the Director of Advanced Learning Experiences from July 2013 to December of 2014. I have personal knowledge of the following facts.

2. In June of 2015, after the end of the formal budget process, the District provided the Plaintiffs and Special Master with an additional draft of the budget (one more than required), invited the Plaintiffs and Special Master to a two-day conference at which the budget was the primary topic, and offered each party and the Special Master a dedicated 90 minute telephone conference to address any remaining questions or objections regarding the 15-16 budget. On June 22, the Director of Finance, myself, and other staff members met by phone with the Mendoza Plaintiffs, and later that day with the Special Master. Although I offered counsel for the Fisher Plaintiffs an opportunity to meet for a similar teleconference, he chose not to participate.

3. Attached hereto as **Exhibit A** is a true and correct copy of Plaintiffs' budget expert's invoices, reflecting approximately 75 hours on matters relating to review and analysis of the budge.

4. The development of an Alternative to Suspension Program was a product of discussion and development during creation of the revised Dropout Prevention and Graduation (DPG) plan. The final DPG Plan included details of both the ISI and DAE

programs, and outlined specifically the District's plans to expand the programs in 2015-16. **See Exhibit B, DPG Plan pages 1, 18-20 (3/13/15).** During the resolution of the requested R&R on the DPG Plan (between December 2014 and March 2015), the Fisher Plaintiffs did not object to the District's plans to expand these programs in 2015-16.

5. The District incorporated the funding for the ISI and DAE programs into the 2015-16 USP Budget in response to a recommendation from the Department of Justice as described on the Cover Letter to the Final 2015-16 USP Budget.


6. On June 25, 2015, well after the USP budget process was completed in May 2015, the Fisher Plaintiffs raised a question to the amount of money allocated to ALE (but referencing itinerant and resource teachers which are only part of the Gifted and Talented Education program (GATE)). Again, at the time, this was merely a question, not an objection to the funding.

7. Approximately 62% of the District's refugee students are African refugees who are classified as African American.

8. The Fisher Plaintiffs allege that a former District administrator "promised" that the District would increase the allocation for implementing the recommendations of the African American Academic Achievement Task Force to \$1,200,000 for the 2015-16 school year. I have verified with the former administrator that he did not promise to increase this allocation to \$1,200,000 for the 2015-16 school year.

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

DATED this 1<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
Martha Taylor

# **EXHIBIT A**

|  |                       |                              |
|--|-----------------------|------------------------------|
| <b>Vicki E. Balentine</b>                |                       |                              |
| <b>Vendor: 8080</b>                      | Date                  | January 31, 2015             |
|  | Purchase Order No:    | 43945-0-TUSD                 |
| 1231 E. Sobre Lomas                      |                       |                              |
| Tucson, AZ 85718                         | FOR: Special Master's | School Budget Operations     |
| Phone (520) 404-5043                     | Re:                   | Expert – Fisher/Mendoza Case |
| vicki.balentine@gmail.com                |                       |                              |
| <b>Bill To:</b>                          |                       |                              |
| TUSD Financial Services                  |                       |                              |
| Tucson Unified School District           |                       |                              |
| 1010 E. 10th Street, Building B Room 265 |                       |                              |
| Tucson, AZ 85719                         |                       |                              |
| (520) 225-6130                           |                       |                              |

**January 1-31 TOTAL 8.1 HOURS @ \$125/HOUR DETAIL BELOW**

| <b>January 1-31</b>   | <b>Hours</b> |
|---|--------------|
| 1/1 Reviewing emails & budget revision document.  | .5 hours     |
| 1/2 Reviewing budget emails and documents from plaintiffs.                                | .5 hours     |
| 1/3 Reviewing deseg budget documents, PC messages.  | .5 hours     |
| 1/3 PC w/SM.  | .5 hours     |
| 1/4 Responding to budget questions from plaintiffs.                                       | 1.2 hours    |
| 1/5 PC w/SM.  | .2 hours     |
| 1/9 Reviewing proposal for use of 910 g funds.  | .2 hours     |
| 1/12 Read and respond to email from plaintiffs.   | .3 hours     |
| 1/15 Reading emails, finding and sending documents.                                       | .2 hours     |
| Budget meeting.   | 1.0 hours    |
| 1/17 Reviewing and reading emails and documents.  | .2 hours     |
| 1/19 Reviewing emails and reading documents.  | .2 hours     |
| 1/20 Budget PC w/Plaintiffs.  | 1.0 hours    |
| 1/22 Reviewing SM email and attachment.   | .1 hours     |
| 1/30 Compile draft of audit activities. Email to SM.                                      | .7 hours     |
| 1/31 Reviewing court order and PD assessment and budget information.<br>Responding to SM. | .8 hours     |

**GRAND TOTAL 8.1 HOURS @ \$125/Hour \$1,012.50**

Please Make Checks Payable to Vicki E. Balentine

If you have any questions concerning this invoice, contact Vicki E. Balentine

(520) 404-5043 [vicki.balentine@gmail.com](mailto:vicki.balentine@gmail.com)

Thank you.

|  |                              |                                     |
|--|------------------------------|-------------------------------------|
| <b>Vicki E. Balentine</b>  |                              |                                     |
| <b>Vendor: 8080</b>  | <b>Date</b>                  | <b>February 28, 2015</b>            |
|  | <b>Purchase Order No:</b>    | <b>43945-0-TUSD</b>                 |
| 1231 E. Sobre Lomas  |                              |                                     |
| Tucson, AZ 85718   | <b>FOR: Special Master's</b> | <b>School Budget Operations</b>     |
| Phone (520) 404-5043   | <b>Re:</b>                   | <b>Expert – Fisher/Mendoza Case</b> |
| <a href="mailto:vicki.balentine@gmail.com">vicki.balentine@gmail.com</a> |                              |                                     |
| <b>Bill To:</b>  |                              |                                     |
| TUSD Financial Services  |                              |                                     |
| Tucson Unified School District   |                              |                                     |
| 1010 E. 10th Street, Building B Room 265                                 |                              |                                     |
| Tucson, AZ 85719   |                              |                                     |
| (520) 225-6130   |                              |                                     |

**February 1-28 TOTAL 4.3 HOURS @ \$125/HOUR DETAIL BELOW**

| <b>February 1-28</b>   | <b>Hours</b> |
|--|--------------|
| 2/2 PC w SM.   | .5 hours     |
| 2/3 Audit activities memo.   | 1.0 hours    |
| PC w/ SM.  | .4 hours     |
| 2/10 PC w/ SM.   | .1 hours     |
| 2/15 PC a w/SM.  | .2 hours     |
| 2/18 Budget meeting w SM & staff.  | 1.3 hours    |
| 2/23 Reviewing emails. Researching and responding to budget question.                                      | .2 hours     |
| 2/24 Reviewing emails, quarterly report, responding to Taylor, Soto and providing follow-up to plaintiffs. | .6 hours     |

**GRAND TOTAL 4.3 HOURS @ \$125/Hour \$537.50**

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**If you have any questions concerning this invoice, contact Vicki E. Balentine (520)**  
**404-5043 [vicki.balentine@gmail.com](mailto:vicki.balentine@gmail.com)**

**Thank you.**

**Vicki E. Balentine****Vendor: 8080**

Date

March 31, 2015

Purchase Order

No:

43945-0-TUSD

1231 E. Sobre Lomas

Tucson, AZ 85718

Phone (520) 404-5043

vicki.balentine@gmail.com

FOR: Special  
Master's

School Budget Operations

Re:

Expert –  
Fisher/Mendoza Case**Bill To:**

TUSD Financial Services

Tucson Unified School District

1010 E. 10th Street, Building B Room 265

Tucson, AZ 85719

(520) 225-6130

**March 1-31      TOTAL      19.7 HOURS @ \$125/HOUR      DETAIL  
BELOW**

**March 1-31****Hours**

|   |           |
|---|-----------|
| 3/1 Read and respond to email re budget process.          | .1 hours  |
| Review budget email and respond.                          | .2 hours  |
| 3/2 Reviewing 1st draft of '15-16 budget.                 | .5 hours  |
| Read & respond to email from SM.                          | .1 hours  |
| 3/3 Reviewing emails.                                     | .1 hours  |
| PC w SM.  | .2 hours  |
| Reviewing emails and audit report.                        | .6 hours  |
| 3/4 PC w SM re budget audit.                              | .3 hours  |
| Reading & responding to emails.                           | .2 hours  |
| 3/5 Reading email and memo related to audit.              | .1 hours  |
| 3/6 PC re audit.  | 1.1 hours |
| PC w/ SM re budget.                                       | .2 hours  |
| 3/7 Reviewing email and memo.                             | .2 hours  |
| 3/8 Editing memo.   | .4 hours  |
| 3/11 PC w / SM.   | .2 hours  |
| Reviewing email and memo.                                 | .1 hours  |
| 3/12 Scheduling appts.                                    | .1 hours  |
| 3/14 Reviewing PD costs, emails, response memos.          | .4 hours  |
| 3/15 Reading and responding to emails. Scheduling emails. | .1 hours  |
| 3/16 Reading emails and attachments and responses.        | .1 hours  |
| 3/17 Meeting w Soto.                                      | 1.1 hours |
| Combining report for SM.                                  | 1.0 hours |

|  |           |
|--|-----------|
| 3/18 Email reading, scheduling, reviewing audit response memos | .6 hours  |
| PCw/ SM.   | .6 hours  |
| 3/25 Review budget memo.                                       | .3 hours  |
| 3/26. Review budget draft 2.                                   | 1.2 hours |
| Meeting w/SM re budget.  | 1.8 hours |
| 3/27 Meeting w parties re budget, audit, reallocations.        | 7.6 hours |
| 3/29 PC w / SM.  | .2 hours  |

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**GRAND TOTAL** **19.7 HOURS @ \$125/Hour** **\$2,462.50**

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**Thank you.**



|  |                              |                                     |
|--|------------------------------|-------------------------------------|
| <b>Vicki E. Balentine</b>  |                              |                                     |
| <b>Vendor: 8080</b>  | <b>Date</b>                  | <b>April 30, 2015</b>               |
|  | <b>Purchase Order No:</b>    | <b>43945-0-TUSD</b>                 |
| 1231 E. Sobre Lomas  |                              |                                     |
| Tucson, AZ 85718   | <b>FOR: Special Master's</b> | <b>School Budget Operations</b>     |
| Phone (520) 404-5043   | <b>Re:</b>                   | <b>Expert – Fisher/Mendoza Case</b> |
| <a href="mailto:vicki.balentine@gmail.com">vicki.balentine@gmail.com</a> |                              |                                     |
| <b>Bill To:</b>  |                              |                                     |
| TUSD Financial Services  |                              |                                     |
| Tucson Unified School District   |                              |                                     |
| 1010 E. 10th Street, Building B Room 265                                 |                              |                                     |
| Tucson, AZ 85719   |                              |                                     |
| (520) 225-6130   |                              |                                     |

**April 1-30 TOTAL            12.6 HOURS @ \$125/HOUR            DETAIL BELOW**

| <b>April 1-30</b>                                      | <b>12.6 Hours</b> |
|--|-------------------|
| 4/2 Meeting w/ IC Members.                             | 1.0 hours         |
| Meeting w Soto.  | .6 hours          |
| Developing protocol and format for Expenditure Review. | 1.5 hours         |
| 4/5 Review and respond to emails. Schedule appts.      | .4 hours          |
| 4/8 Reviewing emails...responding.                     | .1 hours          |
| 4/9 Reviewing process with IC Members.                 | 1.5 hours         |
| 4/10 Scheduling appts.                                 | 1.1 hours         |
| 4/11 Reading and responding to emails.                 | .1 hours          |
| 4/14 Reading & Responding to emails, organizing files. | .3 hours          |
| 4/19 Prep for interviews, copies.                      | .3 hours          |
| 4/20 Prep for interviews, reschedule appts.            | .2 hours          |
| 4/22 Prep for Interviews, email, reschedule appts.     | .3 hours          |
| 4/25 Draft report, send to SM for feedback.            | .6 hours          |
| 4/26 Compiling, organizing report.                     | .4 hours          |
| 4/27 Compiling costs for report.                       | 2.8 hours         |
| 4/28 Reviewing budget draft #3.                        | .6 hours          |
| PC w/ SM.  | .6 hours          |

**GRAND TOTAL                            12.6 HOURS @ \$125/Hour                            \$1,575.00**

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**Thank you.**

|  |                              |                                     |
|--|------------------------------|-------------------------------------|
| <b>Vicki E. Balentine</b>  |                              |                                     |
| <b>Vendor: 8080</b>  | <b>Date</b>                  | <b>May 31, 2015</b>                 |
|  | <b>Purchase Order No:</b>    | <b>43945-0-TUSD</b>                 |
| 1231 E. Sobre Lomas  |                              |                                     |
| Tucson, AZ 85718   | <b>FOR: Special Master's</b> | <b>School Budget Operations</b>     |
| Phone (520) 404-5043   | <b>Re:</b>                   | <b>Expert – Fisher/Mendoza Case</b> |
| <a href="mailto:vicki.balentine@gmail.com">vicki.balentine@gmail.com</a> |                              |                                     |
| <b>Bill To:</b>  |                              |                                     |
| TUSD Financial Services  |                              |                                     |
| Tucson Unified School District   |                              |                                     |
| 1010 E. 10th Street, Building B Room 265                                 |                              |                                     |
| Tucson, AZ 85719   |                              |                                     |
| (520) 225-6130   |                              |                                     |

**May 1-31 TOTAL 16.8 HOURS @ \$125/HOUR DETAIL BELOW**

| <b>May 1-31</b>  | <b>16.8 Hours</b>                         |
|--|---|
| 5/2 Compiling costs, information, and writing report.                                    | 2.4 hours                                 |
| 5/3 Writing report, submitting to SM and IC for feedback.                                | 2.9 hours                                 |
| 5/4 Revising report.   | .4 hours                                  |
| 5/5 Revising report with Estimated Totals.   | 5.8 hours                                 |
| 5/6 Phone call w/SM. Revising and mailing report to SM.                                  | 1.6 hours                                 |
| Reading and responding to emails w/ questions.   | .3 hours                                  |
| 5/8 PC w/SM. Emails - scheduling appts. w plaintiffs for PC.                             | .4 hours                                  |
| 5/11 PC w SM & plaintiffs.   | 1.3 hours                                 |
| 5/13 Reading and responding to emails. Researching and responding to plaintiff question. | .4 hours                                  |
| 5/15 PC w SM. e mail w/info... Budget summary.   | .9 hours                                  |
| 5/16 Reading and responding to emails.   | .2 hours                                  |
| 5/19 Reading & responding to emails.   | .2 hours                                  |
| <b>GRAND TOTAL</b>   | <b>16.8 HOURS @ \$125/Hour \$2,100.00</b> |

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**404-5043 [vicki.balentine@gmail.com](mailto:vicki.balentine@gmail.com)**

**Thank you.**

|  |                              |                                     |
|--|------------------------------|-------------------------------------|
| <b>Vicki E. Balentine</b>  |                              |                                     |
| <b>Vendor: 8080</b>  | <b>Date</b>                  | <b>June 30, 2015</b>                |
|  | <b>Purchase Order No:</b>    | <b>43945-0-TUSD</b>                 |
| 1231 E. Sobre Lomas  |                              |                                     |
| Tucson, AZ 85718   | <b>FOR: Special Master's</b> | <b>School Budget Operations</b>     |
| Phone (520) 404-5043   | <b>Re:</b>                   | <b>Expert – Fisher/Mendoza Case</b> |
| <a href="mailto:vicki.balentine@gmail.com">vicki.balentine@gmail.com</a> |                              |                                     |
| <b>Bill To:</b>  |                              |                                     |
| TUSD Financial Services  |                              |                                     |
| Tucson Unified School District   |                              |                                     |
| 1010 E. 10th Street, Building B Room 265                                 |                              |                                     |
| Tucson, AZ 85719   |                              |                                     |
| (520) 225-6130   |                              |                                     |

**June 1-30 TOTAL            10.6 HOURS @ \$125/HOUR            DETAIL BELOW**

| <b>June 1-30</b>  | <b>Hours</b> |
|---|--------------|
| 6/15 Phone Call (PC) w/SM.                                      | .1 hours     |
| Analysis of USP and budget for position categories.             | 2.0 hours    |
| 6/16 Analysis of USP and budget for position categories.        | 2.2 hours    |
| 6/17 Analysis of USP and budget for position categories.        | .3 hours     |
| Responding to email. Info for SM.                               | .2 hours     |
| 6/21 Reviewing final budget documents from SM.                  | .7 hours     |
| 6/22 Review budget changes and send summary to SM & plaintiffs. | 4.5 hours    |
| 6/23 PC w/SM.   | .3 hours     |
| 6/28 Read respond to emails.                                    | .1 hours     |
| 6/29 Review 910 budget and provide info to SM                   | .2 hours     |

**GRAND TOTAL                            10.6 HOURS @ \$125/Hour                            \$1,325.00**

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**404-5043 [vicki.balentine@gmail.com](mailto:vicki.balentine@gmail.com)**

**Thank you.**

|  |                              |                                     |
|--|------------------------------|-------------------------------------|
| <b>Vicki E. Balentine</b>  |                              |                                     |
| <b>Vendor: 8080</b>  | <b>Date</b>                  | <b>July 31, 2015</b>                |
|  | <b>Purchase Order No:</b>    | <b>11600449</b>                     |
| 1231 E. Sobre Lomas  |                              |                                     |
| Tucson, AZ 85718   | <b>FOR: Special Master's</b> | <b>School Budget Operations</b>     |
| Phone (520) 404-5043   | <b>Re:</b>                   | <b>Expert – Fisher/Mendoza Case</b> |
| <a href="mailto:vicki.balentine@gmail.com">vicki.balentine@gmail.com</a> |                              |                                     |
| <b>Bill To:</b>  |                              |                                     |
| TUSD Financial Services  |                              |                                     |
| Tucson Unified School District   |                              |                                     |
| 1010 E. 10th Street, Building B Room 265                                 |                              |                                     |
| Tucson, AZ 85719   |                              |                                     |
| (520) 225-6130   |                              |                                     |

**July 1-31 TOTAL                      6.7HOURS @ \$125/HOUR                      DETAIL BELOW**

**Hours**

|   |           |
|---|-----------|
| 7/6 Read, research, and respond to email re budget comparisons.         | .5 hours  |
| 7/8 Read, research, and respond to email re budget comparisons.         | 1.7 hours |
| 7/9 Read, research, and respond to email re budget comparisons. Emails. | .4 hours  |
| 7/14 Review email & info. PC w SM re info.                              | .2 hours  |
| Review info.  | .8 hours  |
| 7/17 PC plaintiff.  | .1 hours  |
| 7/17 Research budget question... PC Plaintiff.                          | .3 hours  |
| 7/20 Memo & research plaintiffs   | .6 hours  |
| 7/25 PC w SM.   | .8 hours  |
| Research & Emails.  | 1.3 hours |

**GRAND TOTAL                      6.7 HOURS @ \$125/Hour                      \$837.50**

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**404-5043 [vicki.balentine@gmail.com](mailto:vicki.balentine@gmail.com)**

**Thank you.**

# **EXHIBIT B**



Tucson Unified School District

**Revised Dropout Prevention and Graduation Plan  
(Dropout and Retention Plan)  
January 30, 2015  
(re-revised March 13, 2015)**

**USP LANGUAGE**

***V. QUALITY OF EDUCATION***

***E. Student Engagement and Support***

***2. Academic and Behavioral Supports Assessment and Plan***

*b. By ~~July 1, 2013~~ September 1, 2013<sup>1</sup>, the ABSC shall develop: (i) an assessment of existing programs, resources, and practices disaggregated by school site(s), grades served, number of students served, ELL status, and resources (e.g., part-time or full-time personnel assigned, annual budget); (ii) an analysis, based on the data identified in this Section, of any additional resources or programs that may be needed, by grade and school site; (iii) an analysis of the school sites with the highest concentration of students in need of such programs and resources; (iv) annual goals, in collaboration with relevant staff, for increasing graduation rates for African American and Latino students, which shall be shared with the Parties and the Special Master and used by the District to evaluate the effectiveness of its efforts; and (v) procedures to ensure follow up when Mojave automatically flags a student for attention. By ~~October 1, 2013~~ November 1, 2013<sup>2</sup>, the ABSC shall develop a plan, in collaboration with the personnel identified below in this Section, incorporating research-based strategies to focus and increase resources for academic and behavioral support programs and dropout prevention services to ensure equitable access to such programs, concentrate resources on school site(s) and in areas where student and school data indicate there is the greatest need, and reduce the dropout rate and increase the graduation rate in each high school.*

---

<sup>1</sup> This date was changed by agreement among the Special Master, counsel for plaintiffs and the District. The assessment and the flag procedures were completed by September 1, 2013; the analyses was completed by October 1, 2013; and the annual goals were completed in conjunction with the development of the plan (dropout data vital to developing goals was not released from the Arizona Department of Education until the Fall).

<sup>2</sup> This date was changed by agreement among the Special Master, counsel for plaintiffs and the District.

4. **Core Plus.** This program is being implemented in SY 2014-15, and will be evaluated for effectiveness. The Core Plus Academic Intervention Program goal is to provide rigorous Tier 1 and Tier 2 academic interventions to low academic performing Latino and African-American 6<sup>th</sup> graders to decrease retention and dropout rates in the 8<sup>th</sup> grade. Sixth grade was chosen to help with transition from elementary school to middle school. Other middle grades were not selected due to cost restraints. The program objective is to increase Standardized test scores of students enrolled in the program *and* increase Standardized test scores at the middle school level. This is accomplished by identifying 6<sup>th</sup> grade students below grade level from across the District, enrolling them in the program but maintaining their middle school registration, and providing academic intervention with a focus on math and reading in, currently, two self-contained classrooms with low teacher to student ratios. The classrooms are dispersed geographically across the District.
5. **Summer School.** At the end of SY 2014-15 a selected number of schools will host a summer school program for those individuals at risk of being retained for failing Math and Language Arts/Reading. Students in need of extra assistance in math or reading and could be “At Risk” but did not fail in Math or Language Arts/Reading would be able to attend the Summer School program as well for extra support.
6. **Sheltered Content Classes.** Provide Sheltered Content Classes in math for ELLs and former ELLs. Our policy for TUSD / Language Acquisition is that all ELLs, regardless of language proficiency, take a math class every year. Regardless of proficiency level, ELLs participate in math because it is a four-year graduation requirement and the content is more accessible as it is not as language intensive as other core content classes
7. **Summer School for ELLs.** The District will offer ELD I and II as well as state assessment prep for Intermediate English-proficient students.

Positive Alternative to Suspension (high school and middle school grades)

The District’s alternatives to suspension will be implemented as a tiered-approach. The alternatives listed below are, generally, listed in the order that Administrators should consider.

**Option 1: Restorative Conference:** These can range from small impromptu circles where a few people meet to briefly address and resolve a problem to formal restorative conferences that address serious problems of behavior that may involve wrongdoers, victims, parents, and school administrators.

**Option 2: Required Interventions:** For all serious mid-range misbehaviors (misbehaviors coded at level 3 in the GSRR) such as fights or disorderly conduct, students may not be suspended unless interventions and/or restorative practices have first been used to redirect the student away from the misbehavior.



**Option 3: Abeyance Contracts:** A student is placed on a behavior contract in place of some or all suspension days.

From the TUSD GUIDELINES FOR STUDENT RIGHTS AND RESPONSIBILITIES (GSRR): An administrator may offer to not immediately impose the assigned out-of-school suspension if (1) the administrator believes it is in the best interest of the student and the school community, (2) the student admits to committing the infraction, (3) the student and parent/legal guardian agree to certain conditions, and (4) the student and parent/legal guardian sign a contract, called an abeyance contract. The term of the abeyance contract may not exceed the maximum suspension term for the offense level. If a student violates his/her abeyance contract with a suspendable offense, the student must serve the remaining term of the initial offense plus the suspension for the additional offense. These two suspensions would be served concurrently. (The last days of the first suspension would also be the first days of the additional suspension)

**Option 4: In-School Intervention (ISI):** The District's ISI will focus on students' academic, behavioral, and social/mental health concerns with a goal of promoting social and emotional learning to complement academic skills and encourage positive behavior. For an alternative to short term suspensions, students are placed with a certified staff member (either an administrator or teacher) who continues their instruction on an individual basis including counseling and problem solving education. The District will implement a "team" model whereby the certified staff member will collaborate with counselors, paraprofessionals, social workers, and/or the site's MTSS team. The District anticipates offering this alternative using a phased approach. This alternative will begin at every comprehensive high school (not including UHS) for SY 2015-16, and may expand to middle and K8 schools in SY 2016-17, for a total of 15-25 schools. Each student will have a 'success action plan' (exit plan) to transition each student from ISI back into the classroom. Social workers are key in collaborating with "local mental health, child welfare, law enforcement, and juvenile justice agencies and other stakeholders to align resources, prevention strategies, and intervention services." The plans would include a grade/transcript analysis, character-building, analysis of the students' social and/or family situation, etc... The team will work to engage the parents and/or families, and to follow up on the students' success action plan.

*"[S]tudents who need to be removed from the regular classroom setting for even a short period of time should have access to an alternative program that provides comparable academic instruction to that provided to students in the regular school program."*

**Option 5: Life Skills:** The Life Skills Alternative to Suspension Program (LSASP) allows long-term suspended students (more than ten days) to receive academic and social instruction by a certified teacher instead of students serving out the suspension unsupervised at home, in the streets, or in some cases, in juvenile hall. The model resembles the ISI model above but is implemented as a much more long-term engagement with the student.

Currently the Life Skill Alternative to Suspension Program (LSASP) is at Magee Middle School, Southwest Education Center (middle school and high school), and Whitmore Annex (high

school). TUSD agrees to expand the District's efforts by restoring this program at Doolen Middle School.

The LSASP can support additional students beginning in 2015—2016 and provide services for non-long-term suspended students. The District will explore the use of LSASP in partnership with the MTSS model. Students who are not successful through Tier 1, 2, and 3 interventions at the school site may be suggested to Academic Directors by the site MTSS team as possible candidates to determine if LSASP will be provided to them as an alternative.

### Elementary School

Using the MTSS system, schools will develop student support plans in both reading and math. Interventions will be provided during the regular school day. Additional after school support will be provided, as feasible.

1. **Master Schedule.** The District will follow the state-mandated instructional minutes schedule per subject area. The schedule defines the time required each day for Reading, Writing, and Math. By standardizing instructional time the students will be able to receive instruction in all core areas beginning at elementary school building a strong foundation for future success.
2. **Focus on Early Literacy.** A study released in 2011 by the American Educational Research Association claims that a student who cannot read on grade level by the end of 3rd grade is four times less likely to graduate by age 19 than a child who does read proficiently by that time. Fiester, L. (2010.). In order to ensure that all 3<sup>rd</sup> grade students are reading at grade level, the district will be focusing much of its literacy efforts on early grades. The District will conduct trainings on reading support programs, such as, "Daily Five," "Leveled Readers," and "Close Reading." The trainings provide the knowledge and skills necessary to implement effective reading strategies/practices. Additional trainings will include the District selected research-based diagnostic, *Assessing Reading Multiple Measures* by CORE, to assist staff with an assessment tool that supports focused instruction to close reading gaps. TUSD will provide on-going professional development support for implementation.
3. **Preschools.** The District will continue to offer high-quality preschool programs in select schools with large populations of African American and Latino Students, and will provide Infant and Early Learning Centers (IELCs). Both preschool models will better prepare students academically, not just socially, for the expectations of common core using a research-based curriculum designed for preschool-aged students.

Early opportunities for students have shown to have a great impact on future student success. The District is committed to focusing on students in pre-K and in early grades to keep students with their grade cohort. Preschools support a key component of dropout

# **EXHIBIT 2**

**DECLARATION OF KARLA SOTO  
IN SUPPORT OF TUSD’S RESPONSE TO PLAINTIFFS’  
OBJECTIONS AND SPECIAL MASTER RECOMMENDATIONS RE  
THE 2015-16 USP BUDGET**

I, Karla Soto, declare under penalty of perjury that the following statements are true:

1. I am the Chief Financial Officer for the Defendant Tucson Unified School District and have held this position beginning in January 2014. I have personal knowledge of the facts stated herein.

2. Finance department staff presented the final budget to the Governing Board for adoption on July 14, 2015. During the budget presentation, staff detailed for the Governing Board any of Plaintiffs’ unresolved objections, as the process requires. *See Ex. A, July 14, 2015 Governing Board Meeting Agenda and Minutes, Ex. B, Special Master and Plaintiffs’ Final Recommendations (as presented to the Governing Board on July 14, 2015) and Ex. C, Deseg Verification, Expenditure and USP Budget, Presentation, SMP Final Recommendations.* These are true and correct copies of documents available on the TUSD website.


3. The Final Budget presented to the Governing Board included an allocation of \$2,628,896 towards activity V.4 “Build and Expand Dual Language Programs.” Of sixty-five USP activities, only eight receive more funding than activity V.4. The District also allocated \$50,000 under activity IV.2 “Outreach, Recruitment and Retention (ORR) Plan” for stipends for hard-to-fill positions, including bilingual-certified teachers for dual language programs. The District has further allocated more than half a million dollars under activity V.1 “ALE Access and Recruitment” to support dual language G.A.T.E. programs, and ALE marketing and recruitment efforts (which include the promotion of dual language programs).

4. During the 2014-15 school year, the District made approximately 150 individual USP budget modifications (“deviations”) during the normal operation and implementation of the USP. Budget modifications are subject to review during the USP Budget Audit.

5. The ratio of 910(G) funding for GATE in 2015-16 is approximately 57%. The ration of 910(G) funding for GATE teachers in 2015-16 is even less – 55%.

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

DATED this 1<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
Karla Soto

# **EXHIBIT A**

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

TIME: July 14, 2015  
5:00 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 (via telephone); 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 Governing Board President Adelita Grijalva

ACTION ITEM

- 5:00 p.m. 1. Schedule an executive meeting at this time to consider the following matters: **APPROVED. Moved: Juárez; Seconded: Foster. Passed 4-0 (Voice Vote). Mark Stegeman was not present to vote.**
- A. Legal Advice/Instruction to Attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
    - 1) Fisher-Mendoza
  - B. Personnel issues pursuant to A.R.S. §38-431.03 (A)(1); legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
    - 1) Administrative appointments, reassignments and transfers
  - 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) Fort Lowell/Townsend Middle School

RECESS REGULAR MEETING

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

Board Room  
Morrow Ed Center  
1010 E. Tenth Street



Agenda for Regular Board Meeting

July 14, 2015 – 5:00 p.m.

Page 2

PLEDGE OF ALLEGIANCE – led by Aaron Hum, incoming freshman at University High School

Governing Board President Adelita Grijalva asked for a moment of silence in remembrance of Mr. Sam Polito, Mr. Tom Gillespie and his grandson, Robert Miller. Mr. Polito served TUSD for over 40 years through his advocacy for public education. Mr. Gillespie was a science teacher at TUSD's Teenage Parent Program (TAPP) High School for nearly 24 years.

She also announced Spanish Interpreter services were available for CTA.

INFORMATION ITEMS

2. 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.

Dr. Sánchez presented the Camp Cooper administrative team with a donation check representing his Pay For Performance bonus recently awarded to him for fulfilling 100% of the SY2014-2015 goals.

Additionally, the Superintendent's Leadership team presented the Camp Cooper administrative team with a \$3000 donation check.

Board members commenting and/or asking questions were Adelita Grijalva, Cam Juárez and Kristel Foster.

3. Board Member Activity Reports **INFORMATION ONLY** – Board Members reporting activities were Cam Juárez and Kristel Ann Foster.

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.)* Governing Board President Adelita Grijalva read the protocol for CTA. Persons who spoke at Call to the Audience were: Rosamaria Diaz re: PreKinder programs; Dale Keyes re: Superintendent's Contract; Brenda Mercado re: Preschool; Sylvia Campoy re: Desegregation; Karyn Kosur re: Project ABLE Pre-school; Curtis Kiwak re: Reimagined Early Childhood Program; Mark Eberlein re: School funding at Mansfeld Middle Magnet School; Patty Todd re: Pre-school Reimagine; and, Lillian Fox re: Spending.

Board Comments: Kristel Foster asked the Superintendent to look into the number of dual language students referenced in Sylvia Campoy's comments. Cam Juárez responded to comments regarding pre-school program collaboration.

Dr. Sánchez requested Item 17 be moved up on the agenda.

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Governing Board President Adelita Grijalva asked for a vote to address Item 17 next. **APPROVED.** Moved: Foster; Seconded: Juárez. Passed 3-0 (Voice Vote). Mike Hicks and Mark Stegeman did not vote.

Governing Board President Adelita Grijalva excused the Spanish Interpreter.

Governing Board President Adelita Grijalva moved to have Item 5 follow Item 17. Kristel Foster seconded. Passed Unanimously (Voice Vote).

#### INFORMATION ITEM

Item 4 was addressed out of sequence after Item 5-Consent Agenda.

4. Update on the Enterprise Resource Plan (ERP) **INFORMATION ONLY.** Renee LaChance presented information. Dr. Sánchez, Ms. LaChance and Scott Morrison provided information and responded to Board inquiries. Board members commenting and/or asking questions were Kristel Foster, Michael Hicks, Cam Juárez, Adelita Grijalva and Mark Stegeman.

Item 5-Consent Agenda was addressed out of sequence after Item 17.

#### CONSENT AGENDA\*\*[Items 5(a-f, j-u)]

**APPROVED.** Moved: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez provided additional information for 5(h), (i), (m), and (s) and recommended approval as submitted. Mike Hicks asked that items 5(g, h, and i) be addressed individually

5. a) Salaried Critical Need and Replacement Hires **APPROVED**
- b) Hourly Critical Need and Replacement Hires **APPROVED**
- c) Salaried Separations **APPROVED**
- d) Hourly Separations **APPROVED**
- e) Requests for Leave of Absence for Certified Personnel **APPROVED**
- f) Requests for Leave of Absence for Classified Personnel **APPROVED**
- g) Blanket Approval for High School Participation in Athletic Schedules and In-state Non-athletic Activities for SY 2015-2016 **APPROVED.** Moved: Hicks; Seconded Juárez. Passed Unanimously (Voice Vote). Drs. Sánchez and Herman House provided additional information and responded to Board inquiries. Board members commenting and/or asking questions were Michael Hicks and Adelita Grijavla.

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- h) Approval to Purchase Supplemental Curriculum Materials for Reading Recovery Project for Select Elementary Schools in Excess of \$120,000 **APPROVED. Moved: Hicks; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez and Mark Alvarez provided additional information and responded to Board inquiries. Board members commenting and/or asking questions were Michael Hicks, Mark Stegeman, Adelita Grijavla, Cam Juárez and Kristel Foster.**
- i) Approval to Purchase Supplemental Curriculum Materials in Spanish for GATE Literacy Kits **APPROVED. Moved: Hicks; Seconded Foster. Passed Unanimously (Voice Vote).**
- j) Intergovernmental Agreement between Pima County Joint Technical Education District (JTED) and Tucson Unified School District for JTED courses that meet the criteria provided in A.R.S. §15-391(3), effective July 1, 2015 through June 30, 2016, with annual review and possible renewal, with Authorization for the Superintendent to Execute the Agreement **APPROVED**
- k) Intergovernmental Agreement between University of Arizona's Department of Educational Psychology and Tucson Unified School District for the Provision of Program Research and Evaluation, effective once fully executed and continue for the 2015-2016 SY, with automatic renewals for up to three additional years through June 30, 2019 **APPROVED**
- l) Award Request for Proposals (RFP) 16-29-17PR – Produce, July 15, 2015 through July 14, 2016 **APPROVED AWARD TO FRESH PAC (GROUP A and B); and, COMMUNITY FOOD BANK, INC., (GROUP B ONLY), EFFECTIVE JULY 15, 2015 THROUGH JULY 14, 2016, in the amount of \$1,559,128.37 per year.**
- m) Award Invitation for Bids (IFB) 16-23-20 – Educational Aids and Materials, as needed, July 1, 2015, with annual renewal options through June 30, 2020 **APPROVED**
- n) Award Invitation for Bids (IFB) 16-24-17PF – Perishable Refrigerated Food, July 15, 2015 through July 14, 2016 **APPROVED**
- o) Award Invitation for Bids (IFB) 16-28-17BV – Beverage, July 15, 2015 through July 14, 2016 **APPROVED**
- p) Award Invitation for Bids (IFB) 16-26-17FR1 – Frozen Foods Group One, July 15, 2015 through July 14, 2016 **APPROVED**
- q) Award Invitation for Bids (IFB) 16-32-17SN – Snack, July 15, 2015 through July 14, 2016 **APPROVED**

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- r) New and Continuing Consulting Services with Hye Tech Network & Security Solutions, LLC **APPROVED**
- s) Lease Agreement between Tucson Unified School District and Intermountain Center for Human Development (ICHHD) for the former Menlo Park Elementary School, with Authorization for the Director of Planning Services to Execute the Lease **APPROVED**
- t) Minutes of Tucson Unified School District Governing Board Meetings **APPROVED**
  - 1) Regular Board Meeting, August 12, 2014
  - 2) Regular Board Meeting, September 9, 2014
- u) Permission to Increase Expenditure Authority of Invitation for Bids (EFB) No. 15-14-19 District Boiler Services **APPROVED**

Item 6 was addressed out of sequence after Item 11.

#### RECESS REGULAR MEETING

PUBLIC HEARING – Presentation of the 2015-2016 Proposed Budget and Public Hearing pursuant to A.R.S. §15-905 (D)

1. Presentation of the annual budget by TUSD staff.
2. Any *person* can ask for an explanation of the budget

**\*\*Speakers during this portion of the Public Hearing will abide by the rules governing Call to the Audience at Board meetings with the exception that each speaker will be allowed 2 minutes.**

3. Further Explanation of the budget by TUSD staff if necessary
4. Any resident or taxpayer may protest the inclusion of any item in the budget

**\*\*Speakers during this portion of the Public Hearing will abide by the rules governing Call to the Audience at Board meetings with the exception that each speaker will be allowed 2 minutes.**

**\*\*REF: Governing Board Policy Code No. BDAA – *Procedures for Governing Board Members***

**Dr. Sánchez , Karla Soto and Renee Weatherless presented the budget and responded to Board inquiries. Board members commenting and/or asking questions were Adelita Grijalva, Cam Juárez, Michael Hicks, Kristel Foster, and Mark Stegeman.**

**Governing Board President Adelita Grijalva pointed out that the time limit to speak during the Public Hearing was 2 minutes.**

**The person who spoke was Lillian Fox re: Infant and Early Learning Centers and Free Health Insurance.**

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July 14, 2015 – 5:00 p.m.  
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## RECONVENE REGULAR MEETING

### ACTION ITEMS

6. Adoption of the Fiscal Year 2015-2016 Tucson Unified School District and Unitary Status Plan (USP) Expenditure Budget **APPROVED**. Moved: Foster; Seconded: Juárez; Passed 3-2 (Roll Call Vote). Michael Hicks and Mark Stegeman voted no. Dr. Sánchez recommended approval.

Governing Board Member Cam Juárez moved to have Item 7 through 11 follow Item 4. Kristel Foster seconded. Passed Unanimously (Voice Vote).

7. Administrative appointments, reassignments and transfers Appointment – Principal, Ford Elementary School **APPROVED – DIANA JOHNSTON**. Moved: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez recommended Diana Johnston for the position.
8. Administrative appointments, reassignments and transfers Appointment – Principal, Lynn /Urquides Elementary School **APPROVED – MARISA SALCIDO**. Moved: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez recommended Marisa Salcido for the position.
9. Administrative appointments, reassignments and transfers Appointment – Principal, Miller Elementary School **APPROVED – MARICELLA CARRANZA**. Moved: Foster; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez recommended Maricella Carranza for the position.
10. Administrative appointments, reassignments and transfers Appointment – Assistant Principal, Vesey Elementary School **APPROVED – ROSAISELA “ROSE” COTA**. Moved: Juárez; Seconded: Foster. Passed Unanimously (Voice Vote). Dr. Sánchez recommended Rosaisela “Rose” Cota for the position.
11. Administrative appointments, reassignments and transfers Appointment – Assistant Principal, Tucson High Magnet School **APPROVED – STEVEN MORROW**. Moved: Hicks; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez recommended Steven Morrow for the position. Board member Michael Hicks commented.

Item 12 was addressed out of sequence after Item 6.

12. Appointment of Tucson Unified School District Employee Benefits Trust (EBT) Board Member **APPROVED MARLENE RODRIGUEZ, M.D. (NO TERM LENGTH)**. Moved: Grijalva; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez responded to question from Michael Hicks.

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13. Appointment of Community Members (2) to the TUSD Governing Board Audit Committee **APPROVED CHARLES ANDRADE FOR A FOUR-YEAR TERM TO EXPIRE ON 7-14-19.** Moved: Foster; Seconded: Juárez. Passed 3-2 (Roll Call Vote). Michael Hicks and Mark Stegeman voted no. Board members commenting and/or asking questions were Mark Stegeman, Cam Juárez, and Adelita Grijalva.

**APPROVED TODD ANDERSON FOR A FOUR-YEAR TERM TO EXPIRE ON 7-14-19.** Moved: Foster; Seconded: Juárez. Passed 3-2 (Roll Call Vote). Michael Hicks and Mark Stegeman voted no.

14. Re-Appointment of Community Members (3) to the Technology Oversight Committee (TOC) for a two-year term **APPROVED THE RE-APPOINTMENT OF COMMUNITY MEMBERS ANDREW GARDNER, HARRY MCGREGOR AND STEVE PETERS TO A TWO-YEAR TERM TO EXPIRE ON 7-14-17.** Moved: Hicks; Seconded: Foster. Passed Unanimously (Voice Vote).

15. Appointment of Two Board Members as Ex-Officio on the Technology Oversight Committee for a one-year term **APPROVED BOARD CLERK KRISTEL ANN FOSTER TO A ONE-YEAR TERM, EXPIRING ON JULY 14, 2016.** Moved: Juárez; Seconded: Grijalva. Passed Unanimously (Voice Vote). Dr. Sánchez recommended that for consistency purposes across all Board Committees, only one Governing Board member be appointed.

16. Adopt and approve the 2015-2016 Employee Agreement for Exempt Administrators, Exempt Coordinators and Supervisory/Confidential Employees and Salary Schedule for each group **APPROVED.** Moved: Foster; Seconded: Juárez. Passed 3-2 (Roll Call Vote). Michael Hicks and Mark Stegeman voted no. Dr. Sánchez recommended approval. Board member Mark Stegeman commented.

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

17. Approval of Pre-Kindergarten Programs in TUSD **APPROVED FOR FIVE PILOT SCHOOLS.** Moved: Hicks; Seconded: Juárez. Unanimously approved (Voice Vote). Ana Gallegos and Rachell Hocheim presented information via Skype. Dr. Sánchez recommended approval for no more than five schools to pilot this proposal and provided additional information. Board members commenting and/or asking questions were Adelita Grijalva, Kristel Foster, Cam Juárez, Michael Hicks, and Mark Stegeman.

18. School Uniforms at Roberts-Naylor K-8 School **APPROVED.** Moved: Grijalva; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez recommended approval. Dr. Sánchez and Jesus Vasquez responded to Board inquiries. Board members commenting and/or asking questions were Michael Hicks, Adelita Grijalva, and Cam Juárez.

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19. Affirmation of the Proclamation on Student Safety Awareness Month – Requested by Board Member Cam Juárez **APPROVED**. Cam Juárez read the Proclamation as a motion; Seconded: Hicks. Passed Unanimously (Voice Vote). Cam Juárez made introductory comments before reading the proclamation.

20. Teacher Evaluation **APPROVED**. Moved: Foster; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez recommended approval. Board members commenting and/or asking questions were Cam Juárez, Kristel Foster, and Adelita Grijalva.

Cam Juárez moved to extend the Board meeting beyond the 10:00 p.m. curfew until 11:00 p.m.; Seconded: Foster. Passed 4-0 (Voice Vote). Michael Hicks was not present for the vote.

### GOVERNING BOARD POLICIES

#### Action

21. Governing Board Policy JFB – *Enrollment and School Choice* (Revision Relative to School Choice Placement Priorities) **APPROVED**. Moved: Hicks; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez and Bryant Nodine presented information and responded to Board inquiries. Board members commenting and/or asking questions were Adelita Grijalva, Michael Hicks and Cam Juárez.

#### Study/Action

Items 22 and 23 were addressed together.

22. Governing Board Policy ACA – *Sexual Harassment* (revision) **APPROVED GOVERNING BOARD POLICY ACA AND JICK**. Moved: Hicks; Seconded: Juárez. Passed Unanimously (Voice Vote). Dr. Sánchez asked Julie Tolleson to provide information. Board members commenting and/or asking questions were Adelita Grijalva and Michael Hicks.

23. Governing Board Policy JICK – *Student Violence, Bullying, Intimidation and Harassment* (revision)

### STUDY/ACTION ITEM

24. Guidelines for Student Rights and Responsibilities (GSRR) for SY 2015-2016 **APPROVED**. Moved: Foster; Seconded: Juárez. Passed 3-2 (Voice Vote). Michael Hicks and Mark Stegeman voted no. Dr. Sánchez and Eugene Butler responded to Board member inquiries. Board members commenting and/or asking questions were Michael Hicks, Kristel Foster, Adelita Grijalva and Mark Stegeman.



## Agenda for Regular Board Meeting

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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.



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 July 14, 2015 – 5:00 p.m.  
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Record of Attendance

|                                    |  |  |
|------------------------------------|--|--|
| Present:                           | Adelita S. Grijalva<br>Kristel Ann Foster<br>Michael Hicks<br>Cam Juárez<br>Mark Stegeman (via telephone)  | President<br>Clerk<br>Member<br>Member<br>Member   |
| Also Present<br>Senior Leadership: | H. T. Sánchez, Ed.D.<br>Julie Tolleson<br>Adrian Vega, Ed.D.<br>Abel Morado, Ed.D.<br>Ana Gallegos (via Skype)<br><br>Eugene Butler<br>Scott Morrison<br><br>Anna Maiden<br>Karla Soto<br>Stuart Duncan  | Superintendent<br>General Counsel<br>Deputy Superintendent, Teaching and Learning<br>Assistant Superintendent, Secondary Leadership<br>Assistant Superintendent, Elementary/K-8<br>Leadership<br>Assistant Superintendent, Student Services<br>Chief Technology Officer, Technology and<br>Telecommunications Services<br>Chief Human Resources Officer<br>Chief Financial Officer<br>Chief Operations Officer   |
| Administrative Staff:              | Martha Taylor<br>Renee Weatherless<br>Jeff Coleman + Staff<br>Stefanie Boe<br>Shannon Roberts<br>Herman House<br>Charlotte Patterson<br><br>Kevin Startt<br>Rachell Hocheim (via Skype)<br>Mark Alvarez<br>Bryant Nodine<br>Renee LaChance<br><br>Charles McCollum<br><br>Jesus Vasquez<br>Charlotte Brown | Senior Director, Desegregation<br>Director, Finance<br>Director, School Safety<br>Director, Communications/Media Relations<br>Director, Employee Relations<br>Director, Secondary Schools and Interscholastics<br>Director, Student Placement & Community<br>Outreach<br>Director, Purchasing<br>Director, Community Services and Pre-K Programs<br>Director, Language Acquisition<br>Director, Planning and Student Assignment<br>Project Manager, Enterprise Resource Project<br>(ERP)<br>Interim Director, Career & Technical Education and<br>Sponsor, Superintendent's Student Advisory<br>Council<br>Assistant Principal, Roberts/Naylor K-8 School<br>Student Equity Compliance Liaison |
| Support Staff:                     | Mary Alice Wallace<br>Sylvia Lovegreen<br>Gene Armstrong<br><br>Sarah Tarin  | Director of Staff Services to the Governing Board<br>Senior Staff Assistant II to the Governing Board<br>Technical Support Specialist II, Technology<br>Services<br>Executive Assistant, Financial Services  |
| Services:                          | Miguel Carrion<br>Jes Ruvalcaba<br>Oscar Corella   | Video Technician<br>District Photographer<br>Spanish Interpreter   |
| Employee Group<br>Representatives: | Jason Freed  | President, Tucson Education Association  |

Agenda for Regular Board Meeting

July 14, 2015 – 5:00 p.m.

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|         |   |  |
|---------|---|--|
| Guests: | Linda Polito<br>Dean Ronald Marx<br>Rick Zurow<br>Bruce Johnson<br>Mary Palacio-Hum<br>Rosamelia Felix<br>Thang Ky<br>Saturnino Sanchez-Cisneros<br>Ramon Acuna Andrews<br>Catalina Martinez<br>Raymond Rodriguez<br>Hermelinda Rodriguez<br>Gildardo Rodriguez Medina<br>Laura Zavala<br>Guadalupe Martinez<br>Bobby Castro<br>Rogelio Gutierrez | Dean of College of Education, U of A<br>Camp Cooper, Administrative Team<br>Camp Cooper, Administrative Team<br>PTSA President, Alice Vail Middle School<br>Custodian, Robert-Naylor K-8<br>Custodian, Robert-Naylor K-8<br>Custodian, Robert-Naylor K-8<br>Custodian, Palo Verde High Magnet School<br>Custodian, Palo Verde High Magnet School<br>Custodian, Palo Verde High Magnet School<br>Custodian, Palo Verde High Magnet School<br>Custodian, Palo Verde High Magnet School<br>Custodian, Palo Verde High Magnet School<br>Custodian, Palo Verde High Magnet School<br>Custodian, Vesey Elementary School<br>Custodian, Vesey Elementary School |
| Media:  | Alexis Huicochea<br>Channel 9   | <u>Arizona Daily Star</u>  |

There were approximately 150 people in the audience.

Adelita S. Grijalva presided and called the meeting to order at 5:04 p.m.

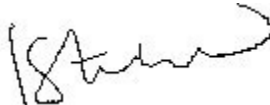
Meeting recessed at 5:04 p.m. and reconvened at 6:06 p.m.

Meeting recessed for Public Hearing at 8:10 p.m. and reconvened at 9:35 p.m.

Meeting adjourned at 10:19 p.m.

Approved this 11<sup>th</sup> day of August, 2015.

TUCSON UNIFIED SCHOOL DISTRICT NO. ONE



By \_\_\_\_\_  
Kristel Ann Foster, Clerk  
Governing Board

# **EXHIBIT B**



Department of Desegregation  
1010 E. 10<sup>th</sup> St.  
Tucson, Arizona 85719  
520-225-6426

\*Recommendations in red were received after the District's June 18 Submission of the Final Draft Budget and Cover Letter (which included all recommendations below except those in red). Subsequent to June 18, 2015, District staff held teleconferences with the Special Master, Fisher Plaintiffs, and Mendoza Plaintiffs to clarify any remaining issues, and to ensure mutual understanding of each party's final recommendations. Based on the teleconference discussions, and based on subsequent communications, the District took additional steps to ensure that the final recommendations are accurate as presented to the Governing Board on July 14, 2015.

**I. SPECIAL MASTER AND PLAINTIFF RECOMMENDATIONS ACCEPTED BY THE DISTRICT**

Over the past few months, the District has received comments, concerns, questions, and understandings from the Special Master and Plaintiffs. The District hereby makes a good faith effort to identify the recommendations (either directly stated or implied) based on the communications received. On Monday June 22, 2015, we will discuss the following recommendations with the Plaintiffs and Special Master to ensure mutual understanding:

**Recommendation 1 (Fisher and Mendoza Plaintiffs 3/26/15) – Implement Mandatory GATE Testing.**

Response: The District has agreed to fund testing for all students in two grades for GATE participation for SY 2015-16 as part of Activity 501.

**Recommendation 2 (Fisher Plaintiffs 3/26/15) – Eliminate 910(G) Funding for the UHS LSC/Recruiter.**

Response: The District will not fund the UHS LSC/Recruiter with 910(G) funds for SY 2015-16.

**Recommendation 3 (Mendozas 5/7/15) – Eliminate 910(G) Funding for Non-Theme-Related Music and Art Teachers in Magnet Schools.**

Response: The District has transferred funding for non-theme-related band and orchestra teachers in magnet schools from 910(G) to other District funds.

**Recommendation 4 (Mendozas 5/7/15 and 6/4/15) – Do Not Expand LSCs from 55.5 to 65.**

Response: The District will not expand LSCs from 55.5 to 65 positions for SY 2015-16.

**Recommendation 5 (Mendoza 5/7/15; Special Master 5/19/15) – 910(G) Fine Arts Expenditures.**



**Department of Desegregation  
1010 E. 10<sup>th</sup> St.  
Tucson, Arizona 85719  
520-225-6426**

Response: The District “fine arts” expenditures are supported by M&O and other District funds. The District will continue to supplement fine arts by offering OMA with 910(G) funds.

**Recommendation 6 (Mendoza 5/17/15) – Reduce Funding for Transportation.**

Response: The District reduced 910(G) funding for bus passes were reduced by \$200,000 (\$100,000 each for activity codes 301 and 302). The District further reduced other 910(G) transportation costs by an additional \$270,000. In total, the District reduced approximately \$470,000 from the 910(G) transportation allocations.

**Recommendation 7 (DOJ 5/8/15) – Specify Funding for In-School Intervention / Life Skills Expansion (DPG Plan):**

Response: The District is funding approximately \$900,000 to support the In-School Intervention (ISI) program (see section titled “Positive Alternatives to Suspension”), and by adding approximately \$450,000 to expand the Life Skills Alternative to Suspension Program (renamed the District Educational Alternative Program “DAEP” at the high school level) beyond the description in the Dropout Prevention and Graduation Plan (see section titled “Positive Alternatives to Suspension”).

**Recommendation 8 (Special Master 5/19/15) – Justify or Remove Funding for Deseg-Funded Preschools:**

Response: The District eliminated these positions. In SY 2013-14, the Mendoza Plaintiffs brought attention to the limited funds allocated to increasing student access to early childhood programs. In response, the Special Master recommended that the District examine the feasibility of further expanding such programs. In response to the Special Master recommendation, the District created three preschools, located at elementary sites with relatively large Latino and/or African American student populations. In the wake of new objections, these positions are being eliminated. As a result of eliminating these positions, these programs have been discontinued.



Department of Desegregation  
1010 E. 10<sup>th</sup> St.  
Tucson, Arizona 85719  
520-225-6426

**III. SPECIAL MASTER AND PLAINTIFF RECOMMENDATIONS NOT ACCEPTED BY THE DISTRICT**

Recommendations provided to the District by the Special Master and Plaintiffs, but not accepted by the District, are listed below:

**Recommendation 1 (Mendoza 5/7/15) – Eliminate 910(G) Funding for Utterback Attendance Clerk.**

Response: The District funds a second attendance clerk at Utterback from M&O as it does at other schools, the 910(G)-funded clerk supplements funding provided by M&O. The Utterback has unique magnet-related needs justifying a 910(G)-funded attendance clerk (high mobility rate, high percentage of magnet students)

**Recommendation 2 (Mendoza 5/7/15) – Split Fund Family Engagement Director Between 910(G) and Title I.**

Response: In SY 2015-16, the District will fund this USP-mandated position with 910(G) funds.

**Recommendation 3 (Fisher 6/25/15) – Place LSCs Back in Classrooms, Especially in Schools with an Achievement Gap for Minority Students**

Response: TUSD is in the process of evaluating LSC effectiveness and, based on the results of said evaluation, will determine whether to maintain LSCs at their current function, eliminate LSCs altogether, or modify the functions of LSCs.



Department of Desegregation  
1010 E. 10<sup>th</sup> St.  
Tucson, Arizona 85719  
520-225-6426

**IV. PLAINTIFFS' FINAL RECOMMENDATIONS RECEIVED JULY 13, 2015**

**Mendoza Plaintiffs**

- 1. Align the budget entries to the 910(G) funding at the individual magnet schools**
- 2. Provide additional funding for Holladay, Ochoa, Robison, and Utterback directed at enhancing achievement and improving integration**
- 3. Allocate additional funding to expand dual language programs**
- 4. Allocate additional funding for family engagement**
- 5. Object to the use of 910(G) funds for consultants and related activities in anticipation of a “November 2016 bond” (in the absence of a showing that these expenditures directly support a portion of the facilities plan intended to ensure equal access to facilities at Racially Concentrated schools)**
- 6. Reduce and/or justify OMA/Fine Arts/Multicultural allocations**

**Fisher Plaintiffs**

- 7. The Director of Planning Services position should not be fully funded by desegregation funds**
- 8. Separate UHS funding allocations to indicate the percentages that support the USP versus the percentages that support out-of-district students**
- 9. Eliminate magnet coordinators at Ochoa, Cragin, Mansfeld, and Robison**
- 10. Reduce the 910(G) funding level for GATE classes**
- 11. Eliminate 910(G) funding for ISI/DAEP and convert it to funding for additional training related to disproportionate suspension**
- 12. Eliminate 910(G) funding for the Pan Asian Studies Department**

# **EXHIBIT C**





*Celebrate the US!*

## TUCSON UNIFIED SCHOOL DISTRICT

MEETING OF: July 14, 2015

TITLE: Public Hearing and Adoption of the FY 2015-2016 Tucson Unified School District & Unitary Status Plan (USP) Expenditure Budget

ITEM #: 6

Information:

Study:

Action: X

PURPOSE:

Governing Board adoption of the FY 2015-2016 TUSD & USP Expenditure Budget which was proposed to and approved by the TUSD Governing Board on June 23, 2015.

DESCRIPTION AND JUSTIFICATION:

Requesting adoption of the FY 2015-2016 TUSD & USP Expenditure Budget. The FY2015-2016 TUSD & USP Expenditure Budget have been prepared as instructed by the Arizona Department of Education (ADE) and must be adopted no later than July 15th according to ARS 15-905.

Attached to this agenda item are the following documents which are included in the Budget sent to the ADE:

1. FY 2015-2016 Expenditure Budget and Worksheets, including the Desegregation District Wide Summary.
2. FY 2015-2016 Desegregation Verification Reporting and Activity/Magnet Programs Report.

Presenter: Karla Soto, CFO

BOARD POLICY CONSIDERATIONS:

LEGAL CONSIDERATIONS:

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

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

\_\_\_\_\_  
Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

\_\_\_\_\_ District Budget  
\_\_\_\_\_ State/Federal Funds

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

Date  
I certify that funds for this expenditure in the amount of \$ are

Other \_\_\_\_\_  
Budget Cost      Budget Code

available and may be:  
 Authorized from current year budget  
 Authorized with School Board approval  
 Code:    Fund:

INITIATOR(S):

|  |                 |
|--|-----------------|
| <b>Karla Soto, Chief Financial Officer</b> | <b>07/06/15</b> |
| Name                                       | Title           |
|  | Date            |

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

|  |
|--|
| <b>ATTACHMENTS:</b>  |
| Click to download  |
| <input type="checkbox"/> <a href="#">FY2015-2016 TUSD Expenditure &amp; USP Budget</a> |
| <input type="checkbox"/> <a href="#">FY2016 Desegregation Reporting</a>                |

TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM  
CONTINUATION SHEET

Desegregation Verification Reporting  
Fiscal Year 2016  
A.R.S. §15-910(J)(3)

District Name: Tucson Unified School District

CTD: 10-02-01

A.R.S. §15-910(J)(3)

- (d) any dates that property tax levies to provide funding for desegregation expenses were increased.
- (k) verification that the desegregation funding will supplement and not supplant funding for other academic and extracurricular activities.
- (l) verification that the desegregation funding is educationally justifiable.
- (m) any documentation that supports the proposition that the requested desegregation funding is intended to result in equal education opportunities for all pupils in the school district.
- (n) verification that the desegregation funding will be used to promote systemic and organizational changes within the school district.
- (o) verification that the desegregation funding will be used in accordance with the academic standards adopted by the State Board of Education pursuant to A.R.S. §§15-701 and 15-701.01.
- (p) verification that the desegregation funding will be used to accomplish specific actions to remediate proven discrimination pursuant to Title VI of the Civil Rights Act of 1964 (42 United States Code section 2000d) as specified in the court order or administrative agreement.
- (q) an evaluation by the school district of the effectiveness of the school district's desegregation measures.
- (r) an estimate of when the school district will be in compliance with the court order or administrative agreement and a detailed account of the steps that the school district will take to achieve compliance.
- (s) any other information that the district deems necessary to assist ADE in carrying out the purposes of this paragraph.

Please check each reporting item approved by the governing board of the school district. The determination that the documentation being submitted to the Arizona Department of Education meets the requirements listed above has been made by the district. All submitted documentation will be provided to the Governor, the President of the Senate, the Speaker of the House of Representatives and the chairpersons of the education committees of the Senate and the House of Representatives, as required by A.R.S. §15-910.

I certify that the attached documents of the Tucson Unified School District, meet the requirements outlined in A.R.S. §15-910(J)(3), listed above, and have been authorized by the Governing Board of the District for submission to the Arizona Department of Education.

\_\_\_\_\_  
President of the Governing Board (signature)

Adelita Grijalva, Governing Board President  
President name (printed)

Mail original signed document to:  
ADE, School Finance  
1535 West Jefferson, Bin 13  
Phoenix, AZ 85007

In addition, electronic copies of documentation, in either Microsoft Word, Microsoft Excel, or in portable document format (pdf), should be e-mailed to [SFBudgetTeam@azed.gov](mailto:SFBudgetTeam@azed.gov). Electronic copies may also be submitted via a CD, if file size is too large for e-mail. Mail CDs to the address to the left.



**Department of Desegregation Compliance**

P O Box 40400, Tucson, AZ 85717-0400 · Phone (520) 225-6426 ·

DATE: July 8, 2015  
TO: Arizona Department of Education  
FROM: Martha G. Taylor, Sr. Director of Desegregation  
RE: FY2016 Desegregation Reporting

Please find below additional information and electronic file references supporting the desegregation reporting requirements of A.R.S. §15-910(J)(3). The letter references included below are applicable to the “FY 2016 Desegregation Verification Reporting” document included with the FY 2016 Adopted Budget submittal.

(a) A district-wide budget summary and a budget summary on a school by school basis for each school in the school district that lists the sources and uses of monies that are designated for desegregation purposes.

The District’s adopted FY2015-2016 budget forms submitted to the Arizona Department of Education (ADE) includes documentation that lists the sources and uses of monies designated for desegregation purposes of a district-wide desegregation budget summary for SY15-16 aligned to the Unitary Status Plan and OCR Agreements. (See Attachments A )

(b) A detailed list of desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

(See Attachment B)

(c) The date that the school district was determined to be out of compliance with Title VI of the civil rights act of 1964 (42 United States Code section 2000d) and the basis for that determination.

January 9, 1973 OCR submitted a letter to the District finding the District in violation of Title VI. The basis for that determination was: unequal access to curriculum, and inappropriate assignment to special education.

July 19, 2011 The Ninth Circuit Court of Appeals reversed the decision of the U.S. District Court revoking Unitary Status from the District after Plaintiffs appealed the finding of Unitary Status to the Ninth Circuit Court of Appeals. The Ninth Circuit found that the District had not yet reached unitary status.

(d) The initial date that the school district began to levy property taxes to provide funding for desegregation expenses and any dates that these property tax levies were increased.

Documentation of dates that property tax levies were increased for desegregation expenses, including dates that

the property tax levies were increased. (See Attachment C)

(e) If applicable, a current and accurate description of all magnet type programs that are in operation pursuant to the court order during the current school year on a district-wide basis and on a school by school basis. This information shall contain the eligibility and attendance criteria of each magnet type program, the capacity of each magnet type program, the ethnic composition goals of each magnet type program, the actual attending ethnic composition of each magnet type program and the specific activities offered in each magnet type program.

A list of all current magnet programs within the District is provided in Attachment B (see row #2 “Unitary Status Plan: Student Assignment”). The District has developed a [2015-17 Comprehensive Magnet Plan and individual Magnet Site Plans](#) pursuant to the Unitary Status Plan and [Court Order 1753](#). The magnet site plans (and the assessments and evaluations therefrom) contain ethnic composition goals and actual attending ethnic composition, and attendance criteria of each magnet school and program. All students are eligible to apply to District magnet programs. The ethnic composition goal of each magnet program is to achieve the definition of an integrated school as described by the Unitary Status Plan. An integrated school is any school in which no racial or ethnic group varies from the district average for that grade level (Elementary School, Middle School, K-8, High School) by more than +/- 15 percentage points, and in which no single racial or ethnic group exceeds 70% of the school’s enrollment.

(f) The number of pupils who participated in desegregation activities on a district-wide basis is listed by activity.

(See Attachment B)

(g) A detailed summary of the academic achievement of pupils on a district-wide basis and on a school by school basis for each school in the school district.

The District is required to administer the AZ Merit to students. Verification of academic achievement of pupils on a district-wide basis and on a school by school basis is made from the results of the AZ Merit assessment.

(h) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district that is necessary to conduct desegregation activities.

The FY 15 Desegregation Budget (including all ARS 15-910(g) funds and other funds directed towards desegregation activities) includes 975.2 FTE District-wide.

(i) The number of employees, including teachers and administrative personnel, on a district-wide basis and on a school by school basis for each school in the school district and the number of employees at school district administrative offices that are funded in whole or in part with desegregation monies received pursuant to this section.

The FY 15 Desegregation Budget (including all ARS 15-910(g) funds directed towards desegregation activities) includes 841.7 FTE District-wide.

(j) The amount of monies that is not derived through a primary or secondary property tax levy and that is budgeted and spent on desegregation activities on a district-wide basis and on a school by school basis for each school in the school district.

\$4,924,724 is allocated towards supporting desegregation activities that are not supported directly from desegregation funds or general M&O funds.

(k) Verification that the desegregation funding will supplement and not supplant funding for other academic and extracurricular activities.

The District has verified this requirement, subject to the exceptions required or permitted by state law (see A.R.S. §15-910(G)) and applicable court orders. See attached documentation, regarding the programs and activities funded pursuant to A.R.S. §15-910(G). (See Attachment B) regarding the programs and activities funded pursuant to A.R.S. §15-910(G). Also, please reference former State Superintendent of Instruction, Mr. Tom Horne's letter regarding the use of desegregation funds for the state mandated ELD block program. (See Attachment D)

(l) Verification that the desegregation funding is educationally justifiable.

The desegregation funding has as its purpose (a) eliminating the vestiges of segregation, (b) integrating schools and promoting diversity, (c) providing all students with equal access to educational opportunities, and (d) enhancing the quality of education for all students, particularly members of the Plaintiffs' class.

(m) Any documentation that supports the proposition that the requested desegregation funding is intended to result in equal education opportunities for all pupils in the school district.

The requested desegregation funding is intended to implement program and activities that have been adopted by the District and approved by the Federal District Court or the United States Department of Education Office of Civil Rights ("OCR") to remedy alleged discrimination. For FY2016, the District will use desegregation monies in support of the Unitary Status Plan (See Attachments E and F) and the above identified OCR Compliance needs. Under the Unitary Status Plan, the District will expend its desegregation funds in a way that is intended to guarantee equal access to the curriculum and equal educational opportunities for all students in the District. The federal court approved the 'Unitary Status Plan' on February 6, 2013; a final amended plan was adopted on February 20, 2013.

(n) Verification that the desegregation funding will be used to promote systemic and organizational changes within the school district.

Desegregation funding is being centralized specifically for the purpose of promoting systemic and organizational changes in the District. In many instances, desegregation funds are used to implement programs or activities, including providing transportation to promote voluntary movement throughout the District, to enhance access to advanced learning experiences and extracurricular activities, to improve the quality of education district wide, to enhance school culture and to refine disciplinary practices to be more equitable, and to provide equal access to facilities and technology. In addition, training and other programs to teachers and administrators have been provided throughout the District.

(o) Verification that the desegregation funding will be used in accordance with the standards adopted by the State Board of Education pursuant to A.R.S. §§15-704 and 15-701.01.

The District hereby verifies that desegregation funding will be used in accordance with the standards adopted by the State Board of Education pursuant to A.R.S. §§15-704 and 15-701.01.

(p) Verification that the desegregation funding will be used to accomplish specific actions to remediate proven discrimination pursuant to title VI of the civil rights act of 1964 (42 United States Code section 2000d) as specified in the court order or administrative agreement.

The District hereby verifies that the desegregation funding will be used to accomplish specific actions to remediate alleged or proven discrimination, as specified in A.R.S. §15-910(k)" The verifications required by

A.R.S. §15-910(J)(3)(p) and §15-910(k)(5) are therefore inconsistent with the budget process permitted by A.R.S. §15-910(G). See Attachment B regarding programs and activities funded pursuant to A.R.S. §15-910(G).

(q) An evaluation by the school district of the effectiveness of the school district's desegregation measures.

The October 2015 Annual Report will evaluate the effectiveness of the District's desegregation measures in SY201-42015.

(r) An estimate of when the school district will be in compliance with the court order or administrative agreement and a detailed account of the steps that the school district will take to achieve compliance.

The Parties commit to negotiate in good faith any disputes that may arise, and the Parties may seek judicial resolution of any dispute pursuant to the process set forth in the January 6, 2012 Order Appointing Special Master and as permitted by law. The Parties may move, separately or jointly, for a declaration of partial unitary status at any time. A motion for the determination of complete unitary status shall not be filed prior to the end of the 2016-2017 school year. The applicable provisions of the Federal Rules of Civil Procedure and the local rules of this Court will apply to any such motion.

The District has developed general plans as mandated by the Unitary Status Plan and has developed detailed implementation plans to achieve individual activities mandated by the Unitary Status Plan.

(s) Any other information that the department of education deems necessary to carry out the purposes of this paragraph.

In April 2004, the District submitted to the Arizona Department of Education a comprehensive report on desegregation activities in the District, including substantial documentation regarding the types of programs and activities implemented pursuant to the Stipulation of Settlement and each of the Annual Reports filed by the District in the United States District Court in the Fisher/Mendoza case since October 1978. The District will provide additional copies of these voluminous reports upon request.

- Attachment A** district-wide desegregation budget summary
- Attachment B** budget for SY15-16 aligned to the Unitary Status Plan and OCR Agreements.
- Attachment C** property tax chart
- Attachment D** Tom Horne's letter – ELL four-hour block
- Attachment E** Unitary Status Plan
- Attachment F** February 6, 2013 Court Order

# ATTACHMENTS

- A District-wide Desegregation Budget Summary**
- B FY15-16 Budget aligned to the Unitary Status Plan and OCR Agreements.**
- C Property Tax Chart**
- D Tom Horne's letter – ELL four-hour block**
- E Unitary Status Plan**
- F February 6, 2013 Court Order**



# **ATTACHMENT A**

# TUSD

## DESEGREGATION BUDGETED EXPENDITURES

FY 2015-2016

Final Budget

| Activity         | Description   | Final Budget      | Draft 3           | Change<br>Final Budget vs<br>Draft 3 |
|------------------|---|-------------------|-------------------|--------------------------------------|
| I                | I.1 Internal Compliance Monitoring                          | 1,127,815         | 1,559,053         | (431,238)                            |
|                  | I.2 Annual Report   | 159,998           | 224,414           | (64,415)                             |
|                  | I.3 Court Orders and Miscellaneous                          | 996,002           | 1,246,002         | (250,000)                            |
|                  | I.4 OCR/ELL – not a USP activity, but tracked for budget pu | 8,025,167         | 8,029,377         | (4,210)                              |
|                  | I.5 Contingency   | 83,267            | (1,219,967)       | 1,303,234                            |
| <b>I Total</b>   |   | <b>10,392,250</b> | <b>9,838,879</b>  | <b>553,371</b>                       |
| II               | II.1 Comprehensive Boundary Plan                            | 243,037           | 243,037           | (0)                                  |
|                  | II.2 Comprehensive Magnet Plan                              | 11,971,497        | 11,191,605        | 779,892                              |
|                  | II.3 Application and Selection Process (+APOS)              | 184,379           | 187,354           | (2,975)                              |
|                  | II.4 Marketing, Outreach, and Recruitment Plan              | 711,662           | 716,720           | (5,058)                              |
|                  | II.5 Student Assignment PD                                  | 106,738           | 222,438           | (115,700)                            |
| <b>II Total</b>  |   | <b>13,217,314</b> | <b>12,561,155</b> | <b>656,159</b>                       |
| III              | III.1 Magnet Transportation                                 | 4,266,649         | 4,501,649         | (235,000)                            |
|                  | III.2 Incentive Transportation                              | 4,760,007         | 4,995,007         | (235,000)                            |
| <b>III Total</b> |   | <b>9,026,656</b>  | <b>9,496,656</b>  | <b>(470,000)</b>                     |
| IV               | IV.2 Outreach, Recruitment, Retention Plan                  | 456,255           | 729,793           | (273,538)                            |
|                  | IV.9 USP-Related PD and Support                             | 1,106,071         | 1,097,249         | 8,823                                |
|                  | IV.10 First-Year Teacher Pilot Plan                         | 156,630           | 156,630           | -                                    |



## DESEGREGATION BUDGETED EXPENDITURES

FY 2015-2016

Final Budget

| Activity        | Description                                       | Final Budget     | Draft 3          | Change<br>Final Budget vs<br>Draft 3 |
|-----------------|---|------------------|------------------|--------------------------------------|
|                 | IV.11 Evaluation Instruments                      | 319,012          | 379,012          | (60,000)                             |
|                 | IV.12 New Teacher Induction Program               | 802,177          | 802,177          | -                                    |
|                 | IV.13 Teacher Support Plan                        | 10,311           | 10,311           | -                                    |
|                 | IV.14 Aspiring Leaders Plan                       | 225,709          | 225,709          | -                                    |
|                 | IV.15 PLC Training                                | 276,711          | 272,711          | 4,000                                |
|                 | IV.17 Ongoing PD on Hiring Process                | 4,012            | 8,012            | (4,000)                              |
|                 | IV.18 Observations of Best Practices              | 58,466           | 101,306          | (42,840)                             |
| <b>IV Total</b> |   | <b>3,415,356</b> | <b>3,782,911</b> | <b>(367,556)</b>                     |
| V               | V.1 ALE Access and Recruitment Plan               | 5,289,391        | 5,515,788        | (226,397)                            |
|                 | V.2 UHS Admissions/Outreach/Recruitment           | 511,726          | 526,726          | (15,000)                             |
|                 | V.4 Build/Expand Dual Language Programs           | 2,628,896        | 2,829,836        | (200,940)                            |
|                 | V.5 Placement Policies and Practices              | 82,950           | 82,950           | -                                    |
|                 | V.6 Dropout Prevention and Retention Plan         | 3,951,215        | 3,789,538        | 161,677                              |
|                 | V.8 CRC and Student Engagement PD                 | 325,266          | 338,708          | (13,442)                             |
|                 | V.9 Multicultural Curriculum                      | 1,809,732        | 1,526,088        | 283,644                              |
|                 | V.10 Culturally Relevant Courses                  | 842,273          | 807,991          | 34,282                               |
|                 | V.11 Targeted Academic Interventions and Supports | 2,307,634        | 2,602,007        | (294,373)                            |
|                 | V.12 Quarterly Information Events                 | 305,868          | 305,322          | 546                                  |



## DESEGREGATION BUDGETED EXPENDITURES

FY 2015-2016

Final Budget

| Activity         | Description   | Final Budget      | Draft 3           | Change<br>Final Budget vs<br>Draft 3 |
|------------------|---|-------------------|-------------------|--------------------------------------|
|                  | V.13 Collaborate with Local Colleges and Universities | 534,299           | 533,753           | 546                                  |
|                  | V.14 AAAATF Recommendations                           | 723,399           | 724,702           | (1,304)                              |
|                  | V.16 Supportive and Inclusive Environments            | -                 | -                 | -                                    |
| <b>V Total</b>   |   | <b>19,312,648</b> | <b>19,583,409</b> | <b>(270,761)</b>                     |
| VI               | VI.1 Restorative Practices and PBIS (RPPSCs)          | 1,000,215         | 1,037,593         | (37,378)                             |
|                  | VI.2 GSRR   | 621,226           | 622,936           | (1,710)                              |
|                  | VI.3 Student Discipline Training for Sites            | 301,744           | 305,876           | (4,132)                              |
|                  | VI.4 Discipline Roles and Responsibilities            | -                 | -                 | -                                    |
|                  | VI.5 Discipline Data Monitoring                       | 787,979           | 305,099           | 482,880                              |
|                  | VI.6 Corrective Action Plans                          | 162,338           |                   | 162,338                              |
|                  | VI.7 Successful Site-Based Strategies                 | 162,338           | 162,338           | -                                    |
| <b>VI Total</b>  |   | <b>3,035,839</b>  | <b>2,433,842</b>  | <b>601,997</b>                       |
| VII              | VII.1 Family Center Plan                              | 318,807           | 332,457           | (13,650)                             |
|                  | VII.2 Family Engagement Resources                     | 14,851            | 53,526            | (38,675)                             |
|                  | VII.3 Tracking Family Engagement                      | 19,677            | 58,352            | (38,675)                             |
|                  | VII.4 Translation and Interpretation Services         | 226,922           | 226,922           | -                                    |
| <b>VII Total</b> |   | <b>580,257</b>    | <b>671,257</b>    | <b>(91,000)</b>                      |
| VIII             | VIII.1 Extracurricular Equitable Access Plan          | 200,070           | 253,919           | (53,849)                             |

# TUSD

## DESEGREGATION BUDGETED EXPENDITURES

FY 2015-2016

Final Budget

| Activity           | Description                                    | Final Budget      | Draft 3           | Change<br>Final Budget vs<br>Draft 3 |
|--------------------|--|-------------------|-------------------|--------------------------------------|
|                    | VIII.2 Data Reporting System (Extracurricular) | 37,700            | 37,700            | -                                    |
| <b>VIII Total</b>  |  | <b>237,770</b>    | <b>291,619</b>    | <b>(53,849)</b>                      |
| IX                 | IX.1 Multi-Year Facilities Plan                | 1,339,326         | 1,635,432         | (296,106)                            |
|                    | IX.2 Multi-Year Technology Plan                | 50,000            | 50,000            | -                                    |
|                    | IX.3 Technology PD for Classroom Staff         | 731,320           | 921,720           | (190,400)                            |
| <b>IX Total</b>    |  | <b>2,120,646</b>  | <b>2,607,152</b>  | <b>(486,506)</b>                     |
| X                  | X.1 EBAS Implementation                        | 1,649,878         | 2,141,378         | (491,500)                            |
|                    | X.2 EBAS Training and Evaluation               | 546,464           | 141,820           | 404,644                              |
|                    | X.3 Budget Process and Development             | 107,148           | 107,148           | -                                    |
|                    | X.4 Budget Audit                               | 68,822            | 53,822            | 15,000                               |
| <b>X Total</b>     |  | <b>2,372,312</b>  | <b>2,444,168</b>  | <b>(71,856)</b>                      |
| <b>Grand Total</b> |  | <b>63,711,047</b> | <b>63,711,047</b> | <b>(0)</b>                           |

# **ATTACHMENT B**

DISTRICT NAME Tucson Unified School District

COUNTY Pima

CTD 100201000

**Desegregation Activity/Magnet Programs  
A.R.S. §15-910(J)(3)(b) and (e)**

|    | Program Name   | Description (1)   | FY 2016 Student Capacity (2)   | FY 2015 Number Students Served (3)   | Districtwide (4) | Schools (5)       | Activity or Magnet Program (6) |
|----|--|---|--|--|------------------|-------------------|--------------------------------|
| 1. | Unitary Status Plan: Student Assignment                  | Activities and supplemental services to include transportation, supplies, materials, parental involvement, staff development, and additional personnel/staffing.  | 48,119   | 48,119   | Yes              | All Schools       | Activity                       |
| 2. | Unitary Status Plan: Student Assignment                  | There are two goals of each magnet program. First each magnet program will earn an AZLearns letter grade of an "A" or "B". Second, each school be integrated according to the formula prescribed by the Unitary Status Plan: "An integrated school is any school in which no racial or ethnic group varies from the district average for that grade level (Elementary School, Middle School, K-8, High School) by more than +/- 15 percentage points, and in which no single racial or ethnic group exceeds 70% of the schools enrollment) USP.II.B.2. For each school, there is no attendance criteria (outside of Governing Board Policy regarding attendance for all schools [JFB])and enrollment criteria is based upon seat availability. Students within the school boundary have preference with other seats being available via weighted lottery. For schools with no boundary (Dodge Middle Magnet School) all enrollment is based upon weighted lottery. See Attachment "A" below for additional information. | 16,354   | See Attachment A   | No               | See Attachment B2 | Magnet                         |
| 3. | Unitary Status Plan: Transportation                      | Provide transportation for the following :<br>1. Magnet students – students enrolled in magnet schools and programs<br>2. Incentive Students – open enrollment students from racially concentrated boundaries when such transfers increase the integration of the receiving school<br>3. ALE students – students participating in GATE programs or attending UHS<br>4. ABC students – students who were receiving transportation under the previous post-unitary status plan and are still attending the same school and reside at the same address.<br>5. Late Activity Buses – supports late activities – actual number of students is not available  | Transportation will be provided to all students who meet the criteria for each program | Magnet: 5,796<br>Incentive: 793<br>GATE: 807<br>UHS: 664<br>ABC: 1,006<br>Total: 9,066<br><br>35 buses for magnet and integrated schools | Yes              | All Schools       | Activity                       |
| 4. | Unitary Status Plan: Administrators & Certificated Staff | Activities concentrate on the outreach, recruitment, and retention; assignment; evaluation; professional support; and professional development of minority administrators and certificated staff  | n/a  | n/a  | Yes              | All Schools       | Activity                       |

DISTRICT NAME Tucson Unified School District

COUNTY Pima

CTD 100201000

**Desegregation Activity/Magnet Programs  
A.R.S. §15-910(J)(3)(b) and (e)**

| Program Name                                 | Description (1)  | FY 2016 Student Capacity (2) | FY 2015 Number Students Served (3) | Districtwide (4) | Schools (5) | Activity or Magnet Program (6) |
|--|--|------------------------------|------------------------------------|------------------|-------------|--------------------------------|
| 5. Unitary Status Plan: Quality of Education | Lau/OCR Activities: The goal of Lau activities is to bring TUSD into full compliance with the terms of the OCR Agreement #08955002-D. The purpose of the Agreement is to provide equal access to instruction for all English Language Learner (ELL) students enrolled in TUSD; assure that all ELL students are receiving equal access to the curriculum in two areas: 1) English language acquisition (ESL instruction) and 2) subject matter content (sheltered content instruction). The Agreement mandates several core areas of compliance: Identify ELLs, provide appropriate alternative language program placement for all ELLs, provide adequately trained and qualified teachers to teach ELLs, monitor progress of all ELLs to assure they acquire English and perform at grade level, provide interventions where necessary, and assure ELLs are not over-represented in special education programs or under-represented in enrichment programs. All ELL students are eligible for services; they are language-tested annually to determine their level of English proficiency - these efforts will be maintained through the state mandated 4 hour ELD program. | 4,671                        | 3,681                              | Yes              | All Schools | Activity                       |



DISTRICT NAME Tucson Unified School District

COUNTY Pima

CTD 100201000

**Desegregation Activity/Magnet Programs  
A.R.S. §15-910(J)(3)(b) and (e)**

| Program Name                                 | Description (1)   | FY 2016 Student Capacity (2) | FY 2015 Number Students Served (3) | Districtwide (4) | Schools (5) | Activity or Magnet Program (6) |
|--|---|------------------------------|------------------------------------|------------------|-------------|--------------------------------|
| 6. Unitary Status Plan: Quality of Education | <p>Office of English Language Acquisition Services (OLEAS): Specifically identified in the Unitary Status Plan to pursue an OLEAS-approved reading block extension to provide access to rigorous mainstream courses and address the literacy needs of ELLs.</p> <p>OELAS extension will no longer be recommended to pursue, due to the Arizona State Board of Education approving refinements to the 4 – Hour ELD block K-12. These refinements will allow flexibility within the 4-Hour ELD block that will no longer require us to pursue the OELAS extension. Elementary and self-contained middle schools will have the flexibility to provide ELD instruction to first year ELLs and all ELLs below the intermediate proficiency level using the English Language Proficiency (ELP) standards during a block of integrated reading, oral English conversation and vocabulary for 120 minutes. Another block of integrated writing and grammar for 120 minutes and up to 30 minutes of literacy intervention services with non-ELLs that may count towards the 4-hour requirement if those services meet the instructional needs of the ELL student.</p> <p>The other refinement will allow elementary and self-contained middle schools flexibility to integrate required instructional domains and reduce, up to 1 hour, the time required within the SEI Models for ELLs who demonstrate overall proficiency at the intermediate level on the Arizona English Language Learner Assessment (AZELLA) and are in at least their 2nd year of English language development (ELD) instruction. For those ELLs for whom flexibility is appropriate, ELD instruction using ELP standards may be delivered during in a block of integrated writing and grammar for 90 minutes and a block of integrated reading, oral English conversation and vocabulary for 90 minutes two "blocks", totaling 3 hours.</p> <p>At the Secondary level refinements will provide an option for ELD (English Language Development) teacher(s) and / or ELL Coordinators to reduce, up to 2 hours, the time required within the 4-Hour ELD block for ELLs who demonstrate overall proficiency at the intermediate level on the Arizona English Language Learner Assessment (AZELLA), and are in at least their 2nd year of English language development (ELD) instruction.</p> | n/a                          | n/a                                | Yes              | All Schools | Activity                       |
| 7. Unitary Status Plan: Quality of Education | <p>Exceptional Education: Activities ensure that African American and Latino students, including ELL students, are not being inappropriately referred, evaluated, or placed in exceptional education classes or programs.</p>   | n/a                          | 6,810                              | Yes              | n/a         | Activity                       |

DISTRICT NAME Tucson Unified School DistrictCOUNTY PimaCTD 100201000

**Desegregation Activity/Magnet Programs**  
**A.R.S. §15-910(J)(3)(b) and (e)**

|     | Program Name                              | Description (1)  | FY 2016 Student Capacity (2)  | FY 2015 Number Students Served (3) | Districtwide (4) | Schools (5)   | Activity or Magnet Program (6) |
|-----|---|--|---|------------------------------------|------------------|---|--------------------------------|
| 8.  | Unitary Status Plan: Quality of Education | Use same text as last year. Pull ALE appendix table V.G.1a – ALE by grade for other information re demographics if necessary. I would also refer them to another document for complete descriptions of each ALE. This information is elsewhere.  | Unrestricted access to all ALE's except for GATE and UHS that have qualification criteria for services. | 12,000                             | Yes              | At least one ALE is offered at every school   | Activity                       |
| 9.  | Unitary Status Plan: Quality of Education | Dual Language Programs: Activities concentrate on building and expanding TUSD's Dual Language programs in order to provide more students with opportunities to enroll in these programs.   | 2,500   | 2,408                              | Yes              | 10-02-01-191,10-02-01-131,10-02-01-233,10-02-01-523,10-02-01-311,10-02-01-595,10-02-01-527,10-02-01-431,10-02-01-449,10-02-01-630 | Activity                       |
| 10. | Unitary Status Plan: Quality of Education | Maintaining Inclusive School Environments: commitments to inclusion and non-discrimination in all District activities; develop students' intercultural proficiency; protect school communities from discriminatory harassment and bullying; formal complaint procedures; and inform students and parents of their right to file complaints.  | 48,500  | 48,364 (per 100 day count)         | Yes              | All Schools   | Activity                       |
| 11. | Unitary Status Plan: Quality of Education | Student Engagement and Support: Support services for African American and Latino students focusing on academic intervention, behavior support and dropout prevention; college mentoring programs; socially and culturally relevant learning experiences; when requested provide staff development and training in the area of culturally relevant/responsive practices; support for parents and community participation to improve educational outcomes. | 7,000   | 7,000                              | Yes              | All Schools   | Activity                       |
| 12. | Unitary Status Plan: Discipline           | Restorative Practices (RP) and Positive Behavioral Interventions and Supports (PBIS): TUSD will continue to strengthen implementation of the RP and PBIS comprehensive, school-wide activities to classroom management and student behavior. Activities include supplies, parental involvement, staff development, and additional personnel.   | 48,500  | 48,364 (per 100 day count)         | Yes              | All Schools   | Activity                       |

DISTRICT NAME Tucson Unified School DistrictCOUNTY PimaCTD 100201000

**Desegregation Activity/Magnet Programs  
A.R.S. §15-910(J)(3)(b) and (e)**

| Program Name   | Description (1)  | FY 2016 Student Capacity (2) | FY 2015 Number Students Served (3) | Districtwide (4) | Schools (5) | Activity or Magnet Program (6) |
|--|--|------------------------------|------------------------------------|------------------|-------------|--------------------------------|
| 13. Unitary Status Plan: Discipline                      | <p>The USP requires the District to and the GSRR: to limit exclusionary discipline; to require non-nondiscriminatory, fair, age-appropriate consequences; to provide opportunities for students to learn from their behavior and continue to participate in the school community; and to prohibit law enforcement officers and/or school safety officer involvement in low-level discipline.</p> <p>Although certain District policies set forth the procedural framework to be applied for suspensions and expulsions, the bulk of the Districts disciplinary policy is embedded in the student handbook, "Guidelines for Student Rights and Responsibilities" (GSRR). The GSRR categorizes various kinds of misconduct, assigns levels to each, and provides for a range of disciplinary options that may be permitted for student misconduct at each particular level. The GSRR also aligns the categories of misconduct to those required by the State of Arizona for reporting purposes.</p> <p>After the USP was adopted, the District undertook a start-to-finish reexamination of the GSRR to align it to the language and spirit of the Order. The evaluation focused primarily on the following objectives : (1) limiting exclusionary consequences to instances in which student misbehavior is ongoing and escalating, and the District has first attempted and documented the types of intervention(s) used in PBIS and/or Restorative Practices, as appropriate; (2) requiring the administration of consequences in a non-discriminatory, fair, age-appropriate, and proportionate manner; (3) requiring that consequences are paired with meaningful supportive guidance (e.g., constructive feedback and reteaching) to offer students an opportunity to learn from their behavior and continue to participate in the school community; and (4) ensuring that law enforcement (including School Resource Officers, and school safety personnel) are not involved in low-level student discipline.</p> | 47,983                       | 48,078                             | Yes              | All Schools | Activity                       |
| 14. Unitary Status Plan: Family and Community Engagement | <p>Family Resource Center workshops<br/>Registration Information<br/>Open enrollment /Magnet Programs<br/>College Transition support<br/>Student recognitions- celebrations<br/>Curriculum Nights<br/>Clothing Bank<br/>Positive Academic Behavior/GSRR<br/>Community Resources (Family Resource Centers at Duffy, Wakefield and Palo Verde campuses)</p>  | 48,066                       | 48,066                             | Yes              | All Schools | Activity                       |
| 15. Unitary Status Plan: Family and Community Engagement | <p>Translation and Interpretation Services: Activities include the continued translation and interpretation of any District documents or services.</p>   | n/a                          | n/a                                | Yes              | All Schools | Activity                       |

DISTRICT NAME Tucson Unified School DistrictCOUNTY PimaCTD 100201000

**Desegregation Activity/Magnet Programs  
A.R.S. §15-910(J)(3)(b) and (e)**

| Program Name   | Description (1)  | FY 2016 Student Capacity (2) | FY 2015 Number Students Served (3) | Districtwide (4) | Schools (5)  | Activity or Magnet Program (6) |
|--|--|------------------------------|------------------------------------|------------------|--|--------------------------------|
| 16. Unitary Status Plan: Extracurricular Activities      | Activities include providing equitable access to a wide range of extracurricular activities at each school for students and provide opportunities for interracial contact in positive settings of shared interest, including tutoring and fine arts. TUSD will provide transportation to support student participation in extracurricular activities.  | 48,119                       | 47,119                             | Yes              | All Schools  | Activity                       |
| 17. Unitary Status Plan: Facilities and Technology       | Activities include the development of a Facilities Conditions Index (FCI); an Educational Suitability Score (ESS); and a Technology Conditions Index (TCI). Based on the results of the assessments using the FCI, ESS, and TCI, the District will develop a multi-year plan for facilities repairs/improvements, and for technology enhancements/improvements.  | 47,959                       | 47,959                             | Yes              | All Schools  | Activity                       |
| 18. Unitary Status Plan: Accountability and Transparency | Evidence-Based Accountability: Activities include a review and analysis of the current capacity of the District's data collection and tracking systems, and employee training.   | 48,119                       | n/a                                | Yes              | All Schools  | Activity                       |
| 19. Unitary Status Plan: Accountability and Transparency | Budget: Activities include developing methodologies and processes for allocating desegregation funds to implement the Unitary Status Plan.   | n/a                          | n/a                                | Yes              | All Schools  | Activity                       |
| 20. Unitary Status Plan: Accountability and Transparency | The District shall provide notice and a request for approval (NARA) to the Court for (i) attendance boundary changes; (ii) changes to student assignment patterns; (iii) construction projects that will result in a change in student capacity of a school or significantly impact the nature of the facility such as creating or closing a magnet school or program; (iv) building or acquiring new schools; (v) proposals to close schools; and (vi) the purchase, lease and sale of District real estate. The District shall submit with each request for approval, a Desegregation Impact Analysis, ("DIA"), that will assess the impact of the requested action on the District's obligation to desegregate. | n/a                          | n/a                                | Yes              | NARAs submitted:<br>Sale of Fremont Ave property (no CTDS)<br>Sale of Fort Lowell School (10-02-01-221)<br>Grade expansion at Fruchthendler (10-02-01-225) and Sabino (10-02-01-645)<br>Additional Portables at Dietz (10-02-01-197) | Activity                       |
| 21. Unitary Status Plan: Accountability and Transparency | USP Web Page: Activities include creating a prominent link to a USP web page on the District's home page that serves as a resource by providing current information related to the various elements of the Plan.   | 50,758                       | n/a                                | Yes              | All Schools  | Activity                       |

- (1) Describe the details of each program, including the intent and/or goal to be attained. Be sure to include attendance and eligibility criteria, ethnic composition goals and actual attending ethnic composition. Activities of the program must be included. Even though all text may not display, field will hold in excess of 30,000 characters. Descriptions may be
- (2) Enter the capacity, in number of students who may participate in the program.

**DISTRICT NAME** Tucson Unified School District

**COUNTY** Pima

**CTD** 100201000

**Desegregation Activity/Magnet Programs  
A.R.S. §15-910(J)(3)(b) and (e)**

| Program Name | Description (1) | FY 2016<br>Student<br>Capacity (2) | FY 2015<br>Number<br>Students<br>Served (3) | Districtwide (4) | Schools (5) | Activity or<br>Magnet<br>Program (6) |
|--------------|-----------------|------------------------------------|---|------------------|-------------|--------------------------------------|
|--------------|-----------------|------------------------------------|---|------------------|-------------|--------------------------------------|

- (3) Enter the number of students served by each program in FY 2015.
- (4) Indicate if this program is offered in all schools in the district. Select from the drop down list.
- (5) If the program is not offered at all schools, list each school, by CTDS, at which the program is offered. Separate each CTDS with a comma. Even though all text may not display, field will hold in excess of 30,000 characters. Description may be copied and pasted into this cell.
- (6) Indicate if the item described is an activity [A.R.S. §15-910(J)(3)(b)] or a magnet program [A.R.S. §15-910(J)(3)(e)].

Preliminary

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| School        | GOAL         |             | Attending Ethnic Composition |      |      | Activities   | Capacity | Students Served | Offered In all Schools | CTDS      | Magnet Program           |
|---------------|--------------|-------------|------------------------------|------|------|--|----------|-----------------|------------------------|-----------|--------------------------|
|               | Met=Y        | Not Met=N   | W                            | AA   | H    |  |          |                 |                        |           |                          |
|               | Letter Grade | Integration |                              |      |      |  |          |                 |                        |           |                          |
| Bonillas      | N            | N           | 14.4                         | 4.9  | 74.7 | Elemntary K-5, Traditional theme.                                | 550      | 431             | No                     | 100201131 | A.R.S. §15-910(J)(3)(e). |
| Borton        | N            | Y           | 19.6                         | 6    | 65.1 | Elemntary K-5, Systems Thinking/Project Based                    | 210      | 464             | No                     | 100201143 | A.R.S. §15-910(J)(3)(e). |
| Booth Fickett | N            | Y           | 23.1                         | 10.5 | 56.4 | K-8, Math/Science theme.   | 1210     | 1259            | No                     | 100201510 | A.R.S. §15-910(J)(3)(e). |
| Carrillo      | Y            | N           | 7.8                          | 4.1  | 85.8 | Elemntary K-5, Communications Arts theme.                        | 390      | 298             | No                     | 100201161 | A.R.S. §15-910(J)(3)(e). |
| Cholla        | B            | N           | 7.2                          | 4.9  | 78.9 | High School, IB MYP, DP theme.                                   | 1650     | 1653            | No                     | 100201615 | A.R.S. §15-910(J)(3)(e). |
| Cragin        | N            | Y           | 24.6                         | 8.9  | 52.4 | Elemntary K-5, Performing Arts theme.                            | 510      | 370             | No                     | 100201179 | A.R.S. §15-910(J)(3)(e). |
| Davis         | Y            | N           | 10.7                         | 1.4  | 85.9 | Elemntary K-5, Dual Language theme.                              | 350      | 347             | No                     | 100201191 | A.R.S. §15-910(J)(3)(e). |
| Dodge         | Y            | Y           | 22.4                         | 3.2  | 65.7 | Middle 6-8, Traditional theme.                                   | 345      | 411             | No                     | 100201502 | A.R.S. §15-910(J)(3)(e). |
| Drachman      | Y            | N           | 7.8                          | 5.8  | 77.9 | Elemntary K-5, Montessori theme.                                 | 350      | 308             | No                     | 100201203 | A.R.S. §15-910(J)(3)(e). |
| Holladay      | N            | N           | 7.4                          | 14   | 71.7 | Elemntary K-5, Fine and Performing Arts theme.                   | 330      | 258             | No                     | 100201239 | A.R.S. §15-910(J)(3)(e). |
| Ochoa         | Y            | N           | 2.3                          | 0.5  | 85.6 | Elemntary K-5, Reggio Emilia Inspired theme.                     | 370      | 222             | No                     | 100201323 | A.R.S. §15-910(J)(3)(e). |
| Mansfeld      | N            | N           | 10.3                         | 4.7  | 77.5 | Middle 6-8, STEM theme.  | 810      | 766             | No                     | 100201520 | A.R.S. §15-910(J)(3)(e). |
| Palo Verde    | Y            | Y           | 26.5                         | 13.4 | 50.4 | High School, STEAM theme.  | 2070     | 989             | No                     | 100201620 | A.R.S. §15-910(J)(3)(e). |
| Pueblo        | N            | N           | 3.6                          | 1.4  | 90.2 | High School, Communication Arts theme.                           | 1900     | 1449            | No                     | 100201630 | A.R.S. §15-910(J)(3)(e). |
| Robison       | N            | N           | 8.8                          | 7.2  | 80.8 | Elemntary K-5, IB PYP theme.                                     | 430      | 375             | No                     | 100201353 | A.R.S. §15-910(J)(3)(e). |
| Roskruge      | Y            | N           | 4.2                          | 2.2  | 83.5 | K-8, Dual Language theme.  | 550      | 683             | No                     | 100201595 | A.R.S. §15-910(J)(3)(e). |
| Safford       | N            | N           | 7.2                          | 4.7  | 77.7 | K-8, IB PYP, IB MYP theme.                                       | 980      | 830             | No                     | 100201535 | A.R.S. §15-910(J)(3)(e). |
| Tucson High   | Y            | N           | 11.6                         | 4.2  | 77   | High School, Fine and Performing Arts theme and Natural Science. | 2900     | 3178            | No                     | 100201660 | A.R.S. §15-910(J)(3)(e). |
| Tully         | N            | N           | 8.9                          | 11.7 | 72   | Elemntary K-5, Traditional theme.                                | 390      | 393             | No                     | 100201419 | A.R.S. §15-910(J)(3)(e). |
| Utterback     | N            | N           | 6.3                          | 8.5  | 79.4 | Middle 6-8, Fine and Performing Arts theme.                      | 880      | 602             | No                     | 100201550 | A.R.S. §15-910(J)(3)(e). |

# **ATTACHMENT C**



**Tucson Unified School District**

Office of the Chief Financial Officer

Karla G. Soto

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DATE: July 7, 2015

TO: Arizona Department of Education

FROM: Karla Soto, Chief Financial Officer, Financial Services

RE: Desegregation Report for SY 2015-16, Item (d)

Tucson Unified School District increased property tax levies for desegregation expenses in the following years:

|          |          |          |
|----------|----------|----------|
| FY 07/08 | FY 95/96 | FY 88/89 |
| FY 01/02 | FY 94/95 | FY 87/88 |
| FY 00/01 | FY 93/94 | FY 85/86 |
| FY 99/00 | FY 92/93 | FY 84/85 |
| FY 98/99 | FY 91/92 | FY 83/84 |
| FY 97/98 | FY 90/91 |          |
| FY 96/97 | FY 89/90 |          |



# **ATTACHMENT D**



State of Arizona  
Department of Education

Tom Horne  
Superintendent of  
Public Instruction

May 1, 2009

**RE: Guidance on SEI Model implementation for 2009-2010**

**Dear Superintendents and Program Administrators:**

In September of 2006, the provisions of HB 2064 (Laws 2006, Chapter 4) became law. This bill affected the way English Language Learners (ELLs) were to be instructed throughout Arizona. The law required the creation of a Task Force to develop models of Structured English Immersion (SEI) to be adopted by school districts and charter schools. The SEI Models were adopted by the Task Force on September 15, 2007. School year 2008-2009 was the first year that school districts and charters were required to implement the SEI Models.

In preparation for school year 2009-1010, the Office of English Language Acquisition Services (OELAS) is herein providing guidance for the SEI Models' second year of implementation.

**NO EXEMPTIONS FROM FULL COMPLIANCE WITH SEI MODELS**

All schools, school districts and charter schools are expected to fully comply with all requirements of the English Language Learners Task Force and **fully implement** the provisions of the Models of Structured English Immersion (SEI) adopted by the ELL Task Force for the 2009-2010 school year.

A "good faith effort" will no longer be sufficient. Districts and charter holders must fully implement a compliant model.

The OELAS Division met with Arizona educators throughout the 2008-2009 school year. During the monitoring process, it was evident that some LEA administrators and teachers were under the mistaken impression that not qualifying for SEI funding meant that they would not have to comply with either state law or the provisions of the SEI Models. This is not true. All school districts and charters must comply with the laws and the SEI Models regardless of their allocation or non-allocation of monies from the SEI fund.

“Weighted B” funds for ELL are used as an offset and therefore are available for implementation of the models. The same is true for any offset of proportionate desegregation funding.

( Schools, school districts and charter schools are also expected to fully comply with the federal requirements of NCLB (P.L. #110-117), Title III. )

Pursuant to A.R.S. § 15-756.07 A.R.S. and § 15-756.08, the Office of English Language Acquisition Services (OELAS) will continue to monitor all school districts and charter schools for compliance with these state and federal laws.

### **MODEL REVISION (ILLP Expansion)**

The current version of the SEI Models is attached. This version reflects a change that was offered as an alternate model provision and approved by the Task Force on April 10, 2008. The change expanded the use of the Individualized Language Learning Plan (ILLP) as an instructional delivery method for English Language Development (ELD). Many schools with low numbers of ELL students were affected by this change.

### **NO NEW ALTERNATE MODEL ADOPTIONS**

No new alternate models provisions have been adopted by the Arizona ELL Task Force for the 2009-2010 school year.

### **SEI FUNDING FOR 2009-2010**

OELAS has not yet been notified by the State Legislature regarding the appropriation for the SEI fund for 2009-2010. An update will be provided as soon as this information becomes available.

Please note that in 2008-2009, the state legislature funded approved SEI applications utilizing **only** the offsets of Group-B weight and ELL-proportionate de-segregation funds. No federal funds were offset from the amount approved as incremental funding for implementing the SEI Models.

Also, please note that the Office of the Auditor General and the ADE School Finance Department have made changes to financial reporting documents that require the reporting of all incremental costs to implement the SEI models. Attached, please find a summary of the reporting guidelines.

### **CHANGE TO THE PHLOTE FORM**

Beginning on July 1, 2009, all school districts and charter schools will be required to use the revised PHLOTE form. The new form and instructions for administration will be available on the OELAS website soon.

### **REIMBURSEMENT FOR SEI TRAINING**

Schools should be aware that the three year period for reimbursement for SEI endorsement coursework is ending. The closing date for reimbursement is May 31, 2009.

### **ADMINISTRATOR LIABILITY**

Administrators are advised to review A.R.S. §15-754 which states:

*... Any school board member or other elected official or administrator who willfully and repeatedly refuses to implement the terms of this statute [A.R.S. 15-752 and 15-753] may be held personally liable for fees and actual and compensatory damages by the child's parents or legal guardian, and cannot be subsequently indemnified for such assessed damages by any public or private third party. Any individual found so liable shall be immediately removed from office, and shall be barred from holding any position of authority anywhere within the Arizona public school system for an additional period of five years."*

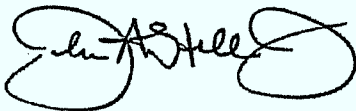
### **EVERYTHING YOU NEED TO KNOW TO BE COMPLIANT WITH THE SEI MODELS – A SEMINAR FOR PRINCIPALS AND SUPERINTENDENTS**

John A. Stollar, Jr., Associate Superintendent for Accountability has scheduled a seminar exclusively for principals and superintendents in order to provide them with the fundamental information needed to be compliant with the SEI Models. This seminar will present concise and targeted information for administrators so that they will understand the training received by their teachers and ELL coordinators, what they will be held accountable for in school year 2009-2010 and where they go for the critical information and training needed for successful implementation.

You will also receive updated information on the SEI budget, revisions to the English Language Proficiency Standards, important information on how ELL students are counted for funding purposes and how your data reporting affects your school labels.

The seminar will be held on Thursday, June 4, 2009 at the East Valley Institute of Technology (EVIT). The address is 1601 East Main Street, Mesa, Arizona. Please reserve a seat at this seminar by contacting Pat Scott at (602) 364-1927 or [pat.scott@azed.gov](mailto:pat.scott@azed.gov).

Sincerely,



**John A. Stollar, Jr.**  
Associate Superintendent for Accountability  
Office of English Language Acquisition Services

# **ATTACHMENT E**

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

|                               |   |                            |
|-------------------------------|---|----------------------------|
| ROY and JOSIE FISHER, et al., | ) |                            |
| Plaintiffs,                   | ) |                            |
|                               | ) |                            |
| UNITED STATES OF AMERICA,     | ) |                            |
| Plaintiff-Intervenor,         | ) |                            |
|                               | ) | No. CIV 74-90 TUC DCB      |
| vs.                           | ) | (lead case)                |
|                               | ) |                            |
| ANITA LOHR, et al.,           | ) |                            |
| Defendants,                   | ) |                            |
|                               | ) |                            |
| and                           | ) |                            |
|                               | ) | UNITARY STATUS PLAN        |
| SIDNEY L. SUTTON, et al.,     | ) |                            |
| Defendants-Intervenors.       | ) |                            |
|                               | ) | <hr/>                      |
|                               | ) |                            |
| MARIA MENDOZA, et al.,        | ) |                            |
| Plaintiffs,                   | ) |                            |
|                               | ) |                            |
| UNITED STATES OF AMERICA,     | ) |                            |
| Plaintiff-Intervenor,         | ) |                            |
|                               | ) |                            |
| vs.                           | ) |                            |
|                               | ) | No. CIV 74-204 (TUC) (DCB) |
| TUCSON UNIFIED SCHOOL         | ) | (consolidated case)        |
| DISTRICT NO. ONE, et al.,     | ) |                            |
| Defendants.                   | ) |                            |
| <hr/>                         | ) |                            |

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## I. INTRODUCTION

### A. Overview

The Fisher Plaintiffs, the Mendoza Plaintiffs, the United States (collectively, the “Plaintiffs”), and the Tucson Unified School District No. 1 (“TUSD,” or the “District”) (collectively, “the Parties”) enter into this Consent Order (“Order”) to resolve the longstanding desegregation case against the District. This Order consists of the Unitary Status Plan jointly proposed by the Parties, reached after months of negotiations.

### B. Procedural History

1. In May 1974, the National Association for the Advancement of Colored People (“NAACP”) sued the Tucson Unified School District No. 1 on behalf of the African American students in the District, charging the District with segregating and otherwise discriminating against its African American students (“Fisher Plaintiffs”). In October 1974, the Mexican American Legal Defense and Educational Fund (“MALDEF”) filed a later-consolidated lawsuit containing similar allegations on behalf of Mexican American students (“Mendoza Plaintiffs”). *Mendoza v. United States*, 623 F.2d 1338, 1341 (9th Cir. 1980), *cert. denied*, 450 U.S. 912 (1981); *Fisher v. Lohr*, CIV 74-90-TUC-WCF (D. Ariz.). In 1976, the United States intervened. The case was tried by this Court in January 1977, and Findings of Fact and Conclusions of Law were entered on June 4, 1978. The Parties subsequently reached a settlement, including a comprehensive desegregation plan that was filed with this Court, on August 11, 1978. The Stipulation of Settlement was approved by the Court by Order dated August 31, 1978.
2. On January 18, 2005, the District filed a Petition for Unitary Status, which this Court granted in April 2008, terminating court oversight pending acceptance of a Post-Unitary Status Plan (“PUSP”) “fashioned by a joint committee of the parties and experts.” September 14, 2011 Order (“Sept. 2011 Order”) at 2. On December 18, 2009, this Court approved the PUSP and ended federal judicial oversight of the District. The Plaintiffs appealed, and on July 19, 2011, the United States Court of Appeals for the Ninth Circuit reversed this Court’s decision, ordering continued jurisdiction by this Court until the District has met its burden to achieve unitary status. *See generally Fisher v. TUSD*, 652 F.3d 1131 (9th Cir. 2011).
3. On September 14, 2011, this Court ordered the appointment of a Special Master to develop a Unitary Status Plan (“USP” or “Plan”) for the District. Sept. 2011 Order at 3. On January 6, 2012, the Special Master was appointed and directed to work with the Parties on a plan containing “specific substantive programs and provisions to be implemented by the TUSD to address all outstanding *Green* factors and all other ancillary

factors.” January 6, 2012 Order Appointing Special Master (“Jan. 2012 Order”) at 5. This Order constitutes that Plan.<sup>1</sup>

### C. Legal Standard

1. “The duty and responsibility of a school district once segregated by law is to take all steps necessary to eliminate the vestiges of the unconstitutional *de jure* system.” *Freeman v. Pitts*, 503 U.S. 467, 485 (1992). A school district under a desegregation order is obligated to: (1) fully and satisfactorily comply with the court’s desegregation decree(s) for a reasonable period of time; (2) eliminate the vestiges of the prior *de jure* segregation to the extent practicable; and (3) demonstrate a good-faith commitment to the whole of the court’s decrees and to the applicable provisions of the law and the Constitution. *See id.* at 491-92; *Bd. of Educ. of Oklahoma City Pub. Sch., Indep. Sch. Dist. No. 89 v. Dowell*, 498 U.S. 237, 248-50 (1991). The affirmative duty to desegregate is a continuing responsibility, and “[p]art of the affirmative duty . . . is the obligation not to take any action that would impede the process of disestablishing the dual system and its effects.” *Dayton Bd. of Educ. v. Brinkman*, 443 U.S. 526, 537-38 (1979).
2. The measure of a school district’s progress toward unitary status “is the effectiveness, not the purpose,” of its actions. *Brinkman*, 443 U.S. at 537-38; *see also Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 25 (1971). A district must show both past compliance with its desegregation obligations and a commitment to the future operation of its school system in a nondiscriminatory manner. *See Dowell*, 498 U.S. at 247. To that end, a district must demonstrate its “affirmative commitment to comply in good faith with the entirety of a desegregation plan.” *Freeman*, 503 U.S. at 499.

### D. General Provisions

1. In addition to all specific reporting requirements identified herein, for all new or amended plans, policies, procedures, or other significant changes contemplated pursuant to this Order, the District shall solicit the input of the Special Master and the Plaintiffs and submit such items for review before they are put into practice or use. Unless otherwise stipulated by the Parties and/or agreed to by the Special Master, or otherwise specified in this Order, Plaintiffs shall review such items and each provide comments, as appropriate, to the District and the Special Master within thirty (30) days of receipt. The Special Master and the Parties shall work towards voluntary resolution of any disputes. If any disagreements cannot be resolved within thirty (30) days from the date Plaintiffs provide their comments to the District, the Special Master shall report such disagreements to the Court together with his recommendation concerning

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<sup>1</sup> Because this document is intended by the Parties as a consent order, it shall be referred to interchangeably as a Plan and an Order.

how the disagreement(s) should be resolved. The Special Master's report shall include as attachments all submissions made to him by the Parties with respect to the item(s) in issue. The Court may order additional briefing as it deems appropriate.

2. The District shall ensure that, in every data collection and analysis contemplated herein, student data shall be reported and disaggregated at minimum by race, ethnicity and where indicated, English language status. Unless otherwise specified, student enrollment data shall be reported as of the fortieth (40th) day of each school year and shall be reported to the Plaintiffs and the Special Master each school year by November 1 of that year.
3. Definitions are set forth in Appendix A.
4. All appendices to this Order are integral parts hereof and carry the same force as if they were included in the text.
5. The District's Annual Report shall be due on October 1 of each year for the pendency of this Order.
6. The Parties and the Special Master shall review all of the reporting requirements set forth in this Order, and to the extent appropriate, revise these requirements to facilitate the monitoring of the District's compliance with this Order and reporting to the Plaintiffs and the Special Master.
7. The Parties and the Special Master shall review all of the hiring, assignment and professional development deadlines and, to the extent appropriate, revise these deadlines to ensure the recruitment, hiring, and assignment of a strong pool of candidates, and the involvement of the newly hired and/or assigned employees in the creation of professional development plans. If the Parties and the Special Master cannot agree on revised time lines, the dispute shall be presented to the Court as set forth in Section I(D)(1).
8. The District, by and through the Superintendent or through other delegations of authority as appropriate, may establish the organizational relationships and lines of responsibility for the various offices and positions provided for in this Order, but the District may not eliminate any such offices or positions without seeking amendment to the Order through the Court.
9. The parties acknowledge that any data or information that includes personally identifiable student or personnel data will be provided by the District in accordance with applicable federal and state law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

## II. STUDENT ASSIGNMENT

### A. Overview

1. Students of all racial and ethnic backgrounds shall have the opportunity to attend an integrated school. The District shall use four strategies for assigning students to schools, to be developed by the District in consultation with the Plaintiffs and the Special Master: attendance boundaries; pairing and clustering of schools; magnet schools and programs; and open enrollment. The District shall develop and implement a coordinated process of student assignment incorporating all of these strategies, as appropriate.
2. The District shall continue to assign students to schools based on the attendance area in which the parents of the student reside. Parents may apply to a District school other than their child's attendance area school by completing a magnet or open enrollment application. Subject to possible school consolidations or closures or to any other changes contemplated herein, students may continue at the school in which they are currently enrolled from the effective date of this Order through the completion of the highest grade offered at that school.

### B. Definitions

1. Racially Concentrated School. A racially concentrated school is any school in which any racial or ethnic group exceeds 70% of the school's total enrollment, and any other school specifically defined as such by the Special Master in consultation with the Parties.
2. Integrated School. An integrated school is any school in which no racial or ethnic group varies from the district average for that grade level (Elementary School, Middle School, K-8, High School) by more than +/- 15 percentage points, and in which no single racial or ethnic group exceeds 70% of the school's enrollment.
3. Attached as Appendix C is a list of District schools with the enrollment of each school for the 2012-2013 school year, disaggregated by race and ethnicity, to provide information concerning which schools met the above definitions in the 2012-2013 school year.

### C. Student Assignment Personnel

1. Director of Student Assignment. By January 15, 2013, the District shall hire or designate a director-level employee who shall supervise the implementation of all student assignment strategies set forth in this Order. This employee shall coordinate all student assignment activities, working with the desegregation department and all other relevant departments and

schools, including but not limited to those involved with magnet schools and programs, open enrollment, transportation and facilities.

2. Magnet Strategy and Operations. The District shall hire or designate a director-level employee who shall be responsible for developing and implementing a comprehensive magnet school and program strategy for the District to enhance the integrative and educational quality of magnet schools and programs, and who shall periodically, at minimum on an annual basis, assess these schools and programs. The employee shall consult with magnet school experts, to be identified by the Parties and the Special Master by February 1, 2013, in the development and refinement of the magnet school strategy and Plan for the District (*see* Section (II)(E)(3)).

The District shall also hire or designate an individual or individuals to assist in the effective implementation and operation of the magnet schools and programs, including working with school-based personnel and developing and administering an admissions process to ensure integration of magnet schools and programs.

#### **D. Attendance Boundaries, Feeder Patterns, and Pairing and Clustering**

1. All schools in the District shall have an attendance boundary unless the District has specifically designated a school to have no attendance boundary.
2. The District shall review and/or redraw its attendance boundaries when it opens a new school; closes, repurposes or consolidates a school; alters the capacity of a school; or designates a school without an attendance boundary. The Parties anticipate that such changes may result in the redrawing of some attendance boundaries. When the District draws attendance boundaries, it shall consider the following criteria: (i) current and projected enrollment; (ii) capacity; (iii) compactness of the attendance area; (iv) physical barriers; (v) demographics (*i.e.*, race, ethnicity, growth projections, socioeconomic status); and (vi) effects on school integration. In applying these criteria, the District shall propose and evaluate various scenarios with, at minimum, the Plaintiffs and the Special Master in an effort to increase the integration of its schools.
3. By April 1, 2013, the District shall review its current attendance boundaries and feeder patterns and, as appropriate, amend such boundaries and patterns and/or provide for the pairing and/or clustering of schools to promote integration of the affected schools.
4. If a non-magnet school is oversubscribed for two or more consecutive years, the District shall review the attendance boundary for that school to determine if any changes should be made to ensure, among other things,

an appropriate balance between students who reside within the attendance boundary and students who applied through open enrollment to attend the school, and allow for pairing or clustering with nearby schools to better accommodate the demand for the oversubscribed school.

5. All attendance boundary and other changes to student assignment patterns shall be subject to the notice and request for approval process set forth in Section (X)(C).

#### **E. Magnet Programs**

1. The District shall continue to implement magnet schools and programs as a strategy for assigning students to schools and to provide students with the opportunity to attend an integrated school. A magnet school or program is one that: focuses on a magnet theme, such as a specific academic area, a particular career or a specialized learning environment; attracts students of diverse racial and ethnic backgrounds; and encourages students to choose a school other than their attendance boundary school to participate in the magnet theme offered at that program or school. Subject to its decisions, if any, to withdraw or relocate magnet school status or programs, the District shall allow all students currently enrolled in a magnet school or program to remain in that program until they complete the highest grade offered by that school.
2. The student assignment goal for all magnet schools and programs shall be to achieve the definition of an integrated school set forth above (*see* Section (II)(B)(2)). The District, through its Family Center(s) and other recruitment strategies set forth in this Order, shall recruit a racially and ethnically diverse student body to its magnet schools and programs to ensure that the schools are integrated to the greatest extent practicable.
3. Magnet School Plan. By April 1, 2013, the District shall develop and provide to the Plaintiffs and the Special Master a Magnet School Plan, taking into account the findings of the 2011 Magnet School Study and ensuring that this Plan aligns with its other student assignment strategies and recruitment efforts. In creating the Plan, the District shall, at a minimum: (i) consider how, whether, and where to add new sites to replicate successful programs and/or add new magnet themes and additional dual language programs,<sup>2</sup> focusing on which geographic area(s) of the District are best suited for new programs to assist the District in meeting its desegregation obligations; (ii) improve existing magnet schools and programs that are not promoting integration and/or educational quality; (iii) consider changes to magnet schools or programs

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<sup>2</sup> At present, the following campuses have Dual Language programs: Davis Bilingual Magnet School, Grijalva Elementary School, Hollinger Elementary School, Manzo Elementary School, McCorkle Pre-K-8, Mission View Elementary School, Pistor Middle School, Pueblo Magnet High School, Roskruge K-8 Magnet School, Wakefield Middle School, and White Elementary School.



that are not promoting integration and/or educational quality, including withdrawal of magnet status; (iv) determine if each magnet school or school with a magnet program shall have an attendance boundary; (v) determine admissions priorities/criteria for each magnet school or program and a process for review of those criteria; and (vi) ensure that administrators and certificated staff in magnet schools and programs have the expertise and training necessary to ensure successful implementation of the magnet.

Pursuant to these considerations, the Magnet School Plan shall, at a minimum, set forth a process and schedule to: (vii) make changes to the theme(s), programs, boundaries, and admissions criteria for existing magnet schools and programs in conformity with the Plan's findings, including developing a process and criteria for significantly changing, withdrawing magnet status from, or closing magnet schools or programs, that are not promoting integration or educational quality; (viii) add additional magnet schools and/or programs for the 2013-2014 school year as feasible and for the 2014-2015 school year that will promote integration and educational quality within the District, including increasing the number of dual language programs; (ix) provide necessary training and resources to magnet school and program administrators and certificated staff; (x) include strategies to specifically engage African American and Latino families, including the families of English language learner ("ELL") students; and (xi) identify goals to further the integration of each magnet school which shall be used to assess the effectiveness of efforts to enhance integration at the school.

4. The District shall, to the extent practicable, implement elements of the Plan in the 2013-2014 school year, and shall fully implement the Plan in the 2014-2015 school year.
5. Federal Magnet School Funding. It is the understanding of the Parties that, should federal magnet school funding pursuant to the Magnet Schools Assistance Program ("MSAP") become available to assist school districts to implement magnet schools and programs for the 2013-2014 through the 2016-2017 school years, the District shall apply for MSAP funding to assist it in implementing the Magnet School Plan required by this Order.

#### **F. Open Enrollment**

1. Any District student may apply to attend any school, pursuant to the process set forth in Section (G) below. The goal of the open enrollment process is to provide educational choices to families throughout the District, while enhancing the integration of the District's schools.



**G. Application and Selection Process for Magnet Schools and Programs and for Open Enrollment**

1. Application. Beginning in the 2013-2014 school year, parent(s) of all students shall submit an application to enroll their child in school and submit an application by the deadline established by the District (the “Application Deadline”). Parents of students who wish to attend a school other than their attendance boundary school and/or to attend a magnet school or program must indicate these choice(s) on their application. The District shall create a single application that allows for parent(s) to apply for magnet programs and schools and/or open enrollment schools, designating the choice order of their selection(s). The District shall allow parent(s) to submit such applications at all District schools, at the District Office, at the Family Center(s), and online. If there are fewer applications for a grade in an open enrollment school or in a magnet school or program than there are available seats in that grade and program, the District shall admit all students whose parent(s) submit an application for that grade and/or program by the Application Deadline.
2. Oversubscribed Schools.
  - a. Magnet schools/programs. The District shall, as part of the Magnet School Plan, develop an admissions process – *i.e.*, weighted lottery, admission priorities – for oversubscribed magnet schools and programs that takes account of the following criteria:
    - Students residing within a designated preference area. (No more than 50% of the seats available shall be provided on this basis.)
    - Siblings of students currently attending the magnet school or program.
    - Any students from Racially Concentrated Schools, whose enrollment will enhance integration at the magnet school or program.
    - Students residing in the District.
  - b. Open enrollment schools. All students who reside within the school’s attendance boundary shall be admitted. If space then remains in the school or program and it is oversubscribed, the District shall develop an admissions process – *i.e.*, weighted lottery, admission priorities – for oversubscribed schools and programs that takes account of the following criteria:
    - Siblings of students currently attending the school.

- Students from Racially Concentrated schools, whose enrollment will enhance integration at the receiving school.
- Students who enhance integration at the receiving school.

#### **H. Transfers and Inter-District Enrollment**

1. During the 2012-2013 school year, the District shall track transfers of any District students to and from District schools, charters, private schools, home schooling and public school districts outside of the District. This data shall be compiled and presented to the Parties and the Special Master by February 1, 2013. The Parties shall, no later than March 1, 2013, propose and discuss options to address the impact, if any, of such transfers on the District's desegregation obligations.

#### **I. Outreach and Recruitment**

1. By April 1, 2013, the District shall review and revise its strategies for the marketing to and recruitment of students to District schools to provide information to African American and Latino families and community members throughout the District about the educational options available in the District. These revised strategies shall include, but not be limited to:
  - a. Holding marketing and recruitment fairs for students and parents in several geographically diverse District locations;
  - b. Creating or amending an informational guide describing offerings at each school site. The guide shall be distributed via mail and email to all District families; posted on the website in all Major Languages; and available in hard copy at all school sites, the Family Center(s), and the District Office;
  - c. Pursuant to Section (VII), developing Family Center(s) to assist with enrollment, attendance, and program questions and concerns;
  - d. Engaging with community groups to share information and involve local stakeholder organizations in the enrollment process, as coordinated through the director of student assignment and the family engagement coordinator pursuant to Section (VII);
  - e. Hiring or contracting for appropriate technology to manage the assignment process; and
  - f. Developing a web-based interface for families to learn about schools and submit application(s) online.

The District shall disseminate this information in all Major Languages through Family Center(s), the District's website and other media as appropriate.

2. By April 1, 2013, as more fully set forth below in Section (VII), the District shall develop a plan to expand its existing Family Center(s) and/or develop new one(s).

**J. Professional Development**

1. By October 1 of the 2013-2014 school year, the District shall ensure that all administrators, certificated staff, and any other staff involved in the student assignment and/or enrollment process receive training on the new student assignment process and procedures, and other pertinent terms of this Order and their purpose. Such training shall be specific to the roles and obligations of the specific group of administrators or staff being trained. All newly-hired District personnel involved in the student assignment and/or enrollment process shall complete the training by the beginning of the fall semester of the academic year subsequent to the academic year during which they were hired.

**K. Reporting**

1. The District shall provide, as part of its Annual Report:
  - a. A disaggregated list or table with the number and percentage of students at each school and District-wide, comparable to the data at Appendix C;
  - b. Disaggregated lists or tables of all students attending schools other than their attendance boundary schools, by grade, sending school and receiving school, and whether such enrollment is pursuant to open enrollment or to magnet programs or schools;
  - c. Copies of all job descriptions and explanations of responsibilities for all persons hired or assigned to fulfill the requirements of this Section, identified by name, job title, previous job title (if appropriate), others considered for the position, and credentials;
  - d. A copy of the 2011 and any subsequent Magnet School Studies;
  - e. A copy of the Magnet School Plan, including specific details regarding any new, amended, closed or relocated magnet schools or programs and all schools or programs from which magnet status has been withdrawn, copies of the admissions process developed for oversubscribed magnet schools and programs, and a description of the status of the Plan's implementation;

- f. Copies of any plans for improvement for magnet schools or programs developed by the District pursuant to this Order;
- g. Copies of any applications submitted to the Magnet Schools Assistance Program;
- h. A copy of the admissions process developed for oversubscribed schools;
- i. Copies of all informational guides developed pursuant to the requirements of this Section, in the District's Major Languages;
- j. A copy of the enrollment application pursuant to the requirements of this Section, in the District's Major Languages;
- k. A copy of any description(s) of software purchased and/or used to manage the student assignment process;
- l. A copy of the data tracked pursuant to the requirements of this Section regarding intra-District student transfers and transfers to and from charters, private schools, home schooling and public school districts outside of the District;
- m. A copy of the outreach and recruitment plan developed pursuant to the requirements of this Section;
- n. Any written policies or practices amended pursuant to the requirements of this Section;
- o. A link to all web-based materials and interfaces developed pursuant to the requirements of this Section; and
- p. A list or table of all formal professional development opportunities offered in the District over the preceding year pursuant to the requirements of this Section, by opportunity description, location held, and number of personnel who attended by position.

### **III. TRANSPORTATION**

#### **A. General Provisions**

- 1. The District shall utilize transportation services as a critical component of the integration of its schools.
- 2. The District shall make decisions concerning the availability of transportation services, including, but not limited to, transportation services to support student participation in extracurricular activities, in a manner that promotes the attendance of District students at integrated and

magnet schools and programs. District transportation administrators shall be included in planning and monitoring activities related to student assignment and integration.

3. The District shall provide free transportation, except as provided in Paragraph (4) below, to: (a) District students enrolled in magnet programs and schools; and (b) District students enrolled in non-magnet programs and schools that are racially concentrated when such transfers increase the integration of the receiving school. Such transportation may be provided by District vehicles or by public transportation vouchers, whichever is appropriate.
4. The District shall not be required to provide free transportation to students who live within the “walking zone” of the school in which they are enrolled, subject to exceptions set forth in the District’s Transportation Policy EEA.
5. The District shall provide prospective and enrolled families with information regarding the availability of free transportation at school sites, at the Family Center(s), at the District Office, and on the website.
6. If the District contracts with a private party for the provision of transportation services, the District shall not permit the private party to discriminate on the basis of race or ethnicity in the provision of any of the services that the private party provides.

**B. Monitoring**

1. By July 1, 2013, the District shall identify and implement any changes necessary to enable it to include the transportation each student receives in each student’s data dashboard entry.

**C. Reporting**

1. The District shall include data in its Annual Report regarding student use of transportation, disaggregated by school attended and grade level (elementary, middle, and high school).

**IV. ADMINISTRATORS AND CERTIFICATED STAFF**

**A. Overview**

1. The District shall seek to enhance the racial and ethnic diversity of its administrators and certificated staff through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures.

**B. Personnel**

1. The District shall hire or designate an individual in the human resources department who shall coordinate and review the District's outreach, recruitment, hiring, assignment and retention efforts and any reductions in force. It is anticipated that this individual shall work in conjunction with the District personnel recruiter, the director of human resources, the director of desegregation and other District personnel who are responsible for the District's personnel management. This individual shall regularly review the applicant pool to ensure that African American and Latino candidates, candidates with demonstrated success in engaging African American and Latino students, and candidates with Spanish language bilingual certifications, are included and being considered for selection by school sites and at the District level.
2. By April 1, 2013, the District shall hire or designate a director-level employee to coordinate personnel recruitment efforts. This employee shall coordinate with the employee in the human resources department designated in Paragraph (1) above and shall be responsible for: (a) managing the development of the recruitment plan with the recruitment team, and (b) organizing and monitoring District recruitment efforts pursuant to the requirements of this Section.
3. By April 1, 2013, the District shall hire or designate a director-level employee to coordinate professional development and support efforts. This employee shall work in conjunction with the individual responsible for coordinating culturally responsive pedagogy and instruction and other District personnel as appropriate to develop and implement the professional development and support efforts contemplated in this Order. This employee shall be responsible for: (a) hiring or designating appropriate trainers for professional development opportunities; (b) ensuring that all required professional development is available at multiple times and in diverse geographic locations across the District; (c) coordinating and/or providing all District-level professional development; (d) assisting school sites in ensuring that all administrators and certificated staff receive required and necessary professional development; (e) managing the continued development of the New Teacher Induction Program, including organizing the hiring or designation of Mentors and their assignment to school site(s); (f) developing and implementing the support program for underperforming and/or struggling teachers; and (g) developing and implementing the leadership program for African American and Latino administrators.

**C. Outreach and Recruitment**

1. The District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis.

2. The District has hired an outside expert to undertake a Labor Market Analysis to determine the expected number of African American and Latino administrators and certificated staff in the District, based on the number of African American and Latino administrators and certificated staff in the State of Arizona, in a four-state region, a six-state region and the United States.
3. By April 1, 2013, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.
  - a. The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:
    - i. Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities ("HBCUs"), through the Hispanic Association of Colleges and Universities ("HACU"), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students, including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;
    - ii. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;



- iii. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
- iv. Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
- v. Encourage and provide support for African American and Latino non-certificated staff (*e.g.*, paraprofessionals) who are interested in pursuing certification.

#### **D. Hiring**

1. The District shall ensure that interview committees for the hiring of administrators and certificated staff include African American and/or Latino members. For school site-level hiring, the principal shall submit to the District human resources department the names and race/ethnicity of the members of each interview panel. For District-level hiring, the individual who selects the hiring panel shall also submit this information to the District human resources department.
2. The District shall maintain a centralized electronic database of all applicants for administrative and certificated staff positions, including each applicant's name, race and ethnicity (as provided by the applicant), highest degree attained, and all certifications (*e.g.*, bilingual certification, special education certification), and shall maintain each applicant's information in the database for a period of at least three years, unless the applicant requests that his or her application be withdrawn. The District shall maintain an active certificated staff and administrator pool and shall encourage applicants to apply for individual positions and to apply for the pool. All applicants in the pool shall be considered for all available vacancies for which they qualify.
3. Each interview committee, at both the site level and district level, shall utilize a standard interview instrument with core uniform questions to be asked of each candidate that applies for that position and a scoring rubric.
4. The District shall identify why individuals who are offered positions do not accept them, to the extent such applicants respond to such post-offer inquiries.



**E. Assignment of Administrators and Certificated Staff**

1. All District schools shall seek to have a racially and ethnically diverse staff. The District shall track and report information on school-based administrators and certificated staff by race and ethnicity (as provided by the employee). Attached as Appendix D is data setting forth the racial/ethnic composition of TUSD teachers and principals by school level for the 2009-2012 school years.
2. The District shall identify significant disparities (*i.e.*, more than a 15 percentage point variance) between the percentage of African American or Latino certificated staff or administrators at an individual school and district-wide percentages for schools at the comparable grade level (Elementary School, Middle School, K-8, High School). The assessment of significant disparities shall also take into account the percentage of African American and Latino students on each school campus. The District shall assess the reason(s) for the disparities and shall review and address, to the extent relevant and practicable, its hiring and assignment practices, including enforcing hiring policies and providing additional targeted training to staff members involved in hiring and assignment.
3. To address any disparities as identified pursuant to Section (IV)(E)(2) above, or to address resource needs at a particular campus (*e.g.*, voluntary reassignment of bilingual personnel to campuses with increased numbers of ELL students or to dual language programs), the District may also reassign personnel between schools. To facilitate such reassignments, the District shall notify all current certificated staff at every school in the District of the opportunity to apply to voluntarily transfer as described in this section. The District shall give all interested personnel a reasonable period in which to apply for a transfer. The District shall include these voluntary transfer applications in every pool of candidates submitted to each school to the extent they are qualified personnel whose transfer would enhance the racial and ethnic diversity of the certificated staff at the school.
4. The District shall make efforts to assign and attract a diverse administrative team to any school with more than one site-based administrator. Such administrators shall be selected from a pool that includes African American and/or Latino candidates.
5. Through the human resources department coordinator identified in Section (IV)(B)(1) above, the District shall make efforts to increase the number of experienced teachers and reduce the number of beginning teachers hired by Racially Concentrated schools or schools in which students are achieving at or below the District average in scores on state tests or other relevant measures of academic performance, and to avoid assigning first-year principals to Racially Concentrated schools or schools serving

students who are achieving below the District average in scores on state tests or other relevant measures of academic performance. Exceptions to this provision may be permitted by the Superintendent on a case-by-case basis.

6. By July 1, 2013, the District shall develop a pilot plan to support first-year teachers serving in schools where student achievement is below the District average. This plan shall include the criteria for identifying the schools in which the program will be piloted in the 2013-2014 school year and for evaluation by the Office of Accountability and Research. The plan shall include professional development targeted toward the specific challenges these teachers face.

#### **F. Retention**

1. The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:
  - a. Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;
  - b. Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers' overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and
  - c. Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (*e.g.*, ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.<sup>3</sup>

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<sup>3</sup> This shall refer to individuals hired pursuant to Sections (II), (IV), (V), (VI), and (VII).

**G. Reductions in Force<sup>4</sup>**

1. By February 1, 2013, the District shall develop a plan (“RIF Plan”) which takes into account the District’s desegregation obligations for any reductions in force (“RIF”) or other employment actions requiring the dismissal of administrators and/or certificated staff members who have been hired to fulfill a need specifically identified in this Order.<sup>5</sup> The RIF Plan, and any future modifications, shall be communicated to all personnel in writing and posted on the District’s website. No reductions in force may take place sooner than 30 days after the RIF Plan is communicated to all personnel. If reductions in force are necessary before February 1, 2013, due to school closures or other significant changes in schools’ capacities, the District shall communicate informally regarding the substance of the new RIF Plan to administrators and certificated staff members before any such RIFs take place.
2. Administrators and certificated staff members who have been hired to fulfill a need specifically identified in this Order<sup>6</sup> and who are meeting performance and conduct standards shall not be subject to a RIF for at least three full school years after they have been hired. Principals who are selecting candidates for RIFs shall consider administrators and certificated staff members’ evaluations in making their selections.
3. After a reduction in force, the District shall place the names of those administrators and certificated staff who have been subject to RIF and who wish to be considered for reemployment in the District on a list of candidates for future employment. In the event that the District has future job openings, it shall review this list and determine whether these administrators or certificated staff are qualified for the vacant positions. If so, the District shall contact them to determine if they are interested in the position, and if so, the District shall place them in the pool of job candidates.<sup>7</sup>
4. No vacancy created as a result of the RIF of an African American or Latino administrator or certificated staff member may be filled until such displaced administrator or certificated staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.
5. The District shall ensure that any reductions in force or employment actions requiring the demotion or dismissal of administrators or

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<sup>4</sup> The provisions of this Section do not apply to persons dismissed for cause.

<sup>5</sup> This shall refer to individuals hired pursuant to Sections (II), (IV), (V), (VI), and (VII).

<sup>6</sup> This shall refer to individuals hired pursuant to Sections (II), (IV), (V), (VI), and (VII).

<sup>7</sup> This provision shall not be interpreted or applied to provide lesser rights than certificated staff members or administrators may have pursuant to separate agreements with the District.

certificated staff shall not be made due to the race or ethnicity of the demoted or dismissed individual.

## **H. Evaluation**

1. By July 1, 2013, the District shall review, amend as appropriate, and adopt teacher and principal evaluation instruments to ensure that such evaluations, in addition to requirements of State law and other measures the District deems appropriate, give adequate weight to: (i) an assessment of (I) teacher efforts to include, engage, and support students from diverse racial, ethnic, cultural, and linguistic backgrounds using culturally responsive pedagogy and (II) efforts by principals to create school conditions, processes, and practices that support learning for racially, ethnically, culturally and linguistically diverse students; (ii) teacher and principal use of classroom and school-level data to improve student outcomes, target interventions, and perform self-monitoring; and (iii) aggregated responses from student and teacher surveys to be developed by the District, protecting the anonymity of survey respondents. These elements shall be included in any future teacher and principal evaluation instruments that may be implemented. All teachers and principals shall be evaluated using the same instruments, as appropriate to their position.

## **I. Professional Support**

1. By July 1, 2013, the District shall amend its New Teacher Induction Program (“NTIP”) to provide new teachers (*i.e.*, teachers in their first two years of teaching) with the foundation to become effective educators. The NTIP shall, at a minimum: (a) build beginning teachers’ capacity to be reflective and collaborative members of their professional learning communities (*see* Paragraph 4 below); and (b) engage thoughtfully with students from diverse racial, ethnic, cultural, and linguistic backgrounds using culturally responsive pedagogy. The District shall hire or designate an appropriate number of New Teacher Mentors based on the best practices for such mentoring/coaching in the field. These Mentors shall not have direct teaching assignments.
2. By July 1, 2013, the District shall develop a plan for and implement strategies to support underperforming or struggling teachers regardless of their length of service. Teachers shall be referred to the program by school- or District-level administrators based on evidence (*e.g.*, from student surveys, administrator observations, discipline referrals, and/or annual evaluations) that the teacher requires additional professional development and mentor support. The support program shall utilize research-based practices such as those embodied in Peer Assistance and Review programs.

3. By July 1, 2013, the District shall develop and implement a plan for the identification and development of prospective administrative leaders, specifically designed to increase the number of African American and Latino principals, assistant principals, and District Office administrators. The plan shall propose methods for “growing your own,” including the possibility of financial support to enable current African American and Latino employees to receive the required certifications and educational degrees needed for such promotions.
4. Commencing no later than October 1, 2013, the District shall provide appropriate training for all school site principals to build and foster professional learning communities (“PLCs”) among teachers at their schools so that effective teaching methods may be developed and shared. This training shall include strategies to: (a) build regular structured time into teachers’ schedules to co-plan and collaborate, observe each other's classrooms and teaching methods, and provide constructive feedback so that best practices for student success can be shared; (b) develop within- and across-school networks to encourage teachers with experience and success in using culturally responsive pedagogy to engage students to mentor and coach their peer teachers; (c) engage in collaborative problem solving based on analyses of student performance; and (d) encourage and provide space, resources, and support for constructive student-teacher, teacher-teacher, and teacher-family interactions.

**J. Professional Development**

1. By April 1, 2013, the District shall develop a plan to ensure that all administrators and certificated staff are provided with copies of this Order and are trained on its elements and requirements prior to the commencement of the 2013-2014 school year.
2. By June 1, 2013, the District shall designate, hire, or contract for appropriate trainers for all certificated staff, administrators and paraprofessionals to provide the professional development necessary to effectively implement the pertinent terms of this Order. These trainers shall work in conjunction with the District’s director of culturally responsive pedagogy and instruction and coordinator of professional development to develop appropriate trainings, and shall conduct these professional development sessions throughout the 2013-2014 school year and thereafter. All newly-hired or promoted certificated staff, administrators and paraprofessionals in the District, or individuals who did not attend the first session(s) of professional development described here, shall do so the next time the trainings are held, or in the beginning of the fall semester of the academic year subsequent to the academic year during which they were hired or promoted or missed such training, whichever is sooner. At that time such personnel also shall receive a copy of this Order and the training referenced above (*see* Paragraph 1 above).

3. The District shall ensure that all administrators, certificated staff, and paraprofessionals receive ongoing professional development, organized through the director of culturally responsive pedagogy and instruction and the coordinator of professional development, that includes the following elements:
  - a. The District's prohibitions on discrimination or retaliation on the basis of race and ethnicity;
  - b. Practical and research-based strategies in the areas of: (i) classroom and non-classroom expectations; (ii) changes to professional evaluations; (iii) engaging students utilizing culturally responsive pedagogy, including understanding how culturally responsive materials and lessons improve students' academic and subject matter skills by increasing the appeal of the tools of instruction and helping them build analytic capacity; (iv) proactive approaches to student access to ALEs; (v) the District's behavioral and discipline systems, including Restorative Practices, Positive Behavior Interventions and Supports, and amendments to the Guidelines for Student Rights and Responsibilities; (vi) recording, collecting, analyzing, and utilizing data to monitor student academic and behavioral progress, including specific training on the inputting, accessing, and otherwise using the District's existing and amended data system(s); (vii) working with students with diverse needs, including ELL students and developing a district-wide professional development plan for all educators working with ELL students; and (viii) providing clear, concrete, and accessible strategies for applying tools gained in professional development to classroom and school management, including methods for reaching out to network(s) of identified colleagues, mentors, and professional supporters to assist in thoughtful decision-making; and
  - c. Any other training contemplated herein.

This professional development shall be offered on a regular basis, both integrated into instructional days and in dedicated professional development time during the summer or school year, as appropriate.

4. For administrators and certificated staff identified pursuant to their evaluations as in need of improvement, the District shall provide additional targeted professional development designed to enhance the expertise of these personnel in the identified area(s) of need.
5. The District shall provide all personnel involved in any part of the hiring process with annual training on diversity, the competitive hiring process, the District's non-discrimination policies, state and federal non-

discrimination law (including EEOC guidelines), the District's recruitment plan, and use of the District's interview protocols. Such training shall be in addition to each such employee's annual professional development requirement.

6. Through the director of culturally responsive pedagogy and instruction, the District shall facilitate opportunities for administrators and certificated staff who consistently demonstrate best practices in their classrooms or schools to coach, mentor, and collaborate with their peers and provide opportunities for other personnel to observe these best practices.

## **K. Reporting**

1. The District shall provide, as part of its Annual Report:
  - a. Copies of all job descriptions and explanations of responsibilities for all persons hired or assigned to fulfill the requirements of this Section, identified by name, job title, previous job title (if appropriate), others considered for the position, and credentials;
  - b. A copy of the Labor Market Analysis, and any subsequent similar studies;
  - c. A copy of the recruitment plan and any related materials;
  - d. The following data and information, disaggregated by race and ethnicity:
    - i. For all administrator and certificated staff vacancies advertised and/or filled immediately prior to and during the preceding school year, a report identifying the school at which the vacancy occurred; date of vacancy; position to be filled (*e.g.*, high school math teacher, second grade teacher, principal, etc.); number of applicants; number of applicants interviewed, by race (where given by applicant); date position was filled; person selected; and for any vacancy that was not filled, the reason(s) the position was not filled;
    - ii. Lists or tables of interview committee participants for each open position, by position title and school site;
    - iii. Lists or tables of all administrators and certificated staff delineated by position, school, grade level, date hired, and total years of experience (including experience in other districts), and all active certifications, with summary tables for each school and comparisons to District-wide figures;



- iv. Lists or tables of administrators or certificated staff who chose voluntary reassignment, by old and new position; and
- v. Lists or tables of administrators and certificated staff subject to a reduction in force, by prior position and outcome (*i.e.*, new position or dismissal);
- e. Copies of the District's interview instruments for each position type and scoring rubrics;
- f. Any aggregated information regarding why individuals offered positions in the District chose not to accept them, reported in a manner that conforms to relevant privacy protections;
- g. The results of the evaluation of disparities in hiring and assignment, as set forth above, and any plans or corrective action taken by the District;
- h. A copy of the pilot plan to support first year teachers developed pursuant to the requirements of this Section;
- i. As contemplated in (IV)(F)(1)(a), a copy of the District's retention evaluation(s), a copy of any assessments required in response to the evaluation(s), and a copy of any remedial plan(s) developed to address the identified issues;
- j. As contemplated in (IV)(F)(1)(b), copies of the teacher survey instrument and a summary of the results of such survey(s);
- k. Descriptions of the findings of the biannual focus groups contemplated in (IV)(F)(1)(c);
- l. A copy of the RIF plan contemplated in (IV)(G)(1);
- m. Copies of the teacher and principal evaluation instruments and summary data from the student surveys contemplated in (IV)(H)(1);
- n. A description of the New Teacher Induction Program, including a list or table of the participating teachers and Mentors by race, ethnicity, and school site;
- o. A description of the teacher support program contemplated in (IV)(I)(2), including aggregate data regarding the numbers and race or ethnicity of teachers participating in the program;
- p. A copy of the leadership plan to develop African American and Latino administrators; and



- q. For all training and professional development provided by the District pursuant to this section, information on the type of opportunity, location held, number of personnel who attended by position; presenter(s), training outline or presentation, and any documents distributed.

## V. QUALITY OF EDUCATION

### A. Access to and Support in Advanced Learning Experiences

1. Overview. The purpose of this section shall be to improve the academic achievement of African American and Latino students in the District and to ensure that African American and Latino students have equal access to the District's Advanced Learning Experiences.
2. General Provisions.
  - a. By April 1, 2013, the District shall hire or designate a District Office employee to be the Coordinator of Advanced Learning Experiences ("ALEs"). ALEs shall include Gifted and Talented ("GATE") programs, Advanced Academic Courses ("AACs"), and University High School ("UHS"). AACs shall include Pre-Advanced Placement ("Pre-AP") courses, which were formerly referred to as "Honors," "Accelerated," or "Advanced," and any middle school course offered for high school credit; Advanced Placement ("AP") courses; Dual-Credit courses; and International Baccalaureate ("IB") courses. The ALE Coordinator shall have responsibility for: reviewing and assessing the District's existing ALEs, developing an ALE Access and Recruitment Plan, assisting appropriate District departments and schools sites with the implementation of the ALE Access and Recruitment Plan, and developing annual goals, in collaboration with relevant staff, for progress to be made in improving access for African American and Latino students, including ELL students, to all ALE programs. These goals shall be shared with the Plaintiffs and the Special Master and shall be used by the District to evaluate effectiveness.
  - b. By July 1, 2013, the ALE Coordinator shall complete an assessment of existing ALE programs, resources, and practices in the District and by school site. This assessment shall include: (i) a review of the ALEs offered at each school; the number of students enrolled in each ALE program at each school (disaggregated by grade level, race, ethnicity, ELL status); and the resources available in each school for ALEs (*e.g.*, part-time or full-time personnel assigned, annual budget); and (ii) a determination of what, if any, gaps in ALE access exist and what, if any, barriers there are for students at each school site to enroll in and

successfully complete ALEs offered at each school site. The assessment shall include an analysis of the data and information gathered and findings, including whether African American and Latino students, including ELL students, have equitable access to ALEs, and recommendations resulting from the analysis, including recommendations regarding additional data that the District's data system should gather to track students' ALE access and participation.

- c. By October 1, 2013, the ALE Coordinator shall develop the ALE Access and Recruitment Plan, which shall include strategies to identify and encourage African American and Latino students, including ELL students, to enroll in ALEs; to increase the number of African American and Latino students, including ELL students, enrolling in ALEs; and to support African American and Latino students, including ELL students, in successfully completing ALEs. In developing this Plan, the ALE Coordinator shall take into account the findings and recommendations of the assessment of existing ALE programs, resources, and practices in the District and best practices implemented by other school districts.
- d. To recruit and encourage African American and Latino students, including ELL students, to apply for and enroll in ALEs, the ALE Access and Recruitment Plan shall include, but not be limited to, the following strategies:
  - i. Developing accessible materials (*e.g.*, informational booklets and DVDs, web pages, mailers) describing the District's ALE offerings by content, structure, requirements, and location;
  - ii. Coordinating with the relevant administrator(s) at the Family Center(s) and in the District Office to distribute such materials to parents;
  - iii. Holding community meetings and informational sessions regarding ALEs in geographically diverse District locations, coordinated with the Family Center(s), Multicultural Student Services, and any other relevant District departments;
  - iv. Providing professional development to administrators and certificated staff to identify and encourage African American and Latino students, including ELL students, to enroll in ALEs; and

- v. Ensuring that there is equitable access to ALEs, including by: (I) assessing the feasibility of testing all students at appropriate grade levels and using multiple measures for selection to GATE and UHS; (II) increasing access to academic preparation programs such as AVID; and (III) eliminating barriers to ALE enrollment, including, as appropriate, providing weighted grades for pre-AP and AP students, offering free or reduced AP exam fees for low-income students, offering to waive other participation fees for any ALEs, integrating AAC sessions into summer academies, and creating structures for peer mentoring and pairing, and the provision of resources for ALEs.
- e. The Plan shall include a complaint process to allow students and/or parent(s) to file complaints regarding practices that have the intent or effect of excluding students from enrollment, identification, admission, placement, or success in ALEs. The District shall disseminate information regarding this complaint process at all school sites, through the Family Center(s), at the District Office, and on the website.
- f. By January 1, 2014, the District shall implement the ALE Access and Recruitment Plan.

3. Gifted and Talented Education (“GATE”) Services

- a. In developing the ALE Access and Recruitment Plan, the ALE Coordinator shall use the results of the assessment and analyses required by Section (V)(A)(2)(b) to:
  - i. Increase the number and percentage of African American and Latino students, including ELL students, receiving GATE services by improving screening procedures for GATE services and placement in GATE services to ensure that students are identified, tested, and provided with GATE services in a fair and nondiscriminatory manner that does not have an adverse impact on any student based on his/her race, ethnicity or English language proficiency;
  - ii. Increase the number and quality of GATE offerings, as appropriate, to provide equal access and equitable opportunities for all students, including assessing the feasibility of adding or expanding GATE dual language programs;
  - iii. Assess whether the implementation of GATE services at school sites (*e.g.*, self-contained, pull-out, clustering, or

resource-driven models) should be modified to increase access to GATE services and to avoid within-school segregation; and

- iv. Require all GATE teachers to be gifted-endorsed or to be in the process of obtaining gifted endorsement.

4. Advanced Academic Courses (“AACs”)

- a. In developing the ALE Access and Recruitment Plan, the ALE Coordinator or designee shall use the results of the assessments and analyses as required by Section (V)(A)(2)(b) to:
  - i. Increase the number and percentage of African American and Latino students, including ELL students, enrolled in AACs by improving identification, recruitment, and placement to ensure that students have access to AACs in a fair and nondiscriminatory manner;
  - ii. Increase the number of AAC offerings, as appropriate, to provide equal access and equitable opportunities for all students to participate in these courses, including expanding the number of AP courses offered at District high schools and the number of grades in which such courses are offered;
  - iii. Improve the quality of Pre-AP and AP courses by making these courses subject to audit by the College Board; and
  - iv. Provide professional development to train all AAC teachers using appropriate training and curricula, such as that provided by the College Board.

5. University High School (“UHS”) Admissions and Retention

- a. By April 1, 2013, the District shall review and revise the process and procedures that it uses to select students for admission to UHS to ensure that multiple measures for admission are used and that all students have an equitable opportunity to enroll at University High School. In conducting this review, the District shall consult with an expert regarding the use of multiple measures (*e.g.*, essays; characteristics of the student’s school; student’s background, including race, ethnicity and socioeconomic status) for admission to similar programs and shall review best practices used by other school districts in admitting students to similar programs. The District shall consult with the Plaintiffs and the Special Master during the drafting and prior to implementation of the revised admissions procedures. The District shall pilot these admissions

procedures for transfer students seeking to enter UHS during the 2013-2014 school year and shall implement the amended procedures for all incoming students in the 2014-2015 school year.

- b. The District shall administer the appropriate UHS admission test(s) for all 7th grade students. With a signed form from a parent, a student may opt out if they do not wish to compete for entrance to UHS. Before testing each year, the District shall send explanatory materials to 7th grade families to explain the purpose of the testing and requirements for enrolling at UHS. Such materials also shall be distributed through the Family Center(s) and made available on the District's website.
- c. The District shall require all counselors in all middle schools to review UHS admissions requirements with all students in 6th and the beginning of 7th grade and provide all students with application materials so that students may be aware of and prepare for the required tests in the spring of 7th grade and application in 8th grade; and
- d. In addition to the outreach required by the ALE Access and Recruitment Plan, the District shall: conduct specific UHS-related outreach to students and parents about the program's offerings; encourage school personnel, including counselors and teachers, through professional development, recognition, evaluation and other initiatives, to identify, recruit and encourage African American and Latino students, including ELL students, to apply; and provide assistance for African American and Latino students, including ELL students, to stay in and to be successful at UHS.

**B. OELAS Extension**

1. During the 2012-2013 school year, the District shall pursue an Arizona Department of Education Office of English Language Acquisition Services ("OELAS")-approved reading block extension to provide access to rigorous mainstream courses and address the literacy needs of ELLs.

**C. Dual Language Programs**

1. Dual Language programs are positive and academically rigorous programs designed to contribute significantly to the academic achievement of all students who participate in them and which provide learning experiences comparable to the advanced learning experiences described above. The District shall build and expand its Dual Language programs in order to provide more students throughout the District with opportunities to enroll in these programs, including by encouraging new and current certificated staff with dual language certifications to teach in such programs and by

focusing recruitment efforts on appropriately certified teachers (*see* Section (IV)(C)(3)(a)(i)).

**D. Exceptional/Special Education**

1. The District shall develop appropriate criteria for data gathering and reporting to enable it to conduct meaningful review of its referral, evaluation and placement policies and practices on an annual basis to ensure that African American and Latino students, including ELL students, are not being inappropriately referred, evaluated or placed in exceptional (special) education classes or programs.

**E. Student Engagement and Support**

1. Overview

- a. The objective of this Section is to improve the academic achievement and educational outcomes of the District's African American and Latino students, including ELL students, using strategies to seek to close the achievement gap and eliminate the racial and ethnic disparities for these students in academic achievement, dropout and retention rates, discipline (described in Section (VI)), access to Advanced Learning Experiences (described in Section (V)(1)) and any other areas where disparities and potential for improvement may be identified as a result of studies required by this Order. The District shall utilize transformative strategies that are designed to change the educational expectations of and for African American and Latino students. Through the strategies in this Section, the District shall improve African American and Latino student engagement in the academic curriculum, shall adopt culturally responsive teaching methods that encourage and strengthen the participation and success of African American and Latino students, and shall provide African American and Latino students with the necessary student support services that will allow them to improve their educational outcomes. The services and programs in this Section shall be adequately funded to meet the objectives herein.
- b. To carry out the objective of this Section, the District shall implement the following strategies: (i) student support services that focus on academic intervention and dropout prevention; (ii) socially and culturally relevant curriculum, including courses of instruction centered on the experiences and perspectives of African American and Latino communities; (iii) professional development and training for administrators and certificated staff to teach socially and culturally relevant curriculum and engage African American and Latino students; (iv) establishment of support

services for African American and Latino students including college mentoring programs; and (v) support for parent and community participation to improve the educational outcomes of African American and Latino students.

2. Academic and Behavioral Supports Assessment and Plan

- a. By April 1, 2013, the District shall hire or designate an employee to be the academic and behavioral supports coordinator (“ABSC”), responsible for the review and assessment of the District’s existing academic and behavioral support programs, resources, and practices, including, but not limited to, those currently provided through the District’s student services departments. The ABSC’s review and assessment shall focus on the District’s efforts to provide individualized assistance and mentoring to students with academic or behavioral challenges and to students at risk of dropping out.
- b. By July 1, 2013, the ABSC shall develop: (i) an assessment of existing programs, resources, and practices, disaggregated by school site(s), grades served, number of students served, ELL status, and resources (*e.g.*, part-time or full-time personnel assigned, annual budget); (ii) an analysis, based on the data identified in this Section, of any additional resources or programs that may be needed, by grade and school site; (iii) an analysis of the school sites with the highest concentration of students in need of such programs and resources; (iv) annual goals, in collaboration with relevant staff, for increasing graduation rates for African American and Latino students, which shall be shared with the Parties and the Special Master and used by the District to evaluate the effectiveness of its efforts; and (v) procedures to ensure follow up when Mojave automatically flags a student for attention. By October 1, 2013, the ABSC shall develop a plan, in collaboration with the personnel identified below in this Section, incorporating research-based strategies to focus and increase resources for academic and behavioral support programs and dropout prevention services to ensure equitable access to such programs, concentrate resources on school site(s) and in areas where student and school data indicate there is the greatest need, and reduce the dropout rate and increase the graduation rate in each high school.
  - i. Dropout Prevention and Retention Plan. The District’s dropout prevention and retention plan shall include, but not be limited to:
    - I. Developing yearly goals for lowering dropout rates, increasing graduation rates, and reducing retentions



in grade for African American and Latino students, including ELLs, in each high school, taking into account the recent dropout, graduation and retention rates for each group. Graduation rates, disaggregated by a number of factors including race, ethnicity and ELL status, for the 2008 -2011 school years are set forth in Appendix H;

- II. Hiring or designating a dropout coordinator to work with the ABSC to implement the strategies identified herein to reduce dropout, increase graduation, and focus school and District resources on working with students whose patterns of attendance, classroom performance, or other individual challenges indicate a serious risk of dropping out;
- III. Developing and implementing strategies to identify African American and Latino students, including ELL students, most at risk of being retained in grade and providing identified students with extra time and resources to accelerate their learning (*e.g.*, additional time for instruction in and after school, summer programs and individualized support, including participation and literacy programs). Particular attention shall be given to reducing the retention rate of students in grades 3 and 8;
- IV. The engagement, as appropriate, of language-accessible social workers, health clinics, and school staff, or volunteers to assist in providing supports to these students;
- V. Summer credit recovery programs rather than grade retention whenever possible;
- VI. Ninth grade academies to ease the transition to high school;
- VII. Special efforts to involve at-risk students and their families in school programs and to improve academic skills;
- VIII. Positive alternatives to suspension; and
- IX. Consultation with national experts on dropout prevention.



- c. By January 1, 2014, the ABSC shall implement the dropout prevention and retention plan, including having ensured that all personnel who provide academic and behavioral support are assigned to school(s) or area(s) based on the above-contemplated need analysis.

3. Data

- a. By July 1, 2013, the District shall develop and/or amend its academic and behavioral intervention policies and strategies to facilitate the supports and interventions described in this section. Such amendment shall include, but not be limited to, changes to the data dashboard system to ensure that students who (i) fall below a particular academic threshold, (ii) go above a certain threshold of absences, or (iii) receive a certain threshold number of disciplinary consequences or referrals, are flagged and referred to the student services resources identified herein. By that date, the District shall make any necessary changes to Mojave to ensure that students are automatically flagged by the data tracking system when they cross these thresholds.

4. Personnel

- a. Director of Support Services for African American Student Achievement. The District shall hire or designate an individual who shall coordinate the development and implementation of support and academic intervention services for African American students. This employee shall also coordinate efforts to work directly with students to improve academic achievement, provide mentorship and guidance, reduce dropout and increase the college-going rate. The director of support services for African American student achievement shall have experience in mentoring and advocacy on behalf of African American students, the development and implementation of successful academic intervention models and their evaluations, and dropout prevention.
- b. Director of Support Services for Latino Student Achievement. The District shall hire or designate an individual who shall coordinate the development and implementation of support and academic intervention services for Latino students. This employee shall also coordinate efforts to work directly with students to improve academic achievement, provide mentorship and guidance, reduce dropout and increase the college-going rate. The director of support services for Latino student achievement shall have experience in mentoring and advocacy on behalf of Latino students, the development and implementation of successful

academic intervention models and their evaluation, and dropout prevention.

- c. Director of Culturally Responsive Pedagogy and Instruction (“CRPI Director”). The District shall hire or designate an individual who shall supervise the implementation of courses of instruction that focus on the cultural and historical experiences and perspectives of African American and Latino communities. The CRPI director shall also supervise, develop and implement a professional development plan for administrators, certificated staff, and paraprofessionals, as appropriate, on how best to deliver these courses of instruction and to engage African American and Latino students. The CRPI director shall have experience developing and teaching curriculum focused on the African American and/or Latino social, cultural, and historical experience at the secondary level.
- d. Director of Multicultural Curriculum. The District shall hire or designate an individual to supervise the development and integration of multicultural curriculum in courses at all grade levels. This employee shall work with the African American and Latino student support services staff, the CRPI director, and other relevant District Office staff to develop and implement strategies to engage African American and Latino students, including but not limited to, curriculum and pedagogy responsive to the African American and Latino social, cultural, and historical experience.

5. Professional Development

- a. By the start of the 2013-2014 school year, the District shall provide all administrators and certificated staff, particularly those who are teaching courses of instruction centered on the experiences and perspectives of African American and/or Latino communities, with training on how to create supportive and inclusive learning environments for African American and Latino students with an emphasis on curriculum, pedagogy and cultural responsiveness. The trainings shall focus on learner-based approaches that emphasize students’ cultural assets, backgrounds, and individual strengths. By May 1, 2013, the CRPI director shall coordinate hiring or designating individuals, as necessary, who can assist him/her in providing ongoing support and training to administrators, certificated staff, and paraprofessionals.

6. Engaging Latino and African American Students

- a. The District shall adopt the following strategies to increase academic achievement and engagement among African American and Latino students:
  - i. The District shall continue to develop and implement a multicultural curriculum for District courses which integrates racially and ethnically diverse perspectives and experiences. The multicultural curriculum shall provide students with a range of opportunities to conduct research and improve critical thinking and learning skills, create a positive and inclusive climate in classes and schools that builds respect and understanding among students from different racial and ethnic backgrounds, and promote and develop a sense of civic responsibility among all students. All courses shall be developed using the District's curricular review process and shall meet District and state standards for academic rigor. The courses shall be offered commencing in the 2013-2014 school year.
  - ii. By the beginning of the 2013-2014 school year, the District shall develop and implement culturally relevant courses of instruction designed to reflect the history, experiences, and culture of African American and Mexican American communities. Such courses of instruction for core English and Social Studies credit shall be developed and offered at all feasible grade levels in all high schools across the District, subject to the District's minimum enrollment guidelines. All courses shall be developed using the District's curricular review process and shall meet District and state standards for academic rigor. The core curriculum described in this section shall be offered commencing in the fall term of the 2013-2014 school year. The District shall pilot the expansion of courses designed to reflect the history, experiences, and culture of African American and Mexican American communities to sixth through eighth graders in the 2014-2015 school year, and shall explore similar expansions throughout the K-12 curriculum in the 2015-2016 school year.

7. Services to Support African American Student Achievement:

- a. The District shall continue to fund and sustain Support Services for African American Student Achievement to improve the academic achievement and educational outcomes of African American students, using strategies to reduce disparities for African

American students in academic achievement, high school dropout rates, retention, special education placement, discipline, access to Advanced Learning Experiences (described in Section (V)(A)), and any other areas where disparities may be identified as a result of studies required by this Plan.

- b. The District shall develop and implement a process for providing a series of academic interventions and supports for African American students who are struggling and/or otherwise disengaged from school (*e.g.*, students who are one or more grade levels behind academically, struggling to meet academic standards either as reflected in class grades or on state-level assessments, or experiencing ongoing and escalating behavioral issues).
- c. The District shall establish academic intervention teams to provide targeted support to African American students. The academic intervention teams shall consist of academic specialists (*e.g.*, pull-out reading and math teachers, academic and behavioral coaches, and paraprofessionals) and shall be assisted by staff from Support Services for African American Student Achievement.
- d. The District shall hold quarterly events at each school or for clusters of schools serving African American students, as appropriate, to provide families with information about students' academic progress and college preparation (including how students can enroll in and succeed in ALEs), and to engage in activities focused on the matriculation and retention rates of African American students.
- e. The District shall collaborate with local colleges and universities and identify college students, including District alumni, to provide learning support and guidance to African American students through mentoring, teaching assistance and other methods.
- f. All African American student support services staff who are part of the academic intervention teams shall be trained, prior to working with students to implement specific academic intervention plans. All African American student support services staff shall also be trained on the use of data systems used to monitor the academic and behavioral progress of African American students.
- g. As soon as possible after the approval of the USP by the Court, the District shall appoint a Task Force that will develop a comprehensive plan for significantly improving the academic performance of African American students. The members of this Task Force shall include representatives of Support Services for African American Student Achievement, African American

teachers and administrators, and experts in the education of African American students. African Americans shall comprise at least a majority of the Task Force's membership.

- h. The Task Force shall consult with prominent experts who can identify research-based practices that have been shown to enhance the learning outcomes of African American students. The Task Force shall consider options for reducing the achievement gap for African American students and improving African American student educational outcomes.
- i. The Task Force recommendations shall build on the Plan's provisions designed to enhance African American students' academic achievement. The Task Force shall make its report to the Superintendent, the Plaintiffs, and the Special Master no later than June 1, 2013. The recommendation shall include a plan for annual reporting and monitoring, and cost estimates of any proposals made.

8. Services to Support Latino Student Achievement

- a. The District shall continue to fund and sustain Support Services for Latino Student Achievement to improve the academic achievement and educational outcomes of Latino students, including English language learners, using strategies including participation in AVID and, if granted, the Arizona Department of Education's Office of English Language Acquisition Services ("OELAS")-approved reading block extension, to reduce disparities for Latino students in academic achievement, high school dropout rates, retention, special education placement, discipline, access to Advanced Learning Experiences (described in Section (V)(A)) and any other areas where disparities may be identified as a result of studies required by this Plan.
- b. The District shall develop and implement a process for providing a series of academic interventions and supports for Latino students who are struggling and/or otherwise disengaged from school (*e.g.*, students who are one or more grade levels behind academically, struggling to meet academic standards either as reflected in class grades or on state-level assessments, or experiencing ongoing and escalating behavioral issues).
- c. The District shall establish academic intervention teams to provide targeted support to Latino students. The academic intervention teams shall consist of academic specialists (*e.g.*, pull-out reading and math teachers, academic and behavioral coaches, and

paraprofessionals) and shall be assisted by staff from Support Services for Latino Student Achievement.

- d. The District shall hold quarterly events (*e.g.*, “Parent Encuentros”) at each school serving Latino students to provide families with information about students’ academic progress and how to prepare students for continuation to post-secondary education, (including how students can enroll in and succeed in ALEs), and to engage in activities focused on the matriculation and retention rates of Latino students.
- e. The District shall collaborate with local colleges and universities and identify college students, including District alumni, to provide learning support and guidance to Latino students through mentoring, teaching assistance and other methods.
- f. All Latino student support services staff who are part of the academic intervention teams shall be trained prior to working with students to implement specific academic intervention plans. All Latino support services staff shall also be trained on the use of data systems used to monitor the academic and behavioral progress of Latino students.

**E. Maintaining Inclusive School Environments**

1. The District shall not assign students to classrooms or services in a manner that impedes the District from meeting its desegregation obligations. The District shall review its referral, evaluation and placement policies and practices, as well as relevant disaggregated enrollment data, and shall take appropriate action to remedy any classroom assignment or placement of students that results in the racial or ethnic segregation of students.
2. By July 1, 2013, the District shall take steps to build and sustain the supportive and inclusive school environments described herein, including, but not limited to: (a) adopting or amending policies to reflect commitments to inclusion and non-discrimination in all District activities and disseminating those policies throughout the District; (b) piloting and implementing strategies to develop students’ intercultural proficiency; and (c) amending policies and practices to protect all members of school communities from discriminatory harassment and bullying, by amending Governing Board Policy JICFB to: (i) state that all students, regardless of their background, are entitled to an educational environment free from harassment and discrimination; (ii) reaffirm that the District shall appropriately and immediately respond to and stop all conduct that may constitute harassment; (iii) ensure that the District fully investigates reported conduct that may constitute harassment; (iv) respond to complaints of discrimination promptly and appropriately; (v) state that all

complaints shall be kept confidential to the extent practicable; (vi) explain how to report allegations of harassment and discrimination; (v) identify to whom at each school and in the District Office such allegations should be reported; (vii) set forth formal complaint procedures; and (viii) inform students and their parents of their rights to file complaints. The District may work with the West Regional Equity Network to develop such policies.

3. By July 1, 2013, the District shall require each school principal to develop strategies to highlight the historic and ongoing contributions of diverse ethnic, racial, and linguistic groups in a manner that is evident throughout each school, including public displays, classroom environments and libraries.

## **F. Reporting**

1. The District shall provide, as part of its Annual Report:
  - a. A report, disaggregated by race, ethnicity and ELL status, of all students enrolled in ALEs, by type of ALE, teacher, grade, number of students in the class or program, and school site;
  - b. The information set forth in Appendices E, F, and G, for the school year of the Annual Report set forth in a manner to permit the parties and the public to compare the data for the school year of the Annual Report with the baseline data in the Appendices and data for each subsequent year of activity under the Order;
  - c. Copies of all assessments, analyses, and plans developed pursuant to the requirements of this Section;
  - d. Copies of all policies and procedures amended pursuant to the requirements of this Section;
  - e. Copies of all job descriptions and explanations of responsibilities for all persons hired or assigned to fulfill the requirements of this Section, identified by name, job title, previous job title (if appropriate), others considered for the position, and credentials;
  - f. Copies of all recruitment and marketing materials developed pursuant to the requirements of this Section in the District's Major Languages, with a list or table of all location(s) in the District in which such materials are available;
  - g. Copies of the new and/or amended admissions and testing criteria, policies, and application form(s) for University High School together with a report of all students who applied to University High School for the school year covered by the Annual Report



showing whether or not they were admitted and if they enrolled, disaggregated by race, ethnicity, and ELL status;

- h. Descriptions of changes made to ALE programs pursuant to the requirements of this Section, by ALE type and school site, if made at the site level, including, but not limited to, copies of any new testing and/or identification instruments and descriptions of where and how those instruments are used and copies of any new or amended policies and training materials on ALE identification, testing, placement, and retention;
- i. Copies of any new or amended complaint processes for students and/or parents related to ALE access together with a report disaggregated by race, ethnicity, ELL status, grade level, school and program of all students and/or parents who made a complaint and the outcome of the complaint process;
- j. Lists or tables of any certificated staff who received additional certification(s) pursuant to the requirements of this Section;
- k. Copies of relevant communications regarding the OELAS extension and the result(s) of such communications;
- l. A report listing each dual language program in the District including the school, grade(s) and language in which the program is offered and setting forth the efforts made to encourage new and certificated staff with dual language certifications to teach in such programs and the results of such efforts.
- m. Copies of flyers, materials, and other information advertising for and distributed at any outreach meetings or events held pursuant to the requirements of this Section;
- n. A report on all amendments and revisions made to the data dashboard system and copies of all policies and procedures implemented to ensure that action is taken when a student is automatically flagged for attention by the system;
- o. A disaggregated report on all students retained in grade at the conclusion of the most recent school year;
- p. Description of the college mentoring program, including the school sites where college mentors have been engaged and the type of support they are providing;
- q. A description of the process for providing academic intervention for struggling African American and Latino students;



- r. A description of the academic intervention teams that have been established, what roles they have in improving student academic success and what schools they are in;
- s. Copies or descriptions of materials for the quarterly events for families described in this Section, including where the events were held and the number of people in attendance at each event; and
- t. For all training and professional development required by this Section, information by type of training, location held, number of personnel who attended by position, presenter(s), training outline or presentation, and any documents distributed.
- u. A report setting forth the number and percentage of students receiving exceptional (special) education services by area of service/disability, school, grade, type of service (self-contained, resource, inclusion, etc.), ELL status, race and ethnicity.

## **VI. DISCIPLINE**

### **A. Overview**

1. The Parties acknowledge that the administration of student discipline can result in unlawful discrimination when students are disproportionately impacted or treated differently by virtue of their race or ethnicity. The Parties further acknowledge that the punitive use of serious disciplinary sanctions for low-level offenses creates the potential for negative educational and long-term outcomes for affected students.
2. The District shall not consider its student behavior policies and discipline practices in isolation, but as part of the District's overall goal of creating an inclusive and supportive environment in District schools. The District shall commit to ensuring that students remain as often as practicable in the classroom settings where learning happens. In accordance with the Guidelines for Student Rights and Responsibilities, discussed below, and to the extent practicable based on the student behavior at issue, a variety of graduated positive behavior techniques shall be used with the aim of preventing students from being excluded for any amount of time from the classroom or school.

The District shall reduce racial and ethnic disparities in the administration of school discipline. Data setting forth discipline in TUSD for the 2011-2012 school year by race/ethnicity is attached in Appendix I.

### **B. District-Wide Policies and Practices**

1. Restorative Practices and Positive Behavioral Interventions and Supports

- a. The District shall continue and strengthen implementation of the following comprehensive, school-wide approaches to classroom management and student behavior:
  - i. “Restorative Practices,” a framework to give those affected by conflict the tools and principles needed to resolve problems and build relationships. Restorative Practices focus upon the emotional and social disturbance created by conflict and provide a process for holding students accountable for their actions while building a supportive school environment; and
  - ii. “Positive Behavior Intervention and Supports” (“PBIS”), a set of strategies and structures to assist schools to establish a positive school culture by constructively teaching school rules and social-emotional skills; positively reinforcing appropriate student behavior; using effective classroom management strategies to provide early intervention for misbehavior; and developing a continuum of graduated and appropriate consequences for more serious and continuous misbehavior.

2. Guidelines for Student Rights and Responsibilities

- a. By April 1, 2013, the District shall, in consultation with an external consultant experienced in implementing the behavior approaches described above, evaluate and revise the Guidelines for Student Rights and Responsibilities (“GSRR”) to: (i) limit exclusionary consequences to instances in which student misbehavior is ongoing and escalating, and the District has first attempted and documented the types of intervention(s) used in PBIS and/or Restorative Practices, as appropriate; (ii) require the administration of consequences that are non-discriminatory, fair, age-appropriate, and correspond to the severity of the student’s misbehavior; (iii) require that consequences are paired with meaningful instruction and supportive guidance (*e.g.*, constructive feedback and re-teaching) to offer students an opportunity to learn from their behavior and continue to participate in the school community; and (iv) require that law enforcement officers, including School Resource Officers, School Safety Officers, and other law enforcement and security personnel who interact with students, are not involved in low-level student discipline. Plaintiffs and the Special Master shall receive copies of the revised GSRR for review and comment pursuant to Section (I)(D)(1). None of these revisions shall prevent school personnel from protecting student safety as appropriate.

- b. By July 1, 2013, the District shall, in consultation with relevant experts, evaluate and revise, as appropriate, its due process protections for student discipline (*i.e.*, Governing Board Policy JK-R1 through JK-R4-E4 and JKA through JKAB), to ensure that students and parents are provided with a fair, impartial, and language-accessible proceeding which complies with applicable state and federal law before exclusionary discipline or punishment is imposed, as well as an opportunity to appeal. Should the District determine that changes are needed to its due process protections for student discipline, it shall propose changes to these policies. Plaintiffs and the Special Master shall be provided with copies of the proposed changes for review and comment before they are finalized pursuant to Section (I)(D)(1).
- c. All District schools shall implement the revised GSRR. Any disciplinary actions shall be aligned to the GSRR standards, and comport with Restorative Practices and PBIS.

### **C. Personnel**

1. By April 1, 2013, the District shall hire or designate an employee to serve as the District's restorative and positive practices coordinator ("RPPC"). The RPPC shall be responsible for working with school sites to assist in the ongoing implementation of Restorative Practices and the implementation of PBIS, including: (a) developing model behavioral assessments and interventions; and (b) assisting school sites in developing systems and structures to use data for self-monitoring practices.
2. By April 1, 2013, all District schools shall hire or designate an employee to serve as a restorative and positive practices site coordinator ("RPPSC"). A school's learning support coordinator may be designated to serve as the RPPSC for the school. The RPPSCs shall be responsible for assisting instructional faculty and staff to: (a) effectively communicate school rules; (b) reinforce appropriate student behavior; and (c) use constructive classroom management and positive behavior strategies. The RPPSCs shall also be responsible for (d) evaluating their school site's behavior and discipline practices to ensure that they are language-accessible, and (e) working with site staff and the District-level RPPC to develop corrective action plans for administrators or certificated staff as necessary.

### **D. Parental and Community Engagement**

1. The revised GSRR, all related documents and the informational programs described in the paragraph below, shall be provided to all parents of students enrolled in the District, and shall be available in all of the District's Major Languages at all school sites, the District Office, the Family Centers and on the District's website. The District shall provide

timely translation of these documents and informational programs for families who speak lower-incidence languages.

2. The District shall develop and deliver an informational program to assist students and parents in understanding their roles and responsibilities under PBIS, Restorative Practices and the GSRR; shall host student assemblies at each school to communicate positive core values and behavioral expectations, and to explain in an age-appropriate manner the GSRR, PBIS and Restorative Practices; and shall hold informational sessions for parents at least twice per school year at each school, which shall include information regarding PBIS, Restorative Practices and the GSRR, due process and appeal procedures, and guidance on how parents can make complaints about student discipline.

#### **E. Professional Development**

1. The District shall ensure that all schools provide the necessary training and hire the requisite RPPSCs as described in (IV)(C)(2) to implement Restorative Practices and PBIS by the beginning of the 2013-2014 school year. All newly-hired RPPSCs and other relevant personnel shall complete the training by the beginning of the fall semester of the academic year subsequent to the academic year during which they were hired.
2. By July 1, 2013, the District shall hire or designate trainers to assist all administrators and certificated staff to implement Restorative Practices, PBIS and the standards established in the revised GSRR. The trainings shall take place before the commencement of the 2013-2014 school year.
3. By October 1, 2013, the District shall communicate to teachers their roles and responsibilities in creating and supporting positive classroom environments and schools. These responsibilities shall include: (a) defining, teaching, modeling, and consistently applying positive behavior approaches inside and outside the classroom; (b) acknowledging and reinforcing appropriate and positive student behavior; (c) providing constructive feedback to students when behavior concerns arise, and using such positive feedback and skill-building to address all low-level misbehaviors; (d) working with relevant school and District personnel to ensure that appropriate intervention techniques have been attempted before referring a student to the school site discipline administrator(s); (e) participating in trainings to build and sustain a positive school climate and to reduce and address racial and ethnic disparities in the administration of school discipline; (f) regularly entering, uploading, reading, and responding to data via Mojave; (g) utilizing data in collaboration with school site and District administrators to monitor student behavior; and (h) responding appropriately to data outcomes, particularly where data show disparities in the administration of consequences on any prohibited basis,

including participating with supervisors in the development of corrective action plans.

4. If an individual teacher is failing to adhere to the District's student discipline policies or practices as required under this Order, or is engaging in discrimination in such practices, or administering student discipline in a racially or ethnically disparate manner, the District shall require the principal to take appropriate corrective action.
5. By October 1, 2013, the District shall communicate to administrators their roles and responsibilities in collaborating with faculty and staff to create and support inclusive classroom environments and schools and that a primary goal of this effort is to ensure that TUSD students are not subject to discriminatory disciplinary practices based on their race, ethnicity or ELL status. These responsibilities shall include: (a) ensuring that PBIS, Restorative Practices and the GSRR are communicated, advocated, and modeled to the school community; (b) providing training and support for administrators and certificated staff on Restorative Practices and PBIS; (c) ensuring effective recording, collecting, and utilization of student behavior and discipline data; (d) regularly (*i.e.*, at least monthly) evaluating classroom- and school-level behavior and discipline data to assist in decision-making at all levels, from individual student needs to needs for the school site; (e) assembling teams with appropriate certificated staff and parent(s) to address next steps for a student engaging in ongoing and escalating misbehavior in spite of appropriate interventions; (f) consistently and fairly applying the GSRR to ongoing and escalating student misbehavior; and (g) ensuring that parent(s) are included in all major decisions related to student behavior and discipline.

#### **F. Monitoring**

1. By April 1, 2013, the District shall identify any changes in the data reporting system necessary to meet all of the reporting and evaluation requirements of this Order and the revised GSRR, including tracking school-site-based discipline by teacher and identifying necessary changes to the input codes and consequences. All changes shall be made by July 1, 2013.
2. The District shall collect, review, and analyze discipline data from each school on at least a quarterly basis. The data shall include the number of students receiving any exclusionary discipline consequence (*i.e.*, detention, in-school suspensions, out-of-school suspensions, referrals to alternative placement, referrals for expulsion, and referrals to law enforcement), disaggregated by grade, teacher, school, ELL status, gender, and race and ethnicity. Based on this analysis, the District shall work with the RSPPC and school administrators to develop corrective action plan(s) to ensure that exclusionary discipline consequences are not meted out in a

manner that impermissibly targets or has a disparate effect on students of a particular race or ethnicity. If the data collected and reviewed suggests that any teacher or administrator at the school site is imposing discipline in a racially or ethnically disproportionate manner or otherwise contrary to District policy, the District shall, in conjunction with the principal, consider and take appropriate corrective action, including retraining or disciplinary action.

3. If the data collected and reviewed indicates that a school has been successful in managing student discipline, the District RPPC shall examine the steps being taken at the school to determine whether the approach adopted by the school should be adopted by other schools within the District, and if the RPPC determines the approach should be replicated, the District RPPC will share the strategies and approach with the District to consider replication at other schools.
4. The District shall require principals to meet on a regular basis (*i.e.*, at least monthly) with the school-site discipline team (to be comprised of the RSPPC, school administrators, and selected teachers and school resource officers) to review the school site's discipline data, discuss any school-wide corrective action plans or action items, and explore ideas for improvement.
5. The District shall develop a framework and schedule for creating any necessary corrective action plans described herein and implementing them in a timely manner (*i.e.*, within a semester of their development, or between the spring and fall semesters as appropriate).
6. All data on student discipline, as required by this Section, shall be posted on the District website as part of TUSDStats, subject to the requirements of FERPA.

#### **G. Reporting**

1. The District shall provide, as part of its Annual Report:
  - a. Copies of the analysis contemplated above in (VI)(F)(2), and any subsequent similar analyses. The information provided shall include the number of appeals to the Governing Board or to a hearing officer from long term suspensions or expulsions, by school, and the outcome of those appeals. This information shall be disaggregated by race, ethnicity and gender;
  - b. Data substantially in the form of Appendix I for the school year of the Annual Report together with comparable data for every year after the 2011-2012 school year;

- c. Copies of any discipline-related corrective action plans undertaken in connection with this Order;
- d. Copies of all behavior and discipline documents, forms, handbooks, the GSRR, and other related materials required by this Section, in the District's Major Languages;
- e. Copies of any Governing Board policies amended pursuant to the requirements of this Order;
- f. Copies of any site-level analyses conducted by the RPPSCs; and
- g. Details of each training on behavior or discipline held over the preceding year, including the date(s), length, general description of content, attendees, provider(s)/instructor(s), agenda, and any handouts.

## **VII. FAMILY AND COMMUNITY ENGAGEMENT**

### **A. Overview**

1. Family and community engagement is a critical component of student success. The District shall adopt strategies, including, but not limited to, those identified in this section, to increase family and community engagement in schools, including: (a) developing and implementing an outreach plan to families; (b) providing information to families about the services, programs and courses of instruction available in the District and included in this Order; (c) learning from families how best to meet the needs of their children; and (d) collaborating with local colleges and universities and community groups to provide information and guidance designed to improve the educational outcomes of African American and Latino students, including ELL students, and provide relevant information to their families.

### **B. Personnel**

1. By April 1, 2013, the District shall hire or designate a District Office employee to be the Family Engagement Coordinator ("FEC"), located at the Family Center or at another reasonable location. The FEC shall be responsible for the review and assessment of the District's existing family engagement and support programs, resources, and practices, focusing on African American and Latino students, including ELL students, and families, particularly students who are struggling, disengaged, and/or at risk of dropping out, shall participate in the development and implementation of the outreach and recruitment plan in (II)(I)(i) above, and shall develop and implement the plan described below.



**C. Family and Community Engagement Services**

1. District Family Center Plan

- a. By July 1, 2013, the District shall develop a plan to expand its existing Family Center(s) and/or develop new one(s). The District Family Center (“DFC”) Plan shall: (i) indicate where the Family Center(s) shall be located, including whether existing Family Centers or other related resources should be consolidated or relocated; (ii) provide for the creation and distribution of new or revised materials to provide families with information regarding enrollment options pursuant to Section (II) and regarding the availability of transportation; (iii) provide for the creation and distribution of new or revised materials to provide families with detailed information regarding Advanced Learning Experiences (including the informational sessions on ALEs, information on UHS and the complaint process related to ALEs); (iv) provide for the creation and distribution of new or revised materials to provide families with detailed information regarding student discipline policies and procedures, including the revised GSRR; (v) provide for the creation and distribution of new or revised materials to provide families with detailed information regarding the curricular and student support services offered in Section V(C) Student Engagement and Support, including information on Academic and Behavioral Support, dropout prevention services, African American and Latino Student Support Services, culturally relevant courses and policies related to inclusion and non-discrimination; (vi) provide for the creation and distribution of new or revised materials to provide families with information regarding educational options for their ELL children, including the availability of dual language programs and other programs designed for ELLs; (vii) include strategies for how teachers and principals can learn from families regarding how to meet the needs of their children; and (viii) detail how the Family Center(s) will be staffed, including language requirements for all staff and whether they will be under the supervision of the FEC.
- b. By July 1, 2013, the FEC shall review and assess the District’s existing family engagement and support programs, resources, and practices. This review and assessment shall focus on programs, resources and practices for African American and Latino students, including ELL students, and families, particularly those for (i) students who are struggling, disengaged, and/or at risk of dropping out and (ii) students who face additional challenges because of a



lack of access to technology.<sup>8</sup> The review shall include information on the location of programs and resources, the personnel assigned to family and community engagement efforts, funding allocated, and the data systems in place to provide information on outreach to and engagement with families and communities.

- c. By October 1, 2013, the FEC shall develop and implement a plan to track data on family engagement, and the District shall make necessary revisions to Mojave to allow such data to be tracked by student.
- d. By January 1, 2014, the FEC shall develop and implement a plan to reorganize or increase family engagement resources, including consolidating additional resources at the Family Center(s), to both ensure equitable access to programs and services and to concentrate resources on school site(s) and in areas where data indicates the greatest need.
- e. The District shall collaborate with local colleges and universities to provide parents with information about the college enrollment process and to disseminate such information at the Family Centers.
- f. The District shall provide access at its Family Centers to computers for families to complete and submit open enrollment/magnet applications online.
- g. The District shall disseminate the information identified above and in Section (II), in all Major Languages, on the District's website, and through other locations and media, as appropriate.

#### **D. Translation and Interpretation Services**

1. The District shall continue to budget for translation and interpretation services to be coordinated at the District level under the Office of Language Acquisition. For any additional translation or interpretation of any District documents or services, schools shall contact the Office of Language Acquisition to request written translations and/or oral interpretations in Spanish and other languages. The District shall continue to retain translators and interpreters in Major Languages spoken by students and parents in the District and shall address other languages on a case-by-case basis through outside agencies.

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<sup>8</sup> Such programs, resources, and practices include, but are not limited to, efforts by the African American and Latino Student Services Departments, the School Community Services Department, the Family Centers, the Family and Community Outreach Department, the Parent and Child Education ("PACE") Program, the Parent-Teacher-Student Association, the School Community Partnership Council, the Wellness Centers, and any new or amended versions of the aforementioned programs.

**E. Reporting**

1. The District shall provide, as part of its Annual Report:
  - a. Copies of all job descriptions and explanations of responsibilities for all persons hired or assigned to fulfill the requirements of this Section, identified by name, job title, previous job title (if appropriate), others considered for the position, and credentials;
  - b. Copies of all assessments, analyses, and plans developed pursuant to the requirements of this Section; and
  - c. Copies of all policies and procedures amended pursuant to the requirements of this Section.
  - d. Analyses of the scope and effectiveness of services provided by the Family Center(s).

**VIII. EXTRACURRICULAR ACTIVITIES**

**A. Equitable Access to Extracurricular Activities**

1. The District shall comply with the provisions below in order to provide students equitable access to extracurricular activities.
2. The District shall ensure that extracurricular activities provide opportunities for interracial contact in positive settings of shared interest and that students have equitable access to extracurricular activities regardless of racial or ethnic background or ELL status.
3. The District shall provide a range of extracurricular activities at each school. These extracurricular activities shall provide students opportunities to participate in sports activities at schools at which they are offered, to develop leadership skills, and to pursue curricular interests and programs (*i.e.*, science club or “Junior Achievement”).
4. The District shall provide transportation to support student participation in extracurricular activities as specified in Section III of this Order.
5. If after-school tutoring is offered to students on a voluntary basis, such tutoring shall be offered on an equitable basis in accordance with all other provisions of this Section VIII.

**B. Monitoring**

1. By July 1, 2013, the District shall identify any changes necessary to Mojave to enable it to report on participation in extracurricular activities. The extracurricular activities to be reported on shall include, but not be

limited to: (a) sports; (b) social clubs; (c) student publications; and (d) co-curricular activities such as science, math, and language clubs, or after school tutoring activities. The District shall make any necessary changes to Mojave by October 1, 2013.

**C. Reporting**

1. As part of its Annual Report, the District shall provide a report of student participation in a sampling of extracurricular activities at each school. The activities that are reported each year shall include at least two activities from each of the four categories described in section (B) above: sports at schools at which they are offered, social clubs, student publications (where offered) and co-curricular activities. The data in the report shall include District-wide data and data by school, disaggregated by race, ethnicity and ELL status. The Parties shall have the right to request additional data or information if the Annual Report indicates disparities or concerns.

**IX. FACILITIES AND TECHNOLOGY**

**A. Facilities Conditions**

1. The District has developed a Facilities Conditions Index (“FCI”), which rates the condition of school buildings along multiple structural dimensions and provides a composite score for each school. By July 1, 2013, the District shall amend its FCI to include, at minimum, the following: (i) location, number and condition of portable classrooms, and (ii) existence and repair status of heating and cooling system (identifying evaporative or air conditioning). In addition, by July 1, 2014, the District shall develop an Educational Suitability Score (“ESS”) for each school that evaluates: (i) the quality of the grounds, including playgrounds and playfields and other outdoor areas, and their usability for school-related activities; (ii) library condition; (iii) capacity and utilization of classrooms and other rooms used for school-related activities; (iv) textbooks and other learning resources; (v) existence and quality of special facilities and laboratories (*e.g.*, art, music, band and shop rooms, gymnasium, auditoriums, theaters, science and language labs); (vi) capacity and use of cafeteria or other eating space(s); and (vii) current fire and safety conditions, and asbestos abatement plans.
2. The District shall assess the conditions of each school site biennially using its amended FCI and the ESS.
3. Based on the results of the assessments using the FCI and the ESS, the District shall develop a multi-year plan for facilities repairs and improvements with priority on facility conditions that impact the health and safety of a school’s students and on schools that score below a 2.0 on the FCI and/or below the District average on the ESS. The District shall

give the next priority to Racially Concentrated Schools that score below 2.5 on the FCI.

## **B. Technology and Technology Conditions**

1. By July 1, 2013, the District shall develop a Technology Conditions Index (“TCI”), which rates technology and technology conditions in schools along multiple technological dimensions and provides a composite score for each school. The TCI shall include, at minimum, the following: (i) student access to computers and other learning devices (*e.g.*, smart boards); the location of computers and learning devices (lab or classroom or both); (ii) availability of wireless and broadband Internet in a school; (iii) availability of research-based educational software or courseware; and (iv) teacher proficiency in facilitating student learning with technology.
2. The District shall assess the technology in each school biannually using the TCI.
3. Based on the results of its assessment using the TCI, the District shall develop a multi-year Technology Plan that provides for enhancements and improvements to the District’s technology, with priority given to basic maintenance and required repairs and to Racially Concentrated Schools that score below the District average on the TCI.
4. The District shall include in its professional development for all classroom personnel, as more fully addressed in Section (IV)(J)(3), training to support the use of computers, smart boards and educational software in the classroom setting.

## **C. Reporting**

1. The District shall provide, as part of its Annual Report:
  - a. Copies of the amended FCI, ESS and TCI;
  - b. A summary of the results of the FCI, ESS, and TCI analyses conducted over the previous year;
  - c. A report on the number and employment status (*e.g.*, full-time, part-time) of facility support staff at each school (*e.g.*, custodians, maintenance and landscape staff), and the formula for assigning such support;
  - d. A copy of the multi-year facilities plan and multi-year technology plan, as modified and updated each year and a summary of the actions taken during that year pursuant to such plans; and

- e. For all training and professional development provided by the District, as required by this Section, information on the type of training, location held, number of personnel who attended by position, presenter(s), training outline or presentation, and any documents distributed.

## **X. ACCOUNTABILITY AND TRANSPARENCY**

### **A. Evidence-Based Accountability**

1. The evidence-based accountability system is a system to review program effectiveness and ensure that, to the extent practicable, program changes address racial segregation and improving the academic performance and quality of education for African American and Latino students, including ELLs.
2. By April 1, 2013, the District shall hire or designate a District Office employee to conduct a review and analysis of the current capacity of Mojave and any other District data collection and tracking system. Such review and analysis shall determine these data system(s)' ability to: (a) track individual student demographic, academic, and behavioral data pursuant to the requirements set forth in Appendix A; (b) be compatible with and run reports concurrently with the District's data system(s) for tracking personnel data and information; and (c) automatically produce alerts, flags, and other programmed signals to indicate when students do not meet pre-determined goals or expectations for academic performance or behavioral concerns. By July 1, 2013, the District shall complete such review and analysis, which shall include an estimated timeline and cost for making necessary adjustments to the District's data systems. By October 1, 2013, the District shall hire or contract for appropriate experts to add to or amend the District's data system(s) to allow it to perform the functions described in Section (X)(A)(1)-(5). By January 1, 2014, or as soon thereafter as is reasonably possible based on projections by the District and its experts, the District shall make such changes to its data systems to allow it to perform these functions. The completed amended system shall be known as the Evidence-Based Accountability System ("EBAS").
3. The District shall require all administrators, certificated staff, and where appropriate, paraprofessionals, to undertake the training on the EBAS required pursuant to Section (IV)(J)(3). All newly-hired District personnel for whom training is warranted under this section shall complete the training by the beginning of the fall semester of the academic year subsequent to the academic year during which they were hired.
4. The District shall evaluate relevant personnel on their ability to utilize the EBAS as contemplated pursuant to Section (IV)(H)(1).

5. Reporting

- a. The District shall provide, as part of its Annual Report:
  - i. Copies of all job descriptions and explanations of responsibilities for all persons hired or assigned to fulfill the requirements of this Section, identified by name, job title, previous job title (if appropriate), others considered for the position, and credentials; and
  - ii. A description of changes made to Mojave to meet the requirements of this Section, including descriptions of plans to make changes to the system in the subsequent year.

**B. Budget**

1. The District shall propose a methodology and process for allocating funds that are available to it and its schools pursuant to A. R. S. § 15-910(G) and that accounts for the requirements of this Order (“USP Expenditure Plan”) prior to commencing the budget process for fiscal year 2013-2014. The District shall provide the Plaintiffs and the Special Master with a copy of the proposed Plan at least within 30 days before it is to be used for the purpose of preparing the District’s 2013-2014 budget. The Plaintiffs shall have 20 days in which to provide comments on the Plan to the Parties and the Special Master. Within 10 days of receiving the Plaintiffs’ comments, the Special Master shall communicate to the District and the Plaintiffs his suggestions, if any, for modifying the Plan.
2. The District shall allocate funds as necessary to support the implementation of this Order during the 2012-2013 school year.
3. The District shall use the USP Expenditure Plan to prepare a budget for the school district that shall include as part of that budget a separate section delineating the budget necessary to implement the terms of this Order (the “USP Budget”). The USP Budget shall include a specific accounting of how the funding allocated through A. R. S. § 15-910(G) is to be spent consistent with the specific requirements of this Order. In addition, the USP Budget shall include entries disclosing how all funds to be expended to implement this Order, regardless of funding source, flow to specific components of the Order.
4. In preparing the USP Budget, the Superintendent and the Chief Financial Officer shall work with the Plaintiffs, the Special Master, and a school budget operations expert to be agreed upon by the Parties and the Special Master<sup>9</sup> to assess the funding needs for this Order. The school budget

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<sup>9</sup> If the Parties and the Special Master cannot agree on an individual to be appointed, the Parties shall submit their recommendations to the Court, who shall make the ultimate appointment.

operations expert shall be paid by the District but shall report to the Plaintiffs and the Special Master. The District therefore shall have the right to consent to the expert's billing rate and to propose an annual cap on the expert's fee.<sup>10</sup> The USP Budget shall be submitted to the Plaintiffs and the Special Master at least 30 days before being submitted to the Governing Board. Within 20 days of its submission, the Plaintiffs may provide their comments on the budget to the Parties and the Special Master. During this period, the school budget operations expert will be available to the Plaintiffs to assist them in their review of the proposed budget. Within 10 days of receiving the Plaintiffs' comments, the Special Master shall communicate to the District and the Parties, his suggestions, if any, for modifying the proposed USP Budget. Upon receipt of any proposed modifications, the District may adjust the USP Budget as appropriate and submit the budget to the Governing Board for approval. Any recommendation of the Plaintiffs and the Special Master not included in the Superintendent's final USP Budget proposal shall be noted and separately provided to the Governing Board for consideration.

5. Within ten days of the USP Budget's approval by the Governing Board, if any of the Plaintiffs or the Special Master disagrees with the budget as approved, they may file objections with the Court and the Court shall resolve the objections on an expedited basis.
6. Upon approval, the District shall post a copy of the final USP Budget on the USP Web Page required by Section (X)(D)(1).
7. The District will provide the Plaintiffs and the Special Master with an audit report of each year's USP Budget. The audit report shall indicate whether the funds allocated in the USP Budget were spent in accordance with that budget and such other information as may be necessary to provide the Plaintiffs, the Special Master, and the public with full disclosure concerning how funds allocated to the USP Budget were spent. The audit shall be conducted by an outside accounting firm and shall be posted on the USP Web Page as required by Section (X)(D)(1). Each audit report shall be delivered by January 31 after the conclusion of the fiscal year that is the subject of the audit.
8. If, after two years following approval of this Order, a Party or the Special Master believes an activity required by this Order is not making the intended progress or is redundant, unnecessary, or unduly wasteful, the Special Master may recommend and the Parties may stipulate to a recommendation that the program be discontinued. The funds for the activity in question may be reallocated to more effective or promising areas under the Order as appropriate. Should any Party disagree with the

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<sup>10</sup> If the Parties cannot agree, the Parties shall submit their dispute to the Special Master in the first instance. In the event any party disagrees with the Special Master's proposed resolution, the Parties shall submit their dispute to the Court.



recommendation for program termination, after first reviewing their objections with the other Parties and the Special Master, that Party may request the Court to order continued funding or to discontinue funding, whatever the case may be.

**C. Notice and Request for Approval**

1. The Parties shall continue to follow the Notice and Request for Approval procedure pursuant to the January 6, 2012 Order Appointing Special Master and the August 22, 2012 Order of this Court.
2. The January 6 Order of Appointment requires the District to provide the Special Master with notice and seek approval of certain actions regarding changes to the District's assignment of students and its physical plant. January 6 Order at 3. In addition to the items noted in the Appointment Order, the District shall also provide notice and a request for approval regarding the closing or opening of magnet schools or programs and attendance boundary changes as referenced above in Section (II)(E). In order to assess the District's plans in these regards, the District shall submit with each request for approval, a Desegregation Impact Analysis, ("DIA"), that will assess the impact of the requested action on the District's obligation to desegregate and shall specifically address how the proposed change will impact the District's obligations under this Order.
3. A copy of any DIA provided to the Special Master must also be provided to the Parties at the same time.

**D. Unitary Status Plan Web Page**

1. On the home page of <http://www.tusd1.org/> or any subsequent District websites, the District shall include a prominent link to a Unitary Status Plan web page ("USP web page"). This page shall serve as a resource to the community, parents, District employees, parties, and students, by providing current information related to the various elements of the Plan. The USP web page shall be available by April 1, 2013. The USP web page shall also include updated links to the current Plan; the Annual Reports, as appropriate pursuant to FERPA and other privacy concerns; USP budgets; and budget audits. All public reports and information on the USP web page shall be available in both English and Spanish.

**E. Role of Special Master and Plaintiffs**

1. The Special Master shall have all oversight authority delegated to the Special Master in the January 6, 2012 Order Appointing Special Master, as well as any other oversight authority later similarly delegated.
2. Pursuant to the authority of the January 6 Order of Appointment, the Special Master may select an Implementation Committee of three



independent expert advisors to aid him in monitoring and overseeing implementation of this Order. The Committee, which shall be chaired by the Special Master and be ethnically and racially diverse, shall act only through the Special Master and not as an independent entity. The Committee's members will be compensated on a per diem basis in an amount approved by the Court. The Special Master shall designate the Committee by April 1, 2013, and submit the names of individuals to the Court for approval. The parties may file objections with the Court to the appointment of individual Committee members or to proposed compensation rates.

3. Upon the provision by the District to the Special Master or the Parties of any items pursuant to (I)(D)(1), or after receipt of the Annual Report, the Plaintiffs may request additional information from the District should any Plaintiff determine that such additional information is necessary to assess whether the District is complying in good faith with its desegregation obligations and the terms of this Order. Any such requests shall be made no more than seven (7) days after the provision of items pursuant to I(D)(1) and no more than thirty (30) days after the provision of the Annual Report and shall be made to the Director of Desegregation with copies of the request to the Special Master and all Parties. Should the District believe that any request is unduly burdensome or otherwise inappropriate, the Special Master shall determine the feasibility of the request and the time for compliance. Such determinations of the Special Master may be appealed to the Court pursuant to the terms of the January 2012 Order.
4. In accordance with the requirements of the January 2012 Order Appointing Special Master, the Special Master shall submit an annual report to the Court on the status of this case. The Special Master's Annual Report shall be filed by December 1 of each year and shall include at a minimum the elements enumerated in Section (III) of the January 2012 Order.
5. In accordance with the requirements of the January 2012 Order Appointing Special Master, the Special Master shall submit a Final Unitary Status Report to the Court ninety (90) days prior to the scheduled termination of this Order. The content of the Final Report shall include at a minimum the required elements enumerated in the January 2012 Appointment Order at Section (IV).
6. The Special Master shall have the authority to bring to the Court's attention at any time instances of alleged noncompliance with this Order. All allegations of noncompliance shall be made in writing and submitted to the Court with copies provided to all Parties.

**F. Reporting**

1. At the time it files its Annual Report, the District shall report on the following regarding its notices and requests for approval submitted to the Special Master:
  - a. The number and nature of requests and notices submitted to the Special Master in the previous year; broken out by those requesting (i) attendance boundary changes; (ii) changes to student assignment patterns; (iii) construction projects that will result in a change in student capacity of a school or significantly impact the nature of the facility such as creating or closing a magnet school or program; (iv) building or acquiring new schools; (v) proposals to close schools; and (vi) the purchase, lease and sale of District real estate.

**XI. FINAL TERMINATION**

**A. The Court shall maintain jurisdiction over this case until the District:**

1. Complies in good faith with all of its obligations under this Order and all Orders of the Court entered in this matter; and
2. Has eliminated the vestiges of its past segregation to the extent practicable.

The Parties commit to negotiate in good faith any disputes that may arise, and the Parties may seek judicial resolution of any dispute pursuant to the process set forth in the January 6, 2012 Order Appointing Special Master and as permitted by law. The Parties may move, separately or jointly, for a declaration of partial unitary status at any time. A motion for the determination of complete unitary status shall not be filed prior to the end of the 2016-2017 school year. The applicable provisions of the Federal Rules of Civil Procedure and the local rules of this Court will apply to any such motion.

**XII. EFFECT OF PRIOR ORDERS**

All Orders not inconsistent herewith remain in full force and effect.

**XIII. SUBMISSION OF REQUEST FOR ATTORNEYS' FEES AND EXPENSES TO THE DISTRICT**

- A. Plaintiffs, other than The United States, shall submit their requests for attorneys' fees and expenses to the District within 45 days of this Order's approval. The requests for fees and expenses shall be submitted consistent with the requirements of 42 U.S.C. § 1988. Thereafter, the District shall have 60 days to review the private plaintiffs' fee and expense requests and either accept, reject, or negotiate

an agreed-to amount. In the event the District and the private plaintiffs cannot agree on an award of fees and expenses, the plaintiffs shall file their requests for fees and expenses with the Court for resolution by the Court.

- B. The District and the private plaintiffs expressly acknowledge that the submission of plaintiffs' fee and expense requests directly to the District under this provision, does not waive any legal claims or defenses that the parties may have, and all such legal claims or defenses can be raised with the Court in the event no agreement on fees and expenses can be reached.

# **ATTACHMENT F**

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
Plaintiffs,  
v.  
United States of America,  
Plaintiff-Intervenor,  
v.  
Anita Lohr, et al.,  
Defendants,  
and  
Sidney L. Sutton, et al.,  
Defendants-Intervenors,  

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Maria Mendoza, et al.,  
Plaintiffs,  
United States of America,  
Plaintiff-Intervenor,  
v.  
Tucson Unified School District No. One, et al.,  
Defendants.

CV 74-90 TUC DCB  
(lead case)

**ORDER**

CV 74-204 TUC DCB  
(consolidated case)

1 The Court denies the Second Motion for Reconsideration of Intervention by the  
2 State. The Court adopts the USP, pursuant to the parties' stipulations and pending  
3 incorporation of the changes required by the rulings of the Court made herein to resolve the  
4 disputed areas of the consent decree.

5 **A. Background**

6 On July 19, 2011, the Ninth Circuit Court of Appeals reversed and remanded this  
7 Court's finding that the Tucson Unified School District (TUSD) had attained unitary status.  
8 *Fisher v. Tucson Unified School District*, 652 F.3d 1131 (9<sup>th</sup> Cir. 2011). Since 1978, the  
9 District had operated TUSD under a consent desegregation decree "designed to remedy past  
10 discriminatory acts or policies." *Id.* at 1137. The 1978 desegregation settlement agreement,  
11 like all such decrees, was a remedial plan necessary to ensure that the District which had  
12 once operated TUSD as a state-compelled dual system performed its "affirmative duty to take  
13 whatever steps might be necessary to convert to a unitary system in which racial  
14 discrimination would be eliminated root and branch." *Id.* at 1134 (quoting *Green v. Cnty.*  
15 *School Board of New Kent County, Virginia*, 391 U.S. 430, 437-38 (1968)).

16 This Court focused on the limited nature of the case, reflected in the 1978  
17 Stipulation,<sup>1</sup> which identified very specific activities to be performed over five full school  
18 years, and found that to the extent practicable the District had eliminated the vestiges of *de*  
19 *jure* segregation.<sup>2</sup> In making this decision, this Court limited its *Green* analysis to factors  
20 identified in the 1978 Stipulation, however, the Court could not ignore that the District had  
21 operated the TUSD for over 25 years, pursuant to the 1978 Stipulation, and in this regard this  
22 Court found the District had not acted in good faith because over those 25 years the District  
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25 <sup>1</sup>The Court refers to the 1978 consent decree as the 1978 Stipulation. The Court refers  
26 to the consent decree being adopted now as the USP.

27 <sup>2</sup>Latin for: "as a matter of law."  
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1 had not addressed ongoing segregation and discrimination in TUSD, both physical  
2 segregation and unequal academic opportunities for Black and Hispanic minority students.

3 On review, the Ninth Circuit Court of Appeals held this Court’s “findings were fatal  
4 to its determination that the School District ha[d] achieved unitary status.” *Id.* at 1141. The  
5 appellate court explained this Court erred as a matter of law because “Supreme Court  
6 precedent is clear: in making a declaration of unitary status and terminating federal  
7 jurisdiction, a district court must determine that the School District has ‘complied in good  
8 faith with the desegregation decree since it was entered’ and has eliminated ‘the vestiges of  
9 past discrimination . . . to the extent practicable.’” *Id.* (quoting *Missouri v. Jenkins*, 515 U.S.  
10 70, 89 (1995)); see *Freeman v. Pitts*, 503 U.S. 467, 492 (1992); *Board of Education of*  
11 *Oklahoma City Public Schools v. Dowell*, 498 U.S. 237, 249-50 (1991).

12 The court reversed and remanded the case, directing this Court to retain jurisdiction  
13 “until it is satisfied that the School District has met its burden by *demonstrating*— not merely  
14 promising—its ‘good-faith compliance . . . with the [Settlement Agreement] over a reasonable  
15 period of time.’ [citation omitted] The court must also be convinced that the District has  
16 eliminated ‘the vestiges of past discrimination . . . to the extent practicable’ with regard to  
17 all of the *Green* factors. [citation omitted]” *Id.* at 1144 (emphasis added).

18 The *Green* factors direct the Court in regard to whether the District has eliminated  
19 the vestiges of past discrimination to the extent practicable. The district courts “look not  
20 only at student assignments, but ‘to every facet of school operations—faculty, staff,  
21 transportation, extra-curricular activities and facilities,’” *id.* at 1135-36; and other vital areas  
22 of concern such as the quality of education being offered to white and black student  
23 populations, *Freeman*, 503 U.S. at 473. The desegregation decree must address all these  
24 components for the District’s elementary and secondary school systems. *Id.* at 1136.  
25 Notably, the *Green* factors may be related or interdependent such that a continuing violation  
26 in one area may need to be addressed by remedies in another. *Id.*

1 Generally unitary status cannot be declared and jurisdiction cannot be terminated,  
2 when a school district lags in one or more of the *Green* factors, *id.*, but in some cases  
3 incremental or partial withdrawal of judicial control can be ordered for *Green* factors when  
4 compliance is achieved. Granting partial withdrawal, including withdrawing supervision  
5 over student assignments,<sup>3</sup> is informed by whether there has been full and satisfactory  
6 compliance in those aspects of the system where supervision is to be withdrawn; whether  
7 retention of judicial control is necessary or practicable to achieve compliance with other  
8 facets of the school system, and whether the District has demonstrated to the public and to  
9 the parties and students of the once disfavored races and ethnicities its good faith  
10 commitment to the whole of the agreement and to those provisions of the law and the  
11 Constitution that were the predicate for judicial intervention. *Id.* at 1144-45.

12 The Mandate issued on August 10, 2011, and the Court issued its first order after  
13 remand on September 14, 2011. At the suggestion of the Fisher Plaintiffs to appoint a  
14 desegregation expert to guide the development and implementation of a desegregation plan,  
15 the Court appointed a Special Master. (Order (Doc. 1350).) The Court set out the criteria  
16 for the Special Master's Report, i.e., the Unitary Status Plan (USP), which included the  
17 requirement that the USP contain a recommendation, supported by findings of law and fact  
18 or stipulation of the parties, as to whether partial withdrawal of judicial oversight is  
19 warranted for any *Green* factor. *Id.* at 4-5. "To expedite the resolution of this case," all  
20 parties were directed to outline their positions regarding any *Green* factors which they  
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23 <sup>3</sup>"The School District retains 'the burden of showing that any current imbalance is not  
24 traceable, in a proximate way, to the prior violation.' *Freeman*, 503 U.S. at 494 . . . But 'as  
25 the *de jure* violation becomes more remote in time and ... demographic changes intervene,  
26 it becomes less likely that a current racial imbalance in a school district is a vestige of the  
27 prior *de jure* system.' *Id.* at 496 . . . Still, good faith remains paramount: 'The causal link  
between current conditions and the prior violation is even more attenuated if the school  
district has demonstrated its good faith.' *Id.*" *Fisher*, 652 F.3d at 1144 n. 30.



1 believed are not at issue in this case and/or where partial withdrawal of judicial oversight is  
2 appropriate. *Id.* at 6.

3 In the end, the parties prepared the USP by stipulation and submitted it to the Court  
4 for its consideration and adoption for implementation in the TUSD. In other words, the  
5 parties have stipulated to a “new” consent decree to ensure that the District, which once  
6 operated the TUSD as a state-compelled dual system performs its affirmative duty to take  
7 whatever steps might be necessary to convert to a unitary system in which racial  
8 discrimination will be eliminated root and branch. On November 9, 2012, the stipulated Joint  
9 Proposed Unitary Status Plan was filed, with specific notations regarding the areas of party  
10 disagreement. The parties each filed separate briefs pertaining to their objections.

11 The Joint Proposed USP was made available to the State of Arizona, which appears  
12 by *amici* in respect to the sole question of whether the USP may include a provision allowing  
13 the return of the discontinued Mexican-American Studies (MAS) courses. January 10, 2012,  
14 the TUSD Governing Board adopted a resolution suspending all MAS courses and teaching  
15 activities after the Arizona Superintendent of Education John Huppenthal issued a Notice of  
16 Violation on June 15, 2011, finding that MAS classes being offered at TUSD violated A.R.S.  
17 § 15-112(A)(2)-(A)(4) because “TUSD presented material ‘in a biased, political, and  
18 emotionally charged manner’ that promoted social and political activism against ‘white  
19 people,’ promoted racial resentment, and advocated ethnic solidarity instead of treating  
20 pupils as individuals.” (Arizona’s Objection (Doc. 1409) at 2 (quoting *In the Matter of the*  
21 *Hearings of an Appeal by Tucson Unified School District*, No. 11F-002-ADE, citing *see*  
22 *Case No. 4: 10-CV-00623-AWT* (Doc. 132-1) at 35)). The decision subjected the District  
23 to having 10% of the District’s allocation of state funding withheld by the State, retroactive  
24 to August 15, 2011. The District appealed, but the violation was affirmed by an  
25 Administrative Law Judge on December 27, 2011. The State of Arizona has filed an  
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1 objection to the Joint Proposed Unitary Status Plan. It has also filed a Motion for  
2 Reconsideration (Doc. 1418) of this Court's denial of its Motion to intervene in this case.

3 The Joint Proposed USP was made available to the public for review and public  
4 comment. Three public hearings were held on Monday, November 26, 2012, at Tucson High  
5 Magnet School; Tuesday, November 27, 2012, at El Pueblo Regional Center, and  
6 Wednesday, November 28, 2012, at Palo Verde High School in the evenings from 6 pm to  
7 8:30 pm.<sup>4</sup> The notices for the public hearings were distributed to the community by press  
8 releases and public service announcements. The Notices and the Joint Proposed USP were  
9 also posted by the Court on the internet web site for the United States District Court for the  
10 District of Arizona under "What's New?" and the tab "Cases of Interest." The Court website  
11 directed the public to [www.TucsonUSP.com](http://www.TucsonUSP.com) where the Joint Proposed USP and public  
12 notices were available in English and Spanish, and where public comments could be made  
13 on line. Copies of the proposed USP were available in all schools and provisions were made  
14 for comments to be made at these locations. All public comments were able to be made  
15 anonymously. All in all, the Court is satisfied that there was a robust public comment period  
16 where over 600 public comments were heard by the Special Master, written comments were  
17 redacted to retain anonymity, copied and sent to the parties, and have been summarily  
18 reported to the Court.<sup>5</sup>

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21 <sup>4</sup>The public notices in English and Spanish shall be filed into the record as an  
22 attachment to this Order.

23 <sup>5</sup>See also: (Doc. 1429: Public Comment; Doc. 1428: Petition; Doc. 1427: Letter  
24 1/4/2013; Doc. 1426: Public Comment; Doc. 1422: Letter 1/11/2013 and  
25 <http://www.examiner.com> article); Doc. 1417: Letter 12/18/2012 and excerpts of various  
26 MAS course readings). These public comments were copied by the Court to the Special  
27 Master to afford him an opportunity to bring any new concern, not previously considered  
during the drafting of the USP, to the attention of the Court. Plaintiffs represented by  
counsel must submit filings with the Court through their attorneys. LR Civ. 83.3(c).

1           Subsequent to the public comment period and further discussion by the parties,  
2 some changes were made and on December 10, 2012, the parties filed the “final” Joint  
3 Proposed Unitary Status Plan, which again noted areas of party disagreement. Again, the  
4 parties each filed separate briefs regarding their objections. The State of Arizona has filed  
5 an *amici* brief. The Special Master has provided the Court with his report and  
6 recommendations regarding the areas of disagreement. The Court finds that all areas of  
7 disagreement have been fully briefed. The Court, therefore, makes specific findings  
8 regarding the areas of disagreement and adopts the stipulated USP, so revised.

9           The Court begins with an acknowledgment of the hard work that has gone into  
10 crafting what is a very comprehensive plan to attain unitary status in the TUSD over the next  
11 four school years. There are clearly more areas of agreement than disagreement, and the  
12 Court commends the Special Master for his facilitation in this matter. The Court is  
13 convinced that the Joint Proposed USP sets out steps to convert the TUSD to a unitary  
14 system in which racial discrimination will be eliminated root and branch to the extent  
15 practicable. The question remains whether at the end of the approximate four year period of  
16 operation under this consent decree, the USP, the District will have complied in good faith  
17 with its terms.

18 **B.       The Green Factors.**

19           The Court finds that the proposed USP addresses every *Green* factor: student  
20 assignment, transportation, administrative and certified staffing, extracurricular activities,  
21 and facilities, plus quality of education, family and community engagement, technology, and  
22 discipline. Nevertheless, the District enters into the consent decree with the caveat that: “[i]t  
23 does not constitute an admission by the District that there are vestiges of segregation that  
24 remain in the District or that the obligations set forth herein are required to eliminate any  
25 such vestiges that may exist.” (District Objection (Doc. 1407) at 24.) “Instead it represents  
26 an agreement that, if the District implements the [] USP for the period of time set forth  
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1 therein, it will have eliminated any vestiges that may exist and that it will achieve unitary  
2 status at the end of that time period.” *Id.* While the Court agrees with the latter statement,  
3 it does not agree with the former.

4 The District argues that while it stipulates to these provisions being in the USP, they  
5 are not required to remedy any constitutional violations found to exist in TUSD. According  
6 to the District, the only findings of fact and conclusions of law establishing the constitutional  
7 violation at issue in this case were those dated June 4, 1978. The District argues that even  
8 the 1978 Stipulation was unsupported by findings of fact linking it to any constitutional  
9 violation. This is an old argument seen and rejected by this Court in 2006, when this Court  
10 issued the Order defining the scope of the unitary status proceeding it was then undertaking.  
11 (Order (Doc. 1119), 2/7/2006, at 4.) Again, this Court finds for the record that Judge Frey’s  
12 findings of fact and conclusions of law fully supported the remedial measures set out in the  
13 1978 Stipulation.

14 The Ninth Circuit’s ruling on July 19, 2011, established unequivocally that the  
15 District has not attained unitary status. Relying on the findings of fact made by this Court,  
16 Order filed 8/21/2008 (Doc. 1239) and Order filed 4/24/2008 (Doc. 1270 ), the Ninth Circuit  
17 reversed this Court’s finding that unitary status was attained and found the contrary because:  
18 the “District failed the good faith inquiry *and* [this Court’s findings] raised significant  
19 questions as to whether the District had eliminated the vestiges of racial discrimination to the  
20 extent practicable . . .” (Mendoza Response Objection (Doc. 1413) at 1 (citing *Fisher*, 652  
21 F.3d at 1140) (emphasis in original).

22 In October 2011, the parties provided briefs concerning their positions as to whether  
23 partial withdrawal of judicial review was appropriate in this case. The District took the  
24 position that it is appropriate to withdraw oversight regarding three *Green* factors: facilities,  
25 extra-curricular activities, and transportation, except as it relates to student assignment. The  
26 District focused on these three factors because they were not included in the original 1978  
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1 Stipulation as areas requiring a constitutional remedy. (TUSD Memo (Doc. 1332) at 2.)

2         The Plaintiff-intervenors correctly noted that this Court “has repeatedly held the  
3 District has failed to eliminate the vestiges of past discrimination with respect to student  
4 assignment, faculty assignment and hiring, transportation and facilities. (P-Intervenor Memo  
5 (Doc. 1337) at 5) (citing 2008 Orders and 2006 Order (Doc. 1119). As noted by the  
6 Plaintiffs Mendoza, it would be error for the Court to adopt the District’s assertion that  
7 certain *Green* factors are not at issue in this case now because they were not at issue in 1978.  
8 (Mendoza Memo (Doc. 1330) at 2-3, n.4), *see also* (Fisher Memo (Doc. 1328) at Table 1:  
9 Factors relevant to unitary status determination identified by supporting authority).

10         Given the express directive of the court of appeals that this Court, upon remand,  
11 shall consider all of the *Green* factors, including quality of education, *Fisher*, 652 F.3d at  
12 1144, this Court finds them all at issue now. The Plaintiffs do not have to establish that  
13 vestiges of discrimination remain for every *Green* factor to warrant redress. The burden is  
14 on the Defendant to establish that the vestiges of discrimination resulting from the prior dual  
15 school system have been eradicated to the extent practicable. *Freeman*, 503 U.S. at 494.  
16 Accordingly, until unitary status is attained, the District has the burden of proving that racial  
17 imbalances and inequities within the school system are not related proximately to the prior  
18 violation. *Id.*

19         At this point in the game, it is a two-pronged related inquiry: 1) whether the District  
20 has complied in good faith with the desegregation decree since it was entered, and 2) whether  
21 the District has eliminated the vestiges of the past discrimination that was the subject of the  
22 action to the extent practicable. Especially, in this case where the span of time for analysis  
23 is approximately 35 years, whether the vestiges of the past discrimination identified in 1978  
24 have been eliminated to the extent practicable hinges in large part on whether the District  
25 complied in good faith with the remedial plan set out in the 1978 Stipulation. This question  
26 has been unequivocally answered in the negative. On remand, no further findings of fact  
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1 regarding constitutional violations are necessary to warrant the imposition by this Court of  
2 an updated plan to attain unitary status.

3 This brings the Court to the next question of whether any *Green* factor may be  
4 omitted from the USP, i.e., whether there should be partial withdrawal of judicial control for  
5 any *Green* factor. First, the Court notes that the parties' own stipulated plan to attain unitary  
6 status addresses all the *Green* factors, including provisions aimed at improving quality of  
7 education. The proposed USP is a comprehensive plan drafted with the assistance of a  
8 Special Master,<sup>6</sup> counsel for all parties, the Plaintiff-intervenor (the United States Department  
9 of Justice, Civil Rights Division), and several experts<sup>7</sup> including District staff. Second, the  
10 Court notes that the District has not moved for partial withdrawal and has not objected to the  
11 inclusion of provisions related to transportation, extra-curricular activities, and facilities—the  
12 three areas where it asserts it has attained unitary status. The Court finds that the *Green*  
13 factors addressed in the proposed USP are interrelated and interdependent, forming a  
14 comprehensive plan such that partial withdrawal of judicial oversight as to any *Green* factor  
15 is inappropriate.

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18 <sup>6</sup>Willis Hawley is Professor Emeritus of Education and Public Policy at the University  
19 of Maryland and Director of the Teaching Diverse Students Initiative, a project of the  
20 Southern Poverty Law Center.

21 <sup>7</sup>Gary Orfield is Professor of Education, Law, Political Science and Urban Planning  
22 and Co-Director of the Civil Rights Project at the University of California at Los Angeles.  
Orfield was Special Master in the San Francisco and St. Louis school desegregation cases.

23 Leonard Stevens is a consultant on equity issues and desegregation working with  
24 urban districts. He served as Special Master in the Cincinnati, Ohio desegregation case.

25 Carlos A. Gonzalez is an attorney in Atlanta with expertise in mediation. He has  
26 served as Special Master in desegregation cases involving higher education.

27 Beatriz Arias is Associate Professor of Bilingual Education at Arizona State  
28 University and a Vice-President of the Center for Applied Linguistics in Washington, DC.  
She has served as Special Master in the San Jose (CA) school desegregation suit.

1 Furthermore, the Court finds that supervision may not be withdrawn over any *Green*  
2 factor because at this point in time the Court cannot find full and satisfactory compliance in  
3 these areas. As evidenced by their inclusion in the proposed USP, there is room for  
4 improvement as to all *Green* factors. The Court finds that supervision may not be partially  
5 withdrawn for any *Green* factor because the USP is a comprehensive interrelated and  
6 interdependent plan and, therefore, judicial control over all *Green* factors is necessary and  
7 practicable to achieve compliance with all facets of the school system. The Court finds that  
8 supervision may not be partially withdrawn for any *Green* factor because the District failed  
9 to demonstrate to the public and to the parties and students of the once disfavored races and  
10 ethnicities its good faith commitment to the whole of the 1987 Stipulation and to those  
11 provisions of the law and the Constitution that were the predicate for judicial intervention.

12 **C. Arizona's Motion to Reconsider Intervention and Objection to USP**

13 There has been no significant change in circumstances to warrant reconsideration.  
14 There is no manifest injustice caused by this Court's denial of intervention.

15 The State of Arizona submits there is a significant change in circumstances because  
16 the District has withdrawn its objection to including the MAS program in the USP, and if the  
17 Court reinstates MAS courses, it is unable to appeal the decision unless it is a party-  
18 intervenor.

19 Undisputably, there is one significant difference since the Court ruled to deny  
20 intervention by the State of Arizona. The USP has now been drafted by stipulation of the  
21 parties. Section V, Quality of Education, includes subsections as follows: A) Access to and  
22 Support in Advanced Learning Experience, B) OELAS Extension, C) Dual Language  
23 Programs, D) Student Engagement and Support, E) Maintaining Inclusive School  
24 Environments, and F) Reporting.



1           **a. Subsection D, Student Engagement: Culturally Relevant Courses**

2           The purpose of subsection D, Student Engagement and Support, is to improve the  
3 academic achievement and educational outcomes of the District's African American and  
4 Latino students, using strategies aimed at closing the achievement gap and eliminating the  
5 racial and ethnic disparities for these students in academic achievement, dropout and  
6 retention rates, discipline, access to advanced learning experiences, and any other areas  
7 where disparities and potential for improvement exists. The proposed USP calls for six  
8 transformative strategies designed to change the educational expectations of and for African  
9 American and Latino students. The strategies engage these students in the academic  
10 curriculum by adopting culturally responsive teaching methods that encourage and strengthen  
11 their participation and success and provide necessary student support services to allow them  
12 to improve their educational outcomes. (Proposed USP (Doc. 1411) § V(D)(1).)

13           Subsection D includes the following strategies: Academic and Behavioral Supports  
14 Assessment and Plan, Dropout Prevention and Retention Plan, Personnel and Professional  
15 Development, Engaging Latino and African American Students, and Services to Support  
16 African American and Latino Student Achievement. (Proposed USP (Doc. 1411) at V(D)  
17 (2)-(7).)

18           The State objects to subsection D(6), Engaging Latino and African American  
19 Students, only as to the Latino students.

20           The District shall continue to develop and implement a multicultural  
21 curriculum for District courses which integrates racially and ethnically  
22 diverse perspectives and experiences. The multicultural curriculum shall  
23 provide students with a range of opportunities to conduct research and  
24 improve critical thinking and learning skills, create a positive and inclusive  
25 climate in classes and schools that builds respect and understanding among  
26 students from different racial and ethnic backgrounds, and promote and  
27 develop a sense of civic responsibility among all students. All courses  
28 shall be developed using the District's curricular review process and shall  
meet District and state standards for academic rigor. The courses shall be  
offered commencing in the 2013-2014 school year.

26 *Id.* at (6)(i).



1 By the beginning of the 2013-2014 school year, the District shall develop  
2 and implement culturally relevant courses of instruction designed to reflect  
3 the history, experiences, and culture of African American and Mexican  
4 American communities. Such courses of instruction for core English and  
5 Social Studies credit shall be developed and offered at all feasible grade  
6 levels in all high schools across the District, subject to the District's  
7 minimum enrollment guidelines. All courses shall be developed using the  
8 District's curricular review process and shall meet District and state  
9 standards for academic rigor. The core curriculum described in this section  
10 shall be offered commencing in the fall term of the 2013-2014 school year.  
11 The District shall pilot the expansion of courses designed to reflect the  
12 history, experiences, and culture of African American and Mexican  
13 American communities to sixth through eighth graders in the 2014-2015  
14 school year, and shall explore similar expansions throughout the K-12  
15 curriculum in the 2015-2016 school year.

16 *Id.* at (6)(ii).

17 In withdrawing its objection to these courses being developed as core courses, the  
18 District clarifies that the Governing Board passed a motion on January 8, 2013, "Designating  
19 a course as a core course means that passing the course will satisfy requirements for  
20 graduation. It does not mean that all students must take the course; culturally relevant  
21 courses will remain optional." (Notice of Withdrawal of Objection (Doc. 1421), Ex. A:  
22 Agenda Item 9.)

23 The Court notes that the State's objection is not substantive in respect to subsection  
24 (i), which provides for the development of multicultural curriculum to integrate racially and  
25 ethnically diverse perspectives into standard core courses taught to all students, such as social  
26 studies or English. The State's challenge is aimed at subsection (ii), which provides for the  
27 development of culturally relevant courses. The State treats this provision as calling for  
28 reinstatement of MAS courses which were terminated pursuant to the State's decision that  
they violated A.R.S. § 15-112. Since then, no MAS courses are being offered in TUSD. The  
first step called for in the proposed USP is course development. Only then will the State be  
in any position to determine whether the culturally relevant courses, developed pursuant to  
the USP, violate state law.



1 (Proposed USP (Doc. 1411) § V(D)(6)(a)(ii); (SM Recommendation, SM USP, Addendum  
2 A at 61.)

3 The State does not dispute the merits of culturally relevant courses to improve  
4 academic achievement for minority students. The Special Master reports that two studies of  
5 the MAS courses have been conducted. The first, the Cambium Report, commissioned by  
6 the State in 2011, found the courses to be rigorous and that students were held to high  
7 standards of performance. (SM Recommendation, SM USP, Addendum A at 61.) The  
8 second study was commissioned by the Special Master and conducted *pro bono* by experts  
9 from the University of Arizona: the Carbrera study. The Special Master concluded that both  
10 studies suggest that students who took the MAS courses were more likely to graduate from  
11 high school on time and to pass state achievement tests than similarly situated peers. *Id.*  
12 Some have challenged these studies as “weak,” for various reasons, (Doc. 1429: Stegeman  
13 letter), but they are at least some evidence supporting the proposed culturally relevant  
14 courses.

15 Other studies and a substantial body of research by sociologists and psychologists  
16 show that “strengthening pride in one’s race and ethnicity, particularly for disadvantaged  
17 groups, is related to positive intergroup attitudes as well as to academic achievement.” (SM  
18 Recommendation, SM USP, Addendum A at 62 (citing Melanie Killen, Professor of  
19 Educational Psychology and Psychology at the University of Maryland and a Fellow of both  
20 the American Psychological Association and the Association for Psychological Science)).  
21 The Special Master explains that people who understand how discrimination has undermined  
22 their opportunities are less likely to discriminate against others and “can dismiss negative  
23 stereotypes as constraints on their own success.” *Id.* at 62-63.

24 The Court believes that including culturally relevant courses in the USP affords the  
25 parties an opportunity to continue to study the affects of these types of classes on student  
26 achievement. The Court urges the parties, the District, including the TUSD Governing  
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1 Board, to work together to identify study criteria that will make the next round of reports  
2 more meaningful and more determinative. Based on the evidence before it at this time, the  
3 Court finds that the evidence which does exist supports including culturally relevant courses  
4 in the USP as one way to improve student achievement.

5 The State does not appear to argue any and all culturally relevant courses will  
6 necessarily violate A.R.S. § 15-112 because it does not object to culturally relevant courses  
7 for African American students. (Proposed USP (Doc. 1411) § V(6).) Instead, the State  
8 argues that the MAS courses segregated students by race and were designed only for  
9 Mexican American pupils. The State implies that the MAS courses were so hostile towards  
10 “white people” that only Mexican American students would enroll in them. Again, the Court  
11 declines to address the constitutionality of either the statute, its interpretation, or its  
12 implementation to preclude such courses. That case is before the Honorable A. Wallace  
13 Tashima, *Acosta et al. v. Huppenthal et al.*, CV 10-623 TUC AWT.

14 The State, like the Plaintiffs, must set aside what has occurred in TUSD in the past  
15 and assume, as does this Court, that the USP will be implemented in good faith by the  
16 District. The State is free to monitor the development of the culturally relevant courses and  
17 their implementation. The State is free to enforce its laws as it did in 2011 when it took  
18 action against TUSD for the MAS courses, if it believes any culturally relevant courses  
19 developed and implemented in TUSD violate state law.

20 The Court does not exceed its authority by approving and adopting the USP,  
21 containing curricular provisions, (United States (DOJ) Response Objection (Doc. 1416) at  
22 3-5 ) (citations omitted). By adopting the USP § V(6), this Court is not approving nor  
23 adopting any specific culturally relevant course. This Court’s ruling does not override State  
24 law, and even if it did– the Supreme Court has held that state laws cannot be allowed to  
25 impede a desegregation order. *See e.g., N.C. Bd. of Educ. v. Swann*, 402 U.S. 43, 45 (1971)

1 (if state law operates to inhibit or obstruct the operation of a unitary school or impede the  
2 disbanding of a dual school system, it must fall).

3 The Court reaffirms its decision to deny the intervention of the State of Arizona in  
4 this action. The State has not satisfied the criteria for intervention as a right. Federal Rule  
5 Civil Procedure 24(a)(2) provides for intervention of right when the applicant establishes the  
6 following: 1) the intervention is timely; 2) the applicant's interest relates to the property or  
7 transaction involved in the pending law suit; 3) disposition of the lawsuit may adversely  
8 affect the applicant's interest unless intervention is allowed, and 4) the existing parties do not  
9 adequately represent the would-be intervenor's interest.

10 While the request is timely in respect to the State's ability to affect the terms and  
11 provisions contained in the USP, the Court finds there is no issue ripe for resolution until the  
12 culturally relevant courses are developed. Intervention is not necessary for the State to  
13 enforce its laws. The State's ability to withhold 10% of state funding from TUSD is a  
14 powerful weapon at the State's disposal to ensure that TUSD complies with state law. The  
15 Court finds that the District has adequately represented the State's interest in enforcing  
16 A.R.S. § 15-112. In the face of strong public support from members of its community for  
17 MAS courses, the Governing Board voluntarily terminated the MAS courses, subsequent to  
18 the decision by the State that they violated state law. The District chose to comply with  
19 directives from the State rather than the Post Unitary Status Plan, a federal court order.  
20 Finally, the Court finds that the State's interest relates to the USP in only a small way.  
21 Culturally relevant courses are one strategy aimed at only one *Green* factor: student  
22 achievement. While the MAS courses are a weather vein for controversy in the community,  
23 including the culturally relevant courses in the proposed USP was not. All the parties  
24 stipulated to including culturally relevant courses in the curriculum as a meritorious strategy,  
25 fully supported by the experts and the Special Master, to improve the academic performance  
26 of minority students. The Court denies the State's request to intervene as a right.

1           The Court also denies permissive intervention, pursuant to subsection 1 of Rule  
2 24(b), which the Court may grant at its discretion if: 1) there is an independent ground for  
3 jurisdiction; 2) the application is timely, and 3) there is a common question of law and fact  
4 between the State’s claim and the main action. In exercising discretionary intervention, the  
5 Court must consider “whether the intervention will unduly delay or prejudice the  
6 adjudication of the original parties rights.” Fed. R. Civ. P. 24(b)(3).

7           As this Court held on June 14, 2012, when it denied the State’s Motion to Intervene:  
8 “Importantly, intervention by the State in this one issue will unduly delay and prejudice the  
9 adjudication of the rights of the existing parties who have waited over 30 years for the  
10 formulation of a comprehensive plan to eliminate, ‘root and branch,’ the vestiges of the  
11 segregation that occurred in the TUSD four decades ago by bringing equal educational  
12 opportunities to minority students in the TUSD.” (Order (Doc. 1375) at 6.)

13           The Court concludes that there has been no significant change in circumstances to  
14 warrant reconsideration of the intervention question. There is no manifest injustice caused  
15 by this Court’s denial of intervention. Furthermore, the Court believes that the State’s  
16 appearance by *amici* may also be concluded. The State shall show good cause why its status  
17 as *amici* should not be ended now that it has had an opportunity to present its objections to  
18 including culturally relevant courses in the USP. The State should show cause why the  
19 normal avenues available to it to enforce its laws are not sufficient means by which it may  
20 protect its interests here.

#### 21 **D.       Objections to USP: Consent Decree**

22           As previously noted, in large part the parties stipulated to the provisions included in  
23 the Jointly Proposed USP. Since filing the USP, the parties have agreed that to allow for  
24 flexibility in certain deadlines, language should be added to § I(D) as follows:

25           The Parties and the Special Master shall review all of the deadlines for  
26 hiring/assignment and professional development and, to the extent  
27 appropriate, revise these deadlines to ensure the recruitment and  
28 hiring/assignment of the best qualified candidates, and the involvement of

1 the newly hired/assigned employees in the creation of professional  
2 development plans. If the Parties and the Special Master cannot agree on  
3 revised time lines, the dispute shall be presented to the Court as set forth in  
4 Section I(D)(1).

(District Response Objection (Doc. 1412) at 3-4.)

5 The Court has considered the initial proposed USP, with noted objections (Doc.  
6 1406) and Memoranda of Objections by the District (Doc. 1407), the Mendoza Plaintiffs  
7 (Doc. 1408), and the State of Arizona (Doc. 1409); the final proposed USP, filed subsequent  
8 to public comments<sup>8</sup> (Doc. 1411) and final Response Objections by TUSD (Doc. 1412),  
9 Mendoza Plaintiffs (Doc. 1413), Fisher Plaintiffs (Doc. 1415), the United States (Doc. 1406),  
10 the State (Doc. 1414) and the State's Second Motion for Reconsideration of Intervention to  
11 the extent it addressed the merits of the culturally relevant courses proposed in the USP (Doc.  
12 1418); the Special Master's recommendations made to the Court on December 22, 2012, the  
13 parties' responses to those recommendations and the Special Master's replies.<sup>9</sup>

14 In an effort to rule expeditiously to adopt the USP so as to not jeopardize deadlines  
15 in the USP, which are fast approaching, the Court does not discuss every argument related  
16 to every objection, except where necessary to note those rejected or to resolve a disputed area  
17 of the consent decree. The parties did an excellent job of presenting their arguments. The

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21 <sup>8</sup>See n. 5.

22 <sup>9</sup>The Special Master placed his recommendations in the side margins of the proposed  
23 USP adjacent to each objection and attached the annotated USP, plus three addendums to a  
24 cover letter which he addressed to this Court on December 22, 2012. The Court shall direct  
25 the Clerk of the Court to file these documents as the Special Master's Recommendation,  
26 simultaneously with the filing of this Order. The parties sent responses regarding these  
27 recommendations to the Special Master and this Court. He replied and provided both to the  
28 Court. These documents shall be filed into the record as: Special Master Recommendation,  
Attachments USP Special Master Comments, addendums 1-3, and parties' Responses/Special  
Master Replies.



1 Court has identified each objection which needs to be resolved and ruled expressly to resolve  
2 each objection.<sup>10</sup>

3 The Court turns to the areas in the USP where there were objections: § II Student  
4 Assignment; § IV Administrators and Certified Staff; § V Quality of Education; § VI  
5 Discipline; § VIII Extracurricular Activities, and § X Accountability and Transparency.

6 **a. § II: Student Assignment**

7 Without making a formal objection to § II(C)(1) and (2), Student Assignment  
8 Personnel: Director of Student Assignment and Magnet Strategy and Operations, the Fisher  
9 Plaintiffs note that the USP potentially establishes approximately twenty new administrative  
10 positions and asks that administrative positions created, staffed and funded under the USP  
11 should be integral to the desegregation process and supplement rather than supplant already  
12 existing positions. The Fisher Plaintiffs suggest certain reporting criteria which would assist  
13 in tracking the link between staff, responsibilities, and funding sources. The Court directs  
14 the Special Master to consider the suggestions made by the Fisher Plaintiffs as he moves  
15 forward with developing the financial plan for the USP. (Fisher Objection (Doc. 1415) at  
16 5.)

17 **Comment [A1] and [A2]<sup>11</sup>:Fisher Plaintiffs Request for specific goals to be**  
18 **established in the USP.**

19 The Fisher Plaintiffs object to § II(E)(3) and (4), Magnet Programs: Magnet School  
20 Plan, and argue that this section should set more frequent and specific goals for the magnet  
21 school evaluation process. In response to their concerns, the Special Master explains that the  
22 USP embodies what organization psychologists call the expectancy theory of motivation.

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24 <sup>10</sup>The Special Master notes a typo at § II(E)(2), (SM Recommendation, USP SM  
25 Comment [A1]), which should be corrected in the USP.

26 <sup>11</sup>These Comment numbers are from the proposed USP attached as Exhibit A to the  
27 Stipulation of the Parties Regarding the Filing of the Joint Proposed Unitary Status Plan  
28 Noting Areas of Party Disagreement (Proposed USP (Doc. 1411).)



1 It calls for those responsible for a given action, usually the District, to develop goals for each  
2 different situation, make those goals public, and evaluate whether the goals are achieved.  
3 If not, the District is expected to identify necessary program or personnel changes or  
4 improvements. ( Special Master’s (SM) Recommendation at iii.) Should the District fail  
5 over the coming year to develop goals acceptable to the Fisher Plaintiffs, they are encouraged  
6 to raise their concerns with the Special Master or this Court.

7 Specifically in response to the Fisher Plaintiffs’ request for a goal to be set related  
8 to the Magnet School Plan, the Special Master proposes adding additional language in ¶ 3,  
9 as follows: “and, (v) identify goals to achieve the integration of each magnet school which  
10 shall be used to assess the effectiveness of efforts to enhance integration.” The Special  
11 Master explains that this language is not duplicative of and is consistent with other goal  
12 oriented language found in other areas of the USP. He believes the USP should contain  
13 explicit language about setting goals for each school and addressing the expectation of  
14 annual assessments of progress in attaining those goals. This allows individual schools to  
15 assess their progress, and the Court notes that the language will enable the District, as well,  
16 to make such individualized assessments. (SM Recommendation at iii, USP SM Comments  
17 [A3][A4] at 9-10); SM Reply to TUSD, Mendoza, and DOJ Response to Recommendation.)  
18 The Special Master recommends that the language, “to the extent practicable,” in paragraph  
19 4 be retained. (SM Recommendation, USP SM Comment [A6] at 10.) The Court adopts this  
20 recommendation and the recommended language for ¶ 3(v).

21 The Special Master also recommends changing the date “2015-2016” in § II(E)(5)  
22 through which the District is obligated to apply for Federal Magnet School Funding to  
23 “2016-2017,” which coincides with the date for attaining unitary status in § X of the USP.  
24 *Id.* SM Comment [A7] at 10. The Court adopts this recommendation.

**Comment [A3]: District objects to 50 % criteria for Magnet School Plan.**

Subsection G, Application and Selection Process for Magnet Schools and Programs and for Open Enrollment, addresses oversubscribed schools and requires “the District [] as part of the Magnet School Plan to develop an admissions process – i.e., weighted lottery, admission priorities, which takes account of [certain specified] criteria,”(Proposed USP (Doc. 1411) § II(G)(2)(a) including students residing within a designated preference area. The proposed USP specifies: “No more than 50% of the seats available shall be provided on this basis.” *Id.* The District objects to the 50% limitation as too limiting and argues that while it may work in some magnet schools it could hamper the District’s flexibility in creating and implementing the Magnet School Plan. (District Objection (doc. 1407) at 11.)

All the Plaintiffs and the Special Master support the 50% criteria. The Special Master explains there is a problem integrating the magnet schools because they are in many cases, effectively neighborhood schools, with students in their attendance area having preference for admission. (SM Recommendation, USP SM Comment [A9].) The District explains that going back to 1978, “the goal of the student assignment plans was to maintain, to the extent possible, the District’s neighborhood school system.” (District Objection (Doc. 1407) at 9.) However, going back to 2005, the Independent Citizens’ Committee (ICC), a citizen committee charged with tracking the desegregation efforts in TUSD, filed a compliance report, which noted that magnet schools were disproportionately minority because magnet schools were disproportionately located west of Alvernon Way where Tucson’s minority populations disproportionately reside. (Mendoza Response Objection (Doc. 1413) at 5; Mendoza Response to Recommendation) This disproportionately limits magnet school opportunities for Latino students who live outside the attendance zone.

The Court realizes that any limit on neighborhood enrollment will raise the charge that Latino students are being denied the opportunity to attend quality magnet programs in their own neighborhoods. As well, the Court realizes that the burden of being transported

1 to school outside your immediate neighborhood is more heavily born by the minority  
2 students in TUSD. The Court believes, however, that both these concerns must be balanced  
3 against the interest of integration for all minority students, which is done by establishing the  
4 50% criteria in the USP and supported by all the Plaintiffs. The Court adopts the  
5 recommendation of the Special Master to retain the 50% criteria, with the understanding that  
6 the Magnet School Plans will take into account the transportation burdens being incurred by  
7 the students, including the distance and time spent traveling to and from school.  
8 Additionally, the District should at last address the issue raised by the ICC in 2005, regarding  
9 the strategic placement of magnet schools in its ongoing efforts under the USP to desegregate  
10 TUSD.

11 **b. § IV: Administrators and Certified Staff**

12 **Comment [A4]: Fisher Plaintiffs object to the Labor Market Study**  
13 **commissioned by the District; Comment [A5]: District objects to financial support**  
14 **requirement in “growing your own” plan.**

15 The Jointly Proposed USP calls for the District to enhance the racial and ethnic  
16 diversity of its administrators and certified staff through its recruitment, hiring, assignment,  
17 promotion, pay, demotion, and dismissal practices and procedures. (Proposed USP (Doc.  
18 1411) § IV(A)(1).) To accomplish this, the USP calls for outreach and recruitment for all  
19 employment vacancies on a nondiscriminatory basis. (Proposed USP (Doc. 1411) §  
20 IV(C)(1).) “The District has hired an outside expert to undertake a Labor Market Analysis  
21 to determine the expected number of African American and Latino administrators and  
22 certificated<sup>12</sup> staff in the District, based on the number of African American and Latino  
23 administrators and certificated staff in the State of Arizona, in a four-state region, a six-state  
24 region and the United States. The Special Master and Plaintiffs shall have until February 1,

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25  
26 <sup>12</sup>“Certificated Staff” refers to personnel who, at minimum, hold a professional  
27 certificate issued by the State and are employed in a position where such certification is  
28 required. (Proposed USP (Doc. 1411), Appendix A: Definitions ¶ 5.)

1 2013 to review the Labor Market Analysis and present any objections to request any  
2 additional data or analysis the Parties or the Special Master may deem relevant.” (Proposed  
3 USP (Doc. 1411) § IV(C)(2).) In addition to the general objection to the February 1-  
4 deadline, the Fisher Plaintiffs challenge the Labor Market Study commissioned by the  
5 District and ask that it be set aside, and ask that the Special Master commission a Labor  
6 Market Study from an independent source.

7 The Fisher Plaintiffs also object to the District’s reliance on the Labor Market Study  
8 to assert that in adopting a “grow your own” program, pursuant to subsection I, Professional  
9 Support, the District should not be required to provide financial support to enable current  
10 Latino and African American employees to secure the required certifications to become  
11 administrators. (Proposed USP (Doc. 1411) § IV(I)(3).) The District argues that the Labor  
12 Market Study shows by every possible measurement that the District has more Latino  
13 administrators and certificated staff than would be expected, which when combined with the  
14 lack of any finding of a constitutional violation and the limited obligations of the 1978  
15 Stipulation, does not support a remedy of financial support for Latino and African American  
16 employees to secure additional degrees or certifications. (District Objection (Doc. 1407) at  
17 12-13.)

18 The District has not sought partial withdrawal of judicial oversight nor requested a  
19 partial finding of unitary status in regard to the *Green* factor: administrative and certified  
20 staffing. Instead, the District has agreed to undertake efforts to recruit and grow their own  
21 African American and Latino administrators and certificated staff. The Court does not  
22 consider whether the Labor Market Study supports a finding that vestiges of past  
23 discrimination remain in regard to administrative and certified staffing. The Court instead  
24 considers whether or not the Labor Market Study is adequate to meet the needs of the USP  
25 or if it should be set aside.

1           The Special Master has recommended retaining the language referencing the Labor  
2 Market Study in subsection C, Outreach and Recruitment ¶ 2, which the Fisher Plaintiffs find  
3 objectionable, because the provisions of the plan are not dependent on the findings of the  
4 study though the findings will have an effect on how one assesses the effectiveness of the  
5 District’s efforts to further recruit African American and Latino professional staff. He  
6 submits that it remains to be determined, once the Plaintiffs and he have an opportunity to  
7 review the Labor Market Study, whether it is inadequate. (SM Recommendation, USP SM  
8 Comment [A10] at 16); (SM Reply to Fisher Response to Recommendation.) The Special  
9 Master recommends deleting the language calling for review of the Labor Market Study by  
10 February 1, 2013, with the understanding that the parties and he will make any objections to  
11 the adequacy of the study when the District submits its recruitment plan. In other words, the  
12 Labor Market Study may be evaluated in the context of the proposals being made by the  
13 District. *Id.*

14           The Court finds that while preliminary review and comment by the Plaintiffs to the  
15 District regarding their opinions regarding the sufficiency of the Labor Market Study, the  
16 adequacy of the study cannot be fully determined until it is known how the District uses it,  
17 i.e., what conclusions the District draws from it. The Court adopts the Special Master’s  
18 recommendation to retain the provision allowing the District to assess the effectiveness of  
19 its outreach and recruitment plan based on the challenged Labor Market Study and to delete  
20 the deadline for review and objections to be made to the study. The Court agrees with the  
21 Special Master that review and objections regarding the adequacy of the Labor Market Study  
22 are better made at the time the District proposes to rely on it.

23           The Special Master correctly notes that in subsection I, Professional Support ¶ 3, the  
24 District is not “required” to provide financial support as part of any “growing your own”  
25 method adopted by the District to increase the number of African American and Latino  
26 principals, assistant principals, and District Office administrators. The proposed USP  
27

1 requires the District’s “growing your own” plan to include the *possibility* of financial support  
2 to enable these employees to receive the required certifications and educational degrees and  
3 educational degrees needed for such promotions. *Id.* at 22. The Court adopts this  
4 recommendation.

5 **Comment [A6]: District objects to Professional Development including a**  
6 **special plan for educators working with ELL students.**

7 The District argues that subsection J, Professional Development, which provides for  
8 a training plan to ensure that all staff are provided copies of the USP and trained regarding  
9 its elements and requirements, overreaches because ¶ 3(b)(vii) requires the District to  
10 develop a district-wide professional development plan for all educators working with English  
11 Language Learner (ELL) students. The District argues this is outside the scope of this case  
12 because the 1978 Stipulation contained only one obligation with respect to “bilingual”  
13 education, and that was to get parental consent before placing a student in a bilingual class.  
14 (District Objection (Doc. 1407) at 15.) Even if the Court assumed the bilingual education  
15 program in 1978 was the equivalent of today’s ELL program, the Court ruled in 2008 that  
16 it “would not limit its inquiry to only the express terms of the Settlement Agreement because  
17 over the ... 27 years [the Agreement was in place] the parties have interpreted the Settlement  
18 Agreement to reach a broad array of programs.” (Order (Doc. 1270) at 5.)

19 As noted by the Mendoza Plaintiffs in the 2008 Annual Report that the District  
20 prepared to catalogue its activities under the Settlement Agreement it listed: at Cragin, a new  
21 program called Avenues described as a language program for ELL students; at Manzo, a new  
22 ELL tutoring program; at Maxwell, a “CompEd” program described as after school tutoring  
23 for ELL students; at Tully, a focus on all ELL strategies to be implemented in the classroom.  
24 (Mendoza Response Objection (Doc. 1413) at 7-8 (citing 2008 Annual Report (Doc. 1266)  
25 at Exhibit D).) “Further, and of particular relevance given the District’s objection, the  
26 Annual Report includes a list of in-service training programs . . . required [] for all District  
27  
28

1 employees involved in implementing the Agreement. According to the Annual Report, those  
2 programs included the following: at Borton, ELL Avenues workshop; SEI endorsement  
3 training; ELL summer school training; at Howell, guidelines for grading ELL's; at Roskrige:  
4 vocabulary development strategies (ELL strategies) and dual language model (best  
5 practices); at Tully, effective reading for ELL's; at Whitmore, math interventions – ELL  
6 support.” *Id.* at 8 (citing TUSD 2008 Annual Report (Doc. 1266)).

7 More importantly, in 2008, this Court ruled that student achievement was a relevant  
8 measure of effectiveness and reviewed the scores of TUSD students of different racial and  
9 ethnic groups on the AIMS test and found:

10 Most troubling are the low achievement rates by [ELL students] on the  
11 Arizona Instrument to Measure Standards (AIMS) exam. From 2002  
12 through 2004, ELL students failed the reading section of AIMS in grades 3,  
13 5, 8, and 10 between 73 and 96%. Anglo student failure rate ranged from 20  
14 to 42%. ELL students failed the mathematics section up to 98% as  
15 compared to the highest percentage failure rate of 70% for Anglo students  
16 in the 8th grade. Excluding the 8th grade, the highest percentage failure rate  
17 for Anglo students was 56% in 10th grade math as compared to a 95%  
18 failure rate for the ELL students.

19 *Id.* (citing Order (Doc. 1270) at 54-55) (citations omitted in original).

20 The Court will not limit the USP provisions addressing the needs of ELL students  
21 to the bilingual education provision for parental notice contained in the 1978 Stipulation. The  
22 Court turns to the District's other reasons for why there should not be a professional  
23 development plan for educators working with ELL students.

24 The District explains that it has a Language Acquisition Department that is charged  
25 with complying with various statutory obligations and Office of Civil Rights (OCR)  
26 agreements related to ELL students. The District asserts that professional development  
27 related to ELL students should be handled by the Language Acquisition Department. The  
28 District argues that the question of what services should be provided to ELL students is  
governed by the Equal Educational Opportunities Act and is the subject of another lawsuit,  
*Horne v. Flores*, 129 S. Ct. 2579 (2009), remanded for further proceedings. (District



1 Objection (Doc. 1407) at 15-16.) Finally, the District argues that developing a plan for  
 2 training educators working with ELL students will encompass all teachers since virtually  
 3 every educator in TUSD is likely to work with one or more current or recently classified ELL  
 4 student. (District Response Objection (Doc. 1412) at 11.)

5 Subsection J(3) provides:

6 The District shall ensure that all administrators, certificated staff, and  
 7 paraprofessionals receive ongoing professional development, organized  
 8 through the director of culturally responsive pedagogy and instruction and  
 9 the coordinator of professional development, that includes the following  
 10 elements; 1) The District’s prohibitions on discrimination or retaliation on  
 11 the basis of race and ethnicity; and 2) Practical and research-based  
 12 strategies in the areas of: (i) classroom and non-classroom expectations; (ii)  
 13 changes to professional evaluations; (iii) engaging students utilizing  
 14 culturally responsive pedagogy, including understanding how culturally  
 15 responsive materials and lessons improve students’ academic and subject  
 16 matter skills by increasing the appeal of the tools of instruction and helping  
 17 them build analytic capacity; (iv) proactive approaches to student access to  
 ALEs;<sup>13</sup> (v) [] behavioral and discipline systems, . . . ; (vi) recording,  
 collecting, analyzing, and utilizing data to monitor student academic and  
 behavior progress, including specific training on the inputting and [using].  
 . . the existing and amended data system; (viii) working with students with  
 diverse needs, including ELL students *and developing a district-wide  
 professional development plan for all educators working with ELL students*;  
 and (viii) providing clear, concrete, . . . strategies for applying tools gained  
 in professional development to classroom and school management,  
 including methods for reaching out to network(s) of identified colleagues,  
 mentors, and professional supporters to assist in thoughtful decision-  
 making; and c) any other training contemplated herein.”

18 (Proposed USP (Doc. 1411) § IV(J)(3).)

19 The Special Master recommends retaining the challenged ELL language. He argues  
 20 that culturally responsive pedagogy, approved by all parties, includes how teachers facilitate  
 21 the learning of ELL students. (SM Recommendation, USP SM Comment [A15] at 24.)  
 22 “Culturally responsive pedagogy refers to educational approaches and practices which center  
 23 on the experiences and perspectives of diverse communities; create supportive and inclusive  
 24 learning environments; utilize learner-centered approaches that emphasize students’ cultural  
 25

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26 <sup>13</sup>Advanced Learning Experiences, including Gifted and Talented (GATE) programs,  
 27 Advanced Academic Courses (AACs) and University High School (UHS).



1 assets, backgrounds, social conditions, and individual strengths; and engage families as  
2 partners.” (Proposed USP (Doc. 1411), Appendix A: Definitions ¶9.) The District currently  
3 invests desegregation funds in ELL programs, and ELL students make up a substantial part  
4 of the Latino student body. The provision is not aimed at language acquisition for ELL  
5 students. Subsection J is aimed at professional development for teachers and the challenged  
6 provision in ¶ 3 is one among many strategies to improve teacher-success. Given the large  
7 amount of ELL students in TUSD and their substandard academic achievement, there is a  
8 clear need for teachers to learn how to better teach ELL students. (SM Recommendation,  
9 USP SM Comment [A15] at 24; see also Mendoza Response Objection (Doc. 1413) at 6-9.)

10 This Court agrees with the Special Master and the Mendoza Plaintiffs. The USP  
11 should aggressively address how its ELL students are being taught, i.e., what techniques and  
12 approaches teachers might adopt to enhance academic achievement for ELL students. The  
13 Court believes the USP presents “the opportunity to have the professionals in the newly  
14 created positions of director of culturally responsive pedagogy and instruction and  
15 coordinator of professional development join forces to fashion a district-wide professional  
16 development plan for all educators working with ELL students.” (Mendoza Response  
17 Objection (Doc. 1413) at 6-9.) There is no reason for carving out educators working with  
18 ELL students, especially if they are essentially all teachers in TUSD, from the professional  
19 development provisions in the USP. There is no reason why professional development  
20 related to the USP should be handled by the Language Acquisition Department, outside the  
21 auspices of this case. Should there be problems in coordination between the Director of  
22 Culturally Responsive Pedagogy and the Language Acquisition Department, waste due to  
23 overlap, or any other unforeseeable problems, the District is urged to bring such problems  
24 to the attention of the Special Master for resolution.

1           **c. § V: Quality of Education**

2           **Comments [A7][A9][A10]: Fisher and Mendoza Plaintiffs object to omission of**  
3 **specific goals for increasing ALE access and retention.**

4           The purpose of section V is to improve the quality of education for African  
5 American and Latino students and to ensure they have equal access to Advanced Learning  
6 Experiences (ALE) in TUSD. (Proposed USP (Doc. 1411) § V(A)(1).) Advanced Learning  
7 Experiences include Gifted and Talented (GATE) programs, Advanced Academic Courses  
8 (AACs) and University High School (UHS). AACs include Pre-Advanced Placement (Pre-  
9 AP) courses (Honors, Accelerated or Advanced) and middle school courses offered for high  
10 school credit; Dual-Credit courses, and International Baccalaureate (IB) courses. The  
11 Special Master recommends including Dual Language programs. The proposed USP  
12 provides for the District to hire or designate a Coordinator of ALE by April 1, 2013, and for  
13 the Coordinator to review and assess the existing ALEs, develop an access and recruitment  
14 plan, assist the district in its implementation and develop goals, in collaboration with relevant  
15 staff, for progress to be made. These goals shall be shared with the Plaintiffs and the Special  
16 Master and shall be used by the District to evaluate effectiveness. (Proposed USP (Doc.  
17 1411) § V(A)(2).)

18           Because the Court accepts the Special Master’s recommendation that the USP utilize  
19 the “expectancy theory of motivation” in respect to goal setting, the Court adopts the  
20 language proposed by the majority of the parties, over the Fisher Plaintiffs’ objection. (SM  
21 Recommendation, USP SM Comment [A17] at 26.) This does not foreclose the Fisher  
22 Plaintiffs from reurging the Court to adopt specific goals in the future should they believe  
23 that goals set pursuant to the expectancy theory of motivation are inadequate.

24           The goals sought by the Mendoza Plaintiffs are distinguishable. The Mendoza  
25 Plaintiffs ask the Court to require the ALE Coordinator to propose annual goals for GATE  
26 services and AACs to steadily increase the number and percentage of African American and  
27

1 Latino students, including ELL and exceptional (special education students). The Special  
2 Master asserts that the goal setting requirement in subsection A(2)(a) addresses this concern,  
3 (SM Recommendation, USP SM Comment [21]), but subsection A(2)(a) does not expressly  
4 secure the annual setting of goals sought by the Mendoza Plaintiffs. The Court agrees with  
5 the Mendoza Plaintiffs that annual goals should be set, but believes the requirement should  
6 be included in subsection A(2)(a). The Court does not adopt the language proposed by the  
7 Mendoza Plaintiffs. The Special Master shall add language in subsection A(2)(a) to make  
8 it clear that developing goals, includes developing annual goals for improving access to ALE  
9 programs.

10 **Comment [A11]: District proposes adding language referencing the Governing**  
11 **Board’s role in approving admission procedures for University High School (UHS).**

12 Subsection A, Access to and Support in Advanced Learning Expectations, includes  
13 UHS Admissions and Retention and calls for review and revision of the process and  
14 procedure used to select students for admission to UHS. (Proposed USP (Doc. 1411) §  
15 V(A)(4).) The District asks that the requirement for it to consult with Plaintiffs and the  
16 Special Master during drafting of the revised UHS admission procedures be prior to  
17 “adoption by the Governing Board” and implementation of the revised admission procedures.  
18 As noted by the Special Master, there is no need to specify the role of the Governing Board  
19 in respect to admission and retention procedures for UHS. (SM Recommendation, USP SM  
20 Comment [A26].) It goes without saying that many provisions in the USP call for Board  
21 approval, and logically the timing for the District to consult with the Plaintiffs and Special  
22 Master is prior to submitting an issue to the Governing Board for approval and  
23 implementation. Nothing in the USP negates the Governing Board’s jurisdiction or  
24 responsibilities in regard to UHS or any other school in TUSD.

1           **Comments [8] and [12]: Mendoza Plaintiffs propose adding provisions to**  
2 **require review and monitoring of Exceptional/Special Education placement, including**  
3 **ELL students.**

4           The Mendoza Plaintiffs raise a long held concern, initially raised by the ICC, that  
5 the flip-side to under-representation by minority students in ALEs may be over-  
6 representation by minority students as special education students. (Mendoza Objection (Doc.  
7 1408) at 5 (citing Order (Doc. 1270), 4/24/2008 at 24-25, 27.) The Government suggests  
8 that the Mendoza Plaintiffs' concerns are addressed in subsection E, Maintaining Inclusive  
9 Environments, ¶ 1, which requires the District to not assign students to classrooms or  
10 services in a manner that impedes desegregation. As noted by the Special Master, the  
11 Government may read this section as applying to special education, but others may not.  
12 (Reply to DOJ Response to Recommendation.)

13           The Mendoza Plaintiffs' concern that minority students are over-represented in  
14 special education classes is not limited to preventing segregation. As the Court understands  
15 it, the Mendoza Plaintiffs are concerned that these students may be incorrectly perceived and  
16 treated as special need students and, therefore, placed unnecessarily in exceptional (special)  
17 education classes. This affects student achievement, which is a quality of education concern.  
18 The Court adopts the Special Master's recommendation to include an additional subsection  
19 in Section V, as follows:

20           The District shall review its referral, evaluation and placement policies and  
21 practices on an annual basis to ensure that African American and Latino  
22 students, including ELL students, are not being inappropriately referred,  
23 evaluated or placed in exceptional (special) education classes or programs.

24 (SM Recommendation, SM USP Comment [A28] at 31; Proposed USP (Doc. 1411) at  
25 Comment [A12].)

26           In an effort to address special data collection and reporting needs related to assessing  
27 whether there is over-representation of minority students in exceptional (special) education  
28 classes, the Mendoza Plaintiffs suggest adding "special education/exceptional education

1 status” as an assessment criteria under subsection A(2)(b), which covers ALE program  
2 assessments. (Proposed USP (Doc. 1411) at Comment [A8].) The Court believes, however,  
3 that the data and reporting criteria suggested by the Mendoza Plaintiffs is better addressed  
4 under the new subsection. The Court adopts the language proposed by the Mendoza  
5 Plaintiffs, with the following addition: “The District shall develop appropriate criteria for  
6 data gathering and reporting to enable it to conduct meaningful review of ‘its referral,  
7 evaluation and placement policies and practices on an annual basis to ensure that African  
8 American and Latino students, . . .” The Court adopts the recommendation of the Special  
9 Master to retain the language in Section V(A)(2)(b), without adding “special  
10 education/exceptional education status” as an ALE assessment criteria. (SM  
11 Recommendation, SM USP Comment [A19] at 27.)

12 **Comment [A13]: Mendoza request for the USP to set an overall goal of raising**  
13 **graduation rates to at least 88% of average graduation rate.**

14 Subsection D, Student Engagement and Support, is aimed at improving academic  
15 achievement by using strategies to close the achievement gap and eliminate other racial and  
16 ethnic disparities found in TUSD. (Proposed USP (Doc. 1411) § V(D)(1).) This subsection  
17 contains a provision for an Academic and Behavioral Supports Assessment and Plan, *id.* at  
18 D(2), which identifies strategies including in part: Dropout Prevention and Retention Plan,  
19 *id.* at (2)(i), Professional Development, *id.* at (5), Engaging Latino and African American  
20 Students, *id.* at (6), Services to Support African American Student Achievement, *id.* at (7),  
21 and Services to Support Latino Student Achievement, *id.* at (8).

22 The Mendoza Plaintiffs believe that, given the urgency of improving minority  
23 graduation rates, the USP does not go far enough when it only requires the District to  
24 “develop yearly goals for lowering dropout rates, increasing graduation rates, and reducing  
25 retentions in grade for African American and Latino students, including ELLs in each  
26  
27  
28

1 highschool.” (Mendoza Objection (Doc. 1408) at 3 (citing Proposed USP (Doc. 1406) at  
2 §V(C)(2)(c)(i).)

3 As the Court held above in respect to the Fisher Plaintiffs’ request for specific goals  
4 to be set for increasing ALE access and retention: “Because the Court accepts the Special  
5 Master’s recommendation that the USP utilize the “expectancy theory of motivation” in  
6 respect to goal setting, the Court adopts the language proposed by the majority of the parties,  
7 over the [Mendoza] Plaintiffs’ objection. (SM Recommendation, USP SM Comment [A17]  
8 at 26.) This does not foreclose the [Mendoza] Plaintiffs from reurging the Court to adopt  
9 specific goals in the future should they believe that goals set pursuant to the expectancy  
10 theory of motivation are inadequate.”

11 **Comment [15],[16] and [17]:Fisher Plaintiffs assert academic interventions are**  
12 **insufficient to close the achievement gap between White and African American**  
13 **students, the USP should provide for the African American Student Support Services**  
14 **Department (SSAASA) to be a separately funded, staffed, and organized entity, and the**  
15 **USP should establish an African American Academic Achievement Task Force**  
16 **(AAAATF).**

17 Subsection D includes Services to Support African American Student Achievement,  
18 (Proposed USP (Doc. 1411) § V(D)(7), which mirrors Services to Support Latino Student  
19 Achievement, *id.* at D(8).

20 The Fisher Plaintiffs correctly point out that the USP must address the vestiges of  
21 the, *de jure*, Black and White dual school system operated by the District. They ask for the  
22 establishment of an African American Academic Achievement Task Force (AAAATF) to  
23 provide input and contribute to the development of a curricular intervention plan specifically  
24 designed to improve the academic achievement of the District’s African American students.  
25 The Fisher Plaintiff’s ask this Court to ensure separate funding and administration for  
26 SSAASA because in a budgetary crisis the District might “zero fund” the ethnic studies

1 departments, “where one department’s funding gain would be another’s loss.” (Fisher’s  
2 Response Objection (Doc. 1415) at 12.) The Court understands the Fisher Plaintiffs’ concern  
3 that SSAASA remain independent and autonomous; the hugely disproportionate numbers  
4 between African American and Latino students creates a potential that Services to Support  
5 Latino Student Achievement may overwhelm Services to Support African American Student  
6 Achievement by sheer volume.

7         The Special Master reflects that the Fisher Plaintiffs’ request for separate funding,  
8 staffing and organizational structure is contrary to Section 1(D)(7) of the USP, which grants  
9 the Superintendent the authority to organize units, functions and determine line of authority  
10 within the District and will discourage collaborative work of student support personnel. (SM  
11 Recommendation, USP Comment [A36].) The Superintendent’s authority to establish  
12 organizational relationships and lines of responsibility for various offices and positions  
13 provided for in this Order is, however, limited by this Court’s directive that the two plans not  
14 be merged into one for organizational or budgetary purposes. The Court notes that as of  
15 now, the USP calls for the appointment of a Director of Support Services for African  
16 American Student Achievement, (Proposed USP (Doc. 1411) § V(D)(4)(a)), and a Director  
17 of Support Services for Latino Student Achievement, *id.* (4)(b). The Court does not preclude  
18 the collaborative work of student support personnel, but directs the Special Master to ensure  
19 that there are clear lines for tracking and distinguishing between funding and services to  
20 support academic achievement for African American and Latino students.

21         The District objects to the creation of a special task force aimed solely at improving  
22 academic achievement for African American students. The District complains that the  
23 proposed AAAATF will be costly and is unnecessary. The District would have to pay any  
24 expert serving on the AAAATF and extra-duty pay to teachers or other TUSD staff serving  
25 on the AAAATF.



1 The Special Master points out that the average academic achievement levels and  
2 graduation rates of African American students in TUSD are substantially lower than White,  
3 Asian American and Latino students. “Moreover, in recent years Latino students have made  
4 steady, if modest, progress on state assessments of reading and math while African American  
5 students have not [].” (SM Recommendation, SM USP, Addendum C, at 67.)

6 The Court finds that given the unique needs of the African American students, which  
7 are distinct from those of the Mendoza Plaintiffs, the AAAATF is warranted, especially on  
8 the limited basis proposed by the Fisher Plaintiffs and the Special Master. The AAAATF  
9 will be convened immediately and tender its report by June 1, 2013. The USP calls for the  
10 AAAATF to consult with prominent experts, and the Special Master advises that the number  
11 of experts would be no more than three. The Court believes that expert fees for consultations  
12 will be less than if the experts actually served on the AAAATF. The Court approves creation  
13 of the AAAATF, including allowing it to consult with prominent experts who can identify  
14 research-based practices that have been shown to enhance the learning outcomes of African  
15 American students.

16 The Court adopts the recommendation of the Special Master to include the provision  
17 in the USP for the AAAATF. (SM Recommendation, USP Comment [A38].

18 **Comment [18]: Mendoza Plaintiffs ask for reporting provisions to address**  
19 **exceptional (special) education services.**

20 Because the Court adopted the Mendoza Plaintiffs’ proposed addition to review and  
21 monitor exceptional (special) education placement, the Court adopts the recommendation of  
22 the Special Master to include an additional paragraph in subsection F, Reporting, as follows:

- 23 u. A report setting forth the number and percentage of students receiving  
24 exceptional (special) education services by area of service/disability,  
25 school, grade, type of service (self-contained, resource, inclusion, etc.),  
26 ELL status, race and ethnicity.



1 (SM Recommendation, USP SM Comment [40]); (Proposed USP (Doc. 1411) at Comment  
2 [A8].)

3 **d. § VI: Discipline**

4 The USP requires the District to reduce racial and ethnic disparities in the  
5 administration of school discipline. Mendoza Plaintiffs request that this reduction be done  
6 “with particular focus on materially reducing the relative rate at which African American and  
7 Latino students experience in-school and out-of-school suspension as compared to the  
8 District’s White students.” (Proposed USP (Doc. 1411) at Comment [A19].)

9 The Special Master finds the USP requires the District to understand and address the  
10 clear racial disparities in the number and proportion of disciplinary actions in TUSD. The  
11 Court agrees. It goes without saying that the USP requires what the Mendoza Plaintiffs seek.  
12 The Court adopts the Special Master’s recommendation to retain the language as proposed  
13 in the USP. (SM Recommendation, SM USP, Comment [A43] at 43.)

14 **e. § VIII: Extracurricular Activities**

15 The Court adopts the Special Master’s recommendation to change Subsection A(3)  
16 “tutoring” to “science club or Junior Achievement” because tutoring is not typically an  
17 extracurricular activity. (SM Recommendation, USP Comment [A44] at 51.) The same  
18 change should be reflected in Subsection B(1). The Special Master shall, however, ensure  
19 that to the extent students seek to voluntarily participate in after school tutoring to improve  
20 their academic standing, equitable access should be provided for tutoring– especially for  
21 students who attend schools outside their neighborhoods. The Court leaves it to the  
22 discretion of the Special Master to ensure the placement of such a requirement in the USP.



1           The Special Master argues that these experts will provide the District, the Plaintiffs,  
2 and the Special Master, access to exceptionally knowledgeable individuals, who can advise  
3 and guide the ongoing process of implementing and overseeing the USP. He believes that  
4 the exceptional quality of the proposed USP is due to the participation of the several experts  
5 utilized by the Special Master. The Court has found the Special Master's judgment to be  
6 sound and conscientious in this regard. The Court notes that the road ahead involves the  
7 development of a financial feasibility plan for implementing the USP, which in many ways  
8 may be even more difficult than drafting the USP. The Court advises that the three experts  
9 proposed by the Special Master should be able to do double duty in regard to the District's  
10 ongoing efforts to develop the financial feasibility plan and on the AAAATF. The parties  
11 may file objections with the Court to the individuals proposed by the Special Master or to  
12 proposed compensation for those individuals. (Proposed USP (Doc. 1411) § X(E)(2)).

13           The Court adopts the recommendation of the Special Master and retains this  
14 language. (SM Recommendation, SM USP Comment [A52] at 58.)

15 **D.       § XI: Final Termination**

16           The USP calls for a motion for determination of complete unitary status to not be  
17 filed prior to the end of 2016-2017 school year. The Fisher Plaintiffs argue this is only three-  
18 and-a-half-years and ask for an end-of-the-school-year 2017-2018 deadline. (Proposed USP  
19 (Doc. 1411) Comment [A25].) The school year ends in May. Consequently, there is only  
20 a half a year remaining for the 2012-13 school year. Under the USP, there remain four full  
21 school years. The Court adopts the Special Master's recommendation to retain the 2016-  
22 2017 deadline for attaining unitary status. (SM Recommendation, USP Comment [A55].)

1 **E. Conclusion**

2 The Court adopts the USP, pursuant to the parties' stipulations and pending  
3 incorporation of the changes required by the rulings of this Court resolving the disputed areas  
4 of the consent decree.

5 **Accordingly,**

6 **IT IS ORDERED** that the Second Motion for Reconsideration (Doc. 1418) is  
7 DENIED.

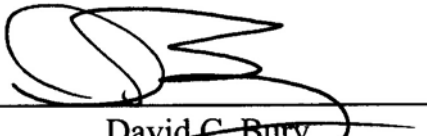
8 **IT IS FURTHER ORDERED** that the State shall show good cause within 14 days  
9 of the filing date of this Order as to why its status as *amici* should not be concluded and why  
10 the normal avenues of review will not serve to protect the State's interests in the future. The  
11 parties and the Special Master may file responses to the State's showing, and the State may  
12 file a Reply.

13 **IT IS FURTHER ORDERED** that the Court adopts all elements of the USP  
14 stipulated to by the parties (Stipulation Doc. 1411) and orders the disputed parts to be  
15 revised, pursuant to the rulings of this Court made herein.

16 **IT IS FURTHER ORDERED** that the Special Master shall oversee the revision of  
17 the USP, and the District shall file the USP with the Court, within 10 days of the filing date  
18 of this Order.

19 **IT IS FURTHER ORDERED** that the Special Master's Recommendation and all  
20 attachments shall be filed into the record by the Clerk of the Court.

21 DATED this 6<sup>th</sup> day of February, 2013.

22  
23  
24   
25 David C. Bury  
26 United States District Judge  
27  
28



FY 2016  
STATE OF ARIZONA  
SCHOOL DISTRICT ANNUAL EXPENDITURE BUDGET  
DISTRICTWIDE BUDGET

Adopted

Version

BY THE GOVERNING BOARD

We hereby certify that the Budget for the Fiscal Year 2016 was

|          |               |
|----------|---------------|
| Proposed | July 14, 2015 |
| Adopted  | _____         |
| Revised  | _____         |
|          | Date          |

|       |       |
|-------|-------|
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |
| _____ | _____ |

SIGNED

SIGNED

The budget file(s) for FY 2016 sent to the Arizona Department of Education, via the internet, on  
July 16, 2015 contain(s) the data for the budget described above.

Date

Superintendent Signature

Business Manager Signature

Dr. H.T. Sanchez

Karla Soto

Superintendent Name

Business Manager Name

District Contact Employee:

Karla Soto

Telephone: 520 225 6493

E-mail: [karla.soto@tusd1.org](mailto:karla.soto@tusd1.org)

REVENUES AND PROPERTY TAXATION

|   |         |             |
|---|---------|-------------|
| 1. Total Budgeted Revenues for Fiscal Year 2015                                 | \$      | 500,000     |
| 2. Estimated Revenues by Source for Fiscal Year 2016 (excluding property taxes) |         |             |
| Local   | 1000 \$ | 260,000     |
| Intermediate  | 2000 \$ | 13,000,000  |
| State   | 3000 \$ | 100,000,000 |
| Federal   | 4000 \$ | 2,000,000   |
| TOTAL   | \$      | 115,260,000 |

3. District Tax Rates for Prior and Budget Fiscal Years (A.R.S. §15-903.D.4)

|                              | Prior FY 2015 | Est. Budget FY 2016 |
|------------------------------|---------------|---------------------|
| Primary Tax Rate:            | 6.8021        | 6.4672              |
| Secondary Tax Rates:         |               |                     |
| M&O Override                 |               |                     |
| Special K-3 Program Override |               |                     |
| Special Program Override     |               |                     |
| Capital Override             |               |                     |
| Class A Bonds                |               |                     |
| Class B Bonds                | 0.7073        | 0.8283              |
| JTED                         |               |                     |
| Total Secondary Tax Rate     | 0.7073        | 0.8283              |

A. TOTAL AGGREGATE SCHOOL DISTRICT BUDGET LIMIT (A.R.S. §15-905.H)

|   |    |             |
|---|----|-------------|
| 1. General Budget Limit (from Budget, page 7, line 10)                    | \$ | 301,776,170 |
| 2. Unrestricted Capital Budget Limit (from Budget, page 8, line A.12)     | \$ | 20,842,581  |
| 3. Subtotal (line A.1 + A.2)  | \$ | 322,618,751 |
| 4. Federal Projects (from Budget, page 6, Federal Projects, line 18)      | \$ | 67,355,463  |
| 5. Title VIII-Impact Aid (from Budget, page 6, Federal Projects, line 16) | \$ | 1,165,463   |
| 6. Total Aggregate School District Budget Limit (line A.3 + A.4 - A.5)    | \$ | 388,808,751 |

B. BUDGETED EXPENDITURES

|  |    |             |
|--|----|-------------|
| 1. Maintenance and Operation (from Budget, page 1, line 31)                                      | \$ | 301,776,170 |
| 2. Unrestricted Capital Outlay (from Budget, page 4, line 10)                                    | \$ | 20,842,581  |
| 3. Total Budget Subject to Budget Limits (line B.1 + B.2)<br>(This line cannot exceed line A.3.) | \$ | 322,618,751 |

C. BUDGETED CURRENT EXPENDITURES BY FUNCTION

|   | Percentages |
|---|-------------|
| 1. Function 1000 - Instruction                    | 50.8%       |
| 2. Function 2100 - Support Services — Students    | 8.7%        |
| 3. Function 2200 - Support Services — Instruction | 7.2%        |
| 4. Total  | 66.7%       |

FUND 001 (M&O)

MAINTENANCE AND OPERATION (M&O) FUND

| Expenditures  |     | FTE                   |              | Salaries<br>6100 | Employee<br>Benefits<br>6200 | Purchased<br>Services<br>6300, 6400,<br>6500 | Supplies<br>6600 | Other<br>6800 | Totals              |                      | %<br>Increase/<br>Decrease |     |
|---|-----|-----------------------|--------------|------------------|------------------------------|--|------------------|---------------|---------------------|----------------------|----------------------------|-----|
|   |     | Prior<br>FY           | Budget<br>FY |                  |                              |  |                  |               | Prior<br>FY<br>2015 | Budget<br>FY<br>2016 |                            |     |
|   |     | 100 Regular Education |              |                  |                              |  |                  |               |                     |                      |                            |     |
| 1000 Instruction  | 1.  | 1,586.08              | 1,585.10     | 60,192,850       | 19,341,378                   | 76,548                                       | 1,350,001        | 9,425         | 82,462,852          | 80,970,202           | -1.8%                      | 1.  |
| 2000 Support Services   |     |                       |              |                  |                              |  |                  |               |                     |                      |                            |     |
| 2100 Students   | 2.  | 294.92                | 293.41       | 8,604,860        | 2,769,929                    | 103,740                                      | 97,338           | 99,425        | 12,034,017          | 11,675,292           | -3.0%                      | 2.  |
| 2200 Instructional Staff  | 3.  | 103.80                | 118.20       | 3,319,937        | 1,102,383                    | 223,677                                      | 111,000          |               | 4,709,129           | 4,756,997            | 1.0%                       | 3.  |
| 2300 General Administration   | 4.  | 25.75                 | 27.55        | 2,341,643        | 735,982                      | 158,561                                      | 55,728           | 121,700       | 3,244,758           | 3,413,614            | 5.2%                       | 4.  |
| 2400 School Administration  | 5.  | 238.50                | 256.75       | 14,624,790       | 4,480,437                    | 52,000                                       | 111,423          |               | 17,859,921          | 19,268,650           | 7.9%                       | 5.  |
| 2500 Central Services   | 6.  | 128.01                | 109.63       | 5,055,917        | 1,582,139                    | 1,768,270                                    | 226,040          | 25,435        | 10,187,953          | 8,657,801            | -15.0%                     | 6.  |
| 2600 Operation & Maintenance of Plant   | 7.  | 590.49                | 644.92       | 16,574,206       | 5,319,442                    | 10,251,593                                   | 15,382,167       | 53,004        | 49,175,237          | 47,580,412           | -3.2%                      | 7.  |
| 2900 Other  | 8.  | 0.00                  |              |                  |                              |  |                  |               | 18,574              | 0                    | -100.0%                    | 8.  |
| 3000 Operation of Noninstructional Services   | 9.  | 0.00                  |              |                  |                              |  | 474,333          |               | 466,183             | 474,333              | 1.7%                       | 9.  |
| 610 School-Sponsored Cocurricular Activities  | 10. | 0.00                  | 0.00         | 336,600          | 63,954                       |  |                  |               | 398,517             | 400,554              | 0.5%                       | 10. |
| 620 School-Sponsored Athletics  | 11. | 20.00                 | 10.00        | 1,337,758        | 305,339                      | 750  | 93,247           | 139,934       | 2,496,501           | 1,877,028            | -24.8%                     | 11. |
| 630 Other Instructional Programs  | 12. |                       |              |                  |                              |  |                  |               |                     | 0                    | 0.0%                       | 12. |
| 700, 800, 900 Other Programs  | 13. |                       |              |                  |                              |  |                  |               |                     | 0                    | 0.0%                       | 13. |
| Regular Education Subsection Subtotal (lines 1-13)  | 14. | 2,987.55              | 3,045.56     | 112,388,561      | 35,700,983                   | 12,635,139                                   | 17,901,277       | 448,923       | 183,053,642         | 179,074,883          | -2.2%                      | 14. |
| 200 Special Education   |     |                       |              |                  |                              |  |                  |               |                     |                      |                            |     |
| 1000 Instruction  | 15. | 784.21                | 861.60       | 26,757,138       | 7,921,052                    | 306,669                                      | 26,100           |               | 32,560,097          | 35,010,959           | 7.5%                       | 15. |
| 2000 Support Services   |     |                       |              |                  |                              |  |                  |               |                     |                      |                            |     |
| 2100 Students   | 16. | 162.58                | 151.65       | 9,411,275        | 2,819,786                    | 1,199,175                                    | 8,094            |               | 13,940,733          | 13,438,330           | -3.6%                      | 16. |
| 2200 Instructional Staff  | 17. | 24.05                 | 17.58        | 744,875          | 223,462                      | 7,000  | 26,250           | 1,200         | 1,509,305           | 1,002,787            | -33.6%                     | 17. |
| 2300 General Administration   | 18. | 1.00                  | 1.00         | 38,074           | 11,422                       |  |                  |               | 47,771              | 49,496               | 3.6%                       | 18. |
| 2400 School Administration  | 19. | 1.00                  | 2.00         | 118,437          | 35,531                       |  | 136              |               | 101,591             | 154,104              | 51.7%                      | 19. |
| 2500 Central Services   | 20. | 1.50                  | 1.50         | 106,751          | 32,025                       | 12,500                                       | 5,925            |               | 143,173             | 157,201              | 9.8%                       | 20. |
| 2600 Operation & Maintenance of Plant   | 21. | 2.00                  | 2.00         | 50,662           | 15,199                       | 44,400                                       | 7,170            |               | 116,322             | 117,431              | 1.0%                       | 21. |
| 2900 Other  | 22. | 0.00                  |              |                  |                              |  |                  |               | 0                   | 0                    | 0.0%                       | 22. |
| 3000 Operation of Noninstructional Services   | 23. | 0.00                  |              |                  |                              |  |                  |               | 0                   | 0                    | 0.0%                       | 23. |
| Subtotal (lines 15-23)  | 24. | 976.34                | 1,037.33     | 37,227,212       | 11,058,477                   | 1,569,744                                    | 73,675           | 1,200         | 48,418,992          | 49,930,308           | 3.1%                       | 24. |
| 400 Pupil Transportation  | 25. | 356.93                | 358.18       | 7,035,886        | 2,129,230                    | 1,429,200                                    | 1,396,462        |               | 10,444,466          | 11,990,778           | 14.8%                      | 25. |
| 510 Desegregation (from Districtwide Desegregation Budget, page 2, line 44)                                 | 26. | 779.55                | 837.20       | 37,015,543       | 10,742,464                   | 6,862,438                                    | 4,112,535        | 878,067       | 55,711,047          | 59,611,047           | 7.0%                       | 26. |
| 520 Special K-3 Program Override (from Supplement, page 1, line 10)   | 27. | 0.00                  | 0.00         | 0                | 0                            | 0  | 0                | 0             | 0                   | 0                    | 0.0%                       | 27. |
| 530 Dropout Prevention Programs   | 28. | 14.88                 | 13.00        | 532,344          | 159,703                      | 827  | 74,536           |               | 767,410             | 767,410              | 0.0%                       | 28. |
| 540 Joint Career and Technical Education and Vocational Education Center (from Supplement, page 1, line 20) | 29. | 0.00                  | 0.00         | 0                | 0                            | 0  | 0                | 0             | 0                   | 0                    | 0.0%                       | 29. |
| 550 K-3 Reading Program   | 30. | 1.00                  | 0.00         | 135,000          | 28,400                       | 220,003                                      | 18,341           |               | 141,867             | 401,744              | 183.2%                     | 30. |
| Total Expenditures (lines 14, and 24-30) (Cannot exceed page 7, line 10)                                    | 31. | 5,116.25              | 5,291.27     | 194,334,546      | 59,819,257                   | 22,717,351                                   | 23,576,826       | 1,328,190     | 298,537,424         | 301,776,170          | 1.1%                       | 31. |

The district has budgeted an amount in the M&O Fund equal to the General Budget Limit as calculated on page 7 of 8.

**SPECIAL EDUCATION PROGRAMS BY TYPE (M&O Fund Program 200)**

(A.R.S. §§15-761 and 15-903)

|  | Prior FY   | Budget FY  |     |
|--|------------|------------|-----|
| 1. Autism  | 3,404,363  | 3,307,761  | 1.  |
| 2. Emotional Disability  | 3,846,138  | 3,729,421  | 2.  |
| 3. Hearing Impairment  | 1,429,100  | 2,364,900  | 3.  |
| 4. Other Health Impairments  | 3,751,156  | 3,793,056  | 4.  |
| 5. Specific Learning Disability                                      | 11,305,726 | 12,468,320 | 5.  |
| 6. Mild, Moderate or Severe Intellectual Disability                  | 4,729,918  | 4,878,357  | 6.  |
| 7. Multiple Disabilities   | 1,506,592  | 1,244,594  | 7.  |
| 8. Multiple Disabilities with Severe Sensory Impairment              | 39,617     | 117,537    | 8.  |
| 9. Orthopedic Impairment   | 343,423    | 333,035    | 9.  |
| 10. Developmental Delay  | 1,791,389  | 1,586,670  | 10. |
| 11. Preschool Severe Delay   | 2,834,406  | 3,219,763  | 11. |
| 12. Speech/Language Impairment                                       | 8,076,061  | 8,114,362  | 12. |
| 13. Traumatic Brain Injury   | 0          | 0          | 13. |
| 14. Visual Impairment  | 504,530    | 595,664    | 14. |
| 15. Subtotal (lines 1 through 14)                                    | 43,562,419 | 45,753,440 | 15. |
| 16. Gifted Education   | 1,459,787  | 1,532,325  | 16. |
| 17. Remedial Education   | 0          | 0          | 17. |
| 18. ELL Incremental Costs  | 1,877,595  | 1,312,983  | 18. |
| 19. ELL Compensatory Instruction                                     | 0          | 0          | 19. |
| 20. Vocational and Technical Education                               | 1,519,191  | 1,331,560  | 20. |
| 21. Career Education   | 0          | 0          | 21. |
| 22. Total (lines 15 through 21. Must equal total of line 24, page 1) | 48,418,992 | 49,930,308 | 22. |

**Expenditures Budgeted for Audit Services**

|                       |      |            |
|-----------------------|------|------------|
| M&O Fund - Nonfederal | 6350 | \$ 115,000 |
| All Funds - Federal   | 6330 | 10,000     |

**FY 2016 Performance Pay (A.R.S. §15-920)**

Amount Budgeted in M&O Fund for a Performance Pay Component

Do not report budgeted amounts for the Performance Pay Component of the Classroom Site Fund on this line.

**Expenditures Budgeted in the M&O Fund for Food Service**

Amount budgeted in M&O for Food Service (Fund 001, Function 3100) \$ 474,334

(This amount will be used to determine district compliance with state matching requirements pursuant to Code of Federal Regulations (CFR) Title 7, §210.17(a)]

**Proposed Ratios for Special Education**

(A.R.S. §§15-903.E.1 and 15-764.A.5)

Teacher-Pupil 1 to 15  
Staff-Pupil 1 to 12

**Estimated FTE Certified Employees**

(A.R.S. §15-903.E.2)

| Prior FY | Budget FY |
|----------|-----------|
| 3,070.00 | 3,125.00  |



DISTRICT NAME Tucson Unified School District #1 COUNTY Pima CTD NUMBER 100201000 VERSION Adopted

| Expenditures  |     | Salaries<br>6100 | Employee Benefits<br>6200 | Purchased Services<br>6300, 6400,<br>6500 (1) | Supplies<br>6600 | Interest on<br>Short-Term Debt<br>6850 | Totals           |                   | %<br>Increase/<br>Decrease |
|---|-----|------------------|---------------------------|---|------------------|--|------------------|-------------------|----------------------------|
|   |     |                  |                           |   |                  |  | Prior FY<br>2015 | Budget FY<br>2016 |                            |
| <b>Classroom Site Fund 011 - Base Salary</b>            |     |                  |                           |   |                  |  |                  |                   |                            |
| 100 Regular Education                                   |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 1.  | 2,642,518        | 792,756                   |   |                  |  | 3,319,806        | 3,435,274         | 3.5%                       |
| 2100 Support Services - Students                        | 2.  | 83,791           | 25,137                    |   |                  |  | 96,294           | 108,928           | 13.1%                      |
| 2200 Support Services - Instructional Staff             | 3.  | 33,257           | 9,977                     |   |                  |  | 38,219           | 43,234            | 13.1%                      |
| Program 100 Subtotal (lines 1-3)                        | 4.  | 2,759,566        | 827,870                   |   |                  |  | 3,454,319        | 3,587,436         | 3.9%                       |
| 200 Special Education                                   |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 5.  | 563,813          | 169,144                   |   |                  |  | 808,085          | 732,957           | -9.3%                      |
| 2100 Support Services - Students                        | 6.  | 7,134            | 2,140                     |   |                  |  | 5,377            | 9,274             | 72.5%                      |
| 2200 Support Services - Instructional Staff             | 7.  | 2,184            | 655                       |   |                  |  | 2,296            | 2,839             | 23.6%                      |
| Program 200 Subtotal (lines 5-7)                        | 8.  | 573,131          | 171,939                   |   |                  |  | 815,758          | 745,070           | -8.7%                      |
| Other Programs (Specify) _____                          |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 9.  |                  |                           |   |                  |  | 15,048           | 0                 | -100.0%                    |
| 2100 Support Services - Students                        | 10. |                  |                           |   |                  |  | 2,821            | 0                 | -100.0%                    |
| 2200 Support Services - Instructional Staff             | 11. |                  |                           |   |                  |  | 0                | 0                 | 0.0%                       |
| Other Programs Subtotal (lines 9-11)                    | 12. | 0                | 0                         |   |                  |  | 17,869           | 0                 | -100.0%                    |
| Total Expenditures (lines 4, 8, and 12)                 | 13. | 3,332,697        | 999,809                   |   |                  |  | 4,287,946        | 4,332,506         | 1.0%                       |
| <b>Classroom Site Fund 012 - Performance Pay</b>        |     |                  |                           |   |                  |  |                  |                   |                            |
| 100 Regular Education                                   |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 14. | 14,890,528       | 2,829,200                 |   |                  |  | 14,913,500       | 17,719,728        | 18.8%                      |
| 2100 Support Services - Students                        | 15. | 57,809           | 10,984                    |   |                  |  | 51,185           | 68,793            | 34.4%                      |
| 2200 Support Services - Instructional Staff             | 16. | 156,824          | 29,797                    |   |                  |  | 143,931          | 186,621           | 29.7%                      |
| Program 100 Subtotal (lines 14-16)                      | 17. | 15,105,161       | 2,869,981                 |   |                  |  | 15,108,616       | 17,975,142        | 19.0%                      |
| 200 Special Education                                   |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 18. | 1,365,717        | 259,486                   |   |                  |  | 1,405,775        | 1,625,203         | 15.6%                      |
| 2100 Support Services - Students                        | 19. | 36,324           | 6,901                     |   |                  |  | 32,796           | 43,225            | 31.8%                      |
| 2200 Support Services - Instructional Staff             | 20. | 3,916            | 744                       |   |                  |  | 3,611            | 4,660             | 29.1%                      |
| Program 200 Subtotal (lines 18-20)                      | 21. | 1,405,957        | 267,131                   |   |                  |  | 1,442,182        | 1,673,088         | 16.0%                      |
| Other Programs (Specify) _____                          |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 22. |                  |                           |   |                  |  | 8,311            | 0                 | -100.0%                    |
| 2100 Support Services - Students                        | 23. |                  |                           |   |                  |  | 0                | 0                 | 0.0%                       |
| 2200 Support Services - Instructional Staff             | 24. |                  |                           |   |                  |  | 0                | 0                 | 0.0%                       |
| Other Programs Subtotal (lines 22-24)                   | 25. | 0                | 0                         |   |                  |  | 8,311            | 0                 | -100.0%                    |
| Total Expenditures (lines 17, 21, and 25)               | 26. | 16,511,118       | 3,137,112                 |   |                  |  | 16,559,109       | 19,648,230        | 18.7%                      |
| <b>Classroom Site Fund 013 - Other</b>                  |     |                  |                           |   |                  |  |                  |                   |                            |
| 100 Regular Education                                   |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 27. | 5,171,222        | 1,551,367                 | 70,423  |                  |  | 6,214,235        | 6,793,012         | 9.3%                       |
| 2100 Support Services - Students                        | 28. | 149,044          | 44,713                    |   |                  |  | 188,926          | 193,757           | 2.6%                       |
| 2200 Support Services - Instructional Staff             | 29. | 58,955           | 17,687                    |   |                  |  | 74,734           | 76,642            | 2.6%                       |
| Program 100 Subtotal (lines 27-29)                      | 30. | 5,379,221        | 1,613,767                 | 70,423  | 0                |  | 6,477,895        | 7,063,411         | 9.0%                       |
| 200 Special Education                                   |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 31. | 1,019,767        | 305,930                   |   |                  |  | 1,263,225        | 1,325,697         | 4.9%                       |
| 2100 Support Services - Students                        | 32. | 12,816           | 3,845                     |   |                  |  | 10,554           | 16,661            | 57.9%                      |
| 2200 Support Services - Instructional Staff             | 33. | 3,241            | 972                       |   |                  |  | 4,109            | 4,213             | 2.5%                       |
| Program 200 Subtotal (lines 31-33)                      | 34. | 1,035,824        | 310,747                   | 0   | 0                |  | 1,277,888        | 1,346,571         | 5.4%                       |
| 530 Dropout Prevention Programs                         |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 35. |                  |                           |   |                  |  | 0                | 0                 | 0.0%                       |
| Other Programs (Specify) _____                          |     |                  |                           |   |                  |  |                  |                   |                            |
| 1000 Instruction  | 36. |                  |                           |   |                  |  | 29,389           | 0                 | -100.0%                    |
| 2100, 2200 Support Serv. Students & Instructional Staff | 37. |                  |                           |   |                  |  | 5,691            | 0                 | -100.0%                    |
| Other Programs Subtotal (lines 36-37)                   | 38. | 0                | 0                         | 0   | 0                |  | 35,080           | 0                 | -100.0%                    |
| Total Expenditures (lines 30, 34, 35, and 38)           | 39. | 6,415,045        | 1,924,514                 | 70,423  | 0                |  | 7,790,863        | 8,409,982         | 7.9%                       |
| Total Classroom Site Funds (lines 13, 26, and 39)       | 40. | 26,258,860       | 6,061,435                 | 70,423  | 0                | 0                                      | 28,637,918       | 32,390,718        | 13.1%                      |

(1) For FY 2016, the district has budgeted \$ \_\_\_\_\_ in Fund 010, object code 6590 for Classroom Site Fund pass-through payments to district-sponsored charter schools. This amount is not included in the amounts reported for Fund 013.

The district has budgeted an amount in Fund 011 equal to the Classroom Site Fund Budget Limit as calculated on Page 8 of 8.

The district has budgeted greater in Fund 012 than the Classroom Site Fund Budget Limit as calculated on Page 8 of 8 by \$1.

The district has budgeted an amount in Fund 013 which is less than the Classroom Site Fund Budget Limit as calculated on Page 8 of 8 by \$1.



**FUND 610 UNRESTRICTED CAPITAL OUTLAY (UCO) FUND**

| Expenditures                                       |     | Rentals<br>6440 | Library Books,<br>Textbooks,<br>& Instructional<br>Aids (2)<br>6641-6643 | Property (2)<br>6700 | Redemption of<br>Principal (3)<br>6831, 6832 | Interest (4)<br>6841, 6842, 6850 | All Other<br>Object Codes<br>(excluding 6900) | Totals              |                      | %<br>Increase/<br>Decrease |
|--|-----|-----------------|--|----------------------|--|----------------------------------|---|---------------------|----------------------|----------------------------|
|  |     |                 |  |                      |  |                                  |   | Prior<br>FY<br>2015 | Budget<br>FY<br>2016 |                            |
| <b>Unrestricted Capital Outlay Override (1)</b>    | 1.  |                 |  |                      |  |                                  |   | 0                   | 0                    | 0.0%                       |
| <b>Unrestricted Capital Outlay Fund 610 (6)</b>    |     |                 |  |                      |  |                                  |   |                     |                      |                            |
| 1000 Instruction                                   | 2.  |                 | 2,757,282  | 737,968              |  |                                  |   | 9,342,495           | 3,495,250            | -62.6%                     |
| 2000 Support Services                              |     |                 |  |                      |  |                                  |   |                     |                      |                            |
| 2100, 2200 Students and Instructional Staff        | 3.  |                 | 183,650  | 820,700              |  |                                  |   | 1,389,633           | 1,004,350            | -27.7%                     |
| 2300, 2400, 2500, 2900 Administration              | 4.  | 33,200          |  | 3,846,829            |  |                                  |   | 9,802,457           | 3,880,029            | -60.4%                     |
| 2600 Operation & Maintenance of Plant              | 5.  | 87,700          |  | 1,222,400            |  |                                  |   | 776,613             | 1,310,100            | 68.7%                      |
| 2700 Student Transportation                        | 6.  |                 |  | 659,000              |  |                                  |   | 0                   | 659,000              | --                         |
| 3000 Operation of Noninstructional Services (5)    | 7.  |                 |  |                      |  |                                  |   | 0                   | 0                    | 0.0%                       |
| 4000 Facilities Acquisition and Construction       | 8.  |                 |  |                      |  |                                  | 819,845                                       | 2,010,943           | 819,845              | -59.2%                     |
| 5000 Debt Service                                  | 9.  |                 |  |                      | 8,884,603                                    | 789,404                          |   | 4,892,955           | 9,674,007            | 97.7%                      |
| Total Unrestricted Capital Outlay Fund (lines 2-9) | 10. | 120,900         | 2,940,932  | 7,286,897            | 8,884,603                                    | 789,404                          | 819,845                                       | 28,215,096          | 20,842,581           | -26.1%                     |

The district has budgeted an amount in the UCO Fund equal to the Unrestricted Capital Budget Limit as calculated on Page 8 of 8.

(1) Amounts in the Unrestricted Capital Outlay Override line 1 above must be included in the appropriate individual line items for Fund 610 and in the Budget Year Total Column.

(5) Expenditures Budgeted in Unrestricted Capital Outlay (UCO) Fund for Food Service

Enter the amount budgeted in UCO for Food Service [Amount will be used to determine district compliance with state matching requirements pursuant to CFR Title 7, §210.17(a)]

(2) Detail by object code:

|                               | Unrestricted<br>Capital Outlay |
|-------------------------------|--------------------------------|
| 6641 Library Books            | 15,000.00                      |
| 6642 Textbooks                | 1,639,000.00                   |
| 6643 Instructional Aids       | 1,286,932.00                   |
| 6731 Furniture and Equipment  | 1,221,000.00                   |
| 6734 Vehicles                 | 750,000.00                     |
| 6737 Tech Hardware & Software | 5,315,897.00                   |

(6) Expenditures, if any, budgeted in the Unrestricted Capital Outlay Fund on lines 2-9 for the K-3 Reading Program as described in A.R.S. §15-211.

\$1,561,145.00

(3) Includes principal on Capital Equity Fund loans of \_\_\_\_\_, principal on capital leases of \$ 8,884,603, and principal on bonds of \_\_\_\_\_.

(4) Includes interest on Capital Equity Fund loans of \_\_\_\_\_, interest on capital leases of \$ 789,404, and interest on bonds of \_\_\_\_\_.

DISTRICT NAME Tucson Unified School District #1

COUNTY Pima

CTD NUMBER 100201000

VERSION Adopted

OTHER FUNDS—REQUIRED CAPITAL EXPENDITURE DETAIL [(A.R.S. §15-904.(B))]

| Expenditures                                    |     | UNRESTRICTED CAPITAL OUTLAY |            | BOND BUILDING |           | NEW SCHOOL FACILITIES |           |
|---|-----|-----------------------------|------------|---------------|-----------|-----------------------|-----------|
|   |     | Fund 610                    |            | Fund 630      |           | Fund 695              |           |
|   |     | Prior FY                    | Budget FY  | Prior FY      | Budget FY | Prior FY              | Budget FY |
| <b>Total Fund Expenditures</b>                  | 1.  | 28,215,096                  | 20,842,581 | 0             |           | 0                     | 1.        |
| <b>Select Object Codes Detail (1)</b>           |     |                             |            |               |           |                       |           |
| 6150 Classified Salaries                        | 2.  | 600,000                     | 409,885    | 0             |           | 0                     | 2.        |
| 6200 Employee Benefits                          | 3.  | 100,000                     | 122,966    | 0             |           | 0                     | 3.        |
| 6450 Construction Services                      | 4.  | 1,593,193                   | 286,954    | 0             |           | 0                     | 4.        |
| 6710 Land and Improvements                      | 5.  | 0                           |            | 0             |           | 0                     | 5.        |
| 6720 Buildings and Improvements                 | 6.  | 0                           |            | 0             |           | 0                     | 6.        |
| 6731 Furniture and Equipment                    | 7.  | 734,541                     | 1,221,000  | 0             |           | 0                     | 7.        |
| 6734 Vehicles                                   | 8.  | 234,286                     | 750,000    | 0             |           | 0                     | 8.        |
| 6737 Technology Hardware & Software             | 9.  | 13,910,535                  | 5,315,897  | 0             |           | 0                     | 9.        |
| 6831, 6832 Redemption of Principal              | 10. | 4,465,450                   | 8,884,603  | 0             |           | 0                     | 10.       |
| 6841, 6842, 6850 Interest                       | 11. | 401,599                     | 789,404    | 0             |           | 0                     | 11.       |
| <b>Total (lines 2-11)</b>                       | 12. | 22,039,604                  | 17,780,709 | 0             | 0         | 0                     | 12.       |
| Total amounts reported on lines 2-11 above for: |     |                             |            |               |           |                       |           |
| Renovation                                      | 13. | 500,000                     | 286,954    | 0             |           |                       | 13.       |
| New Construction                                | 14. | 0                           |            | 0             |           | 0                     | 14.       |
| Other   | 15. | 21,539,604                  | 17,493,755 | 0             |           | 0                     | 15.       |
| <b>Total (lines 13-15, must equal line 12)</b>  | 16. | 22,039,604                  | 17,780,709 | 0             | 0         | 0                     | 16.       |

(1) Lines 2-11 may not include all budgeted expenditures of the fund. Total budgeted expenditures for each fund should be included on Line 1.

**SPECIAL PROJECTS**

**FEDERAL PROJECTS**

|  |      | FTE      |           | TOTAL ALL FUNCTIONS |            |
|--|------|----------|-----------|---------------------|------------|
|  |      | Prior FY | Budget FY | Prior FY            | Budget FY  |
| 1. 100-130 ESEA Title I - Helping Disadvantaged Children         | 6000 | 394.87   | 324.88    | 30,000,000          | 30,000,000 |
| 2. 140-150 ESEA Title II - Prof. Dev. and Technology             | 6000 | 30.60    | 26.40     | 4,800,000           | 4,800,000  |
| 3. 160 ESEA Title IV - 21st Century Schools                      | 6000 | 2.17     | 2.60      | 3,300,000           | 3,300,000  |
| 4. 170-180 ESEA Title V - Promote Informed Parent Choice         | 6000 | 0.00     | 0.00      | 275,000             | 275,000    |
| 5. 190 ESEA Title III - Limited Eng. & Immigrant Students        | 6000 | 10.75    | 11.25     | 800,000             | 800,000    |
| 6. 200 ESEA Title VII - Indian Education                         | 6000 | 6.88     | 6.88      | 405,000             | 405,000    |
| 7. 210 ESEA Title VI - Flexibility and Accountability            | 6000 | 0.00     |           | 0                   |            |
| 8. 220 IDEA Part B   | 6000 | 154.57   | 149.84    | 11,100,000          | 11,000,000 |
| 9. 230 Johnson-O'Malley  | 6000 | 1.31     | 1.31      | 80,000              | 80,000     |
| 10. 240 Workforce Investment Act                                 | 6000 | 0.00     |           | 0                   |            |
| 11. 250 AEA - Adult Education                                    | 6000 | 0.00     |           | 0                   |            |
| 12. 260-270 Vocational Education - Basic Grants                  | 6000 | 8.50     | 8.00      | 1,300,000           | 1,300,000  |
| 13. 280 ESEA Title X - Homeless Education                        | 6000 | 2.50     | 0.00      | 130,000             | 130,000    |
| 14. 290 Medicaid Reimbursement                                   | 6000 | 0.00     | 32.00     | 5,000,000           | 5,000,000  |
| 15. 374 E-Rate   | 6000 | 0.00     | 0.00      | 8,000,000           | 8,000,000  |
| 16. 378 Impact Aid   | 6000 | 0.00     | 6.25      | 1,165,463           | 1,165,463  |
| 17. 300-399 Other Federal Projects (Besides E-Rate & Impact Aid) | 6000 | 5.10     | 5.30      | 1,100,000           | 1,100,000  |
| 18. Total Federal Project Funds (lines 1-17)                     |      | 617.25   | 574.71    | 67,455,463          | 67,355,463 |

**STATE PROJECTS**

|  |      |        |        |            |            |
|--|------|--------|--------|------------|------------|
| 19. 400 Vocational Education                       | 6000 | 4.48   | 4.00   | 550,000    | 550,000    |
| 20. 410 Early Childhood Block Grant                | 6000 | 0.00   |        | 0          |            |
| 21. 420 Ext. School Yr. - Pupils with Disabilities | 6000 | 0.00   |        | 0          |            |
| 22. 425 Adult Basic Education                      | 6000 | 0.00   |        | 0          |            |
| 23. 430 Chemical Abuse Prevention Programs         | 6000 | 0.00   | 0.00   | 382,500    | 382,500    |
| 24. 435 Academic Contests                          | 6000 | 0.00   |        | 0          |            |
| 25. 450 Gifted Education                           | 6000 | 0.00   |        | 0          |            |
| 26. 460 Environmental Special Plate                | 6000 | 0.00   |        | 0          |            |
| 27. 465-499 Other State Projects                   | 6000 | 0.00   | 0.00   | 1,000,000  | 1,000,000  |
| 28. Total State Project Funds (lines 19-27)        |      | 4.48   | 4.00   | 1,932,500  | 1,932,500  |
| 29. Total Special Projects (lines 18 and 28)       |      | 621.73 | 578.71 | 69,387,963 | 69,287,963 |

**INSTRUCTIONAL IMPROVEMENT FUND (020)**

|  |      | Prior FY  | Budget FY |
|--|------|-----------|-----------|
| 1. Teacher Compensation Increases                    | 6000 | 0         |           |
| 2. Class Size Reduction                              | 6000 | 0         |           |
| 3. Dropout Prevention Programs (M&O purposes)        | 6000 | 0         |           |
| 4. Instructional Improvement Programs (M&O purposes) | 6000 | 2,500,000 | 2,500,000 |
| 5. Total Instructional Improvement Fund (lines 1-4)  |      | 2,500,000 | 2,500,000 |

**OTHER FUNDS (DO NOT Add to Aggregate)**

|  |      | Prior FY   | Budget FY  |
|--|------|------------|------------|
| 1. 050 County, City, and Town Grants               | 6000 | 2,000      | 2,000      |
| 2. 071 Structured English Immersion (1)            | 6000 | 0          | 0          |
| 3. 072 Compensatory Instruction (1)                | 6000 | 0          | 0          |
| 4. 500 School Plant (Lease over 1 year) (2)        | 6000 | 5,000      | 5,000      |
| 5. 505 School Plant (Lease 1 year or less)         | 6000 | 22,000     | 22,000     |
| 6. 506 School Plant (Sale)                         | 6000 | 750,000    | 750,000    |
| 7. 510 Food Service                                | 6000 | 23,000,000 | 23,000,000 |
| 8. 515 Civic Center                                | 6000 | 3,500,000  | 3,500,000  |
| 9. 520 Community School                            | 6000 | 5,500,000  | 5,500,000  |
| 10. 525 Auxiliary Operations                       | 6000 | 1,700,000  | 1,700,000  |
| 11. 526 Extracurricular Activities Fees Tax Credit | 6000 | 8,500,000  | 8,500,000  |
| 12. 530 Gifts and Donations                        | 6000 | 3,000,000  | 3,000,000  |
| 13. 535 Career & Tech. Ed. & Voc. Ed. Projects     | 6000 | 2,500      | 2,500      |
| 14. 540 Fingerprint                                | 6000 | 25,000     | 25,000     |
| 15. 545 School Opening                             | 6000 | 0          |            |
| 16. 550 Insurance Proceeds                         | 6000 | 575,000    | 575,000    |
| 17. 555 Textbooks                                  | 6000 | 201,000    | 201,000    |
| 18. 565 Litigation Recovery                        | 6000 | 10,000     | 10,000     |
| 19. 570 Indirect Costs                             | 6000 | 10,000,000 | 10,000,000 |
| 20. 575 Unemployment Insurance                     | 6000 | 500,000    | 500,000    |
| 21. 580 Teacherage                                 | 6000 | 0          |            |
| 22. 585 Insurance Refund                           | 6000 | 0          |            |
| 23. 590 Grants and Gifts to Teachers               | 6000 | 0          |            |
| 24. 595 Advertisement                              | 6000 | 100,000    | 100,000    |
| 25. 596 Joint Technical Education                  | 6000 | 5,000,000  | 5,000,000  |
| 26. 620 Adjacent Ways                              | 6000 | 1,200,000  | 1,200,000  |
| 27. 639 Impact Aid Revenue Bond Building           | 6000 | 0          |            |
| 28. 640 School Plant - Special Construction        | 6000 | 0          |            |
| 29. 650 Gifts and Donations-Capital                | 6000 | 20,000     | 20,000     |
| 30. 660 Condemnation                               | 6000 | 22,000     | 22,000     |
| 31. 665 Energy and Water Savings                   | 6000 | 32,000,000 | 13,000,000 |
| 32. 686 Emergency Deficiencies Correction          | 6000 | 0          |            |
| 33. 691 Building Renewal Grant                     | 6000 | 1,400,000  | 1,400,000  |
| 34. 700 Debt Service                               | 6000 | 24,200,000 | 24,200,000 |
| 35. 720 Impact Aid Revenue Bond Debt Service       | 6000 | 0          | 0          |
| 36. Other 586, 855, 576                            | 6000 | 1,040,000  | 2,625,000  |
| <b>INTERNAL SERVICE FUNDS 950-989</b>              |      |            |            |
| 1. 954 Self-Insurance                              | 6000 | 35,000,000 | 35,000,000 |
| 2. 955 Intergovernmental Agreements                | 6000 | 500,000    | 500,000    |
| 3. 9__ OPEB  | 6000 | 0          |            |
| 4. 951, 952, 953 Internal Service Funds            | 6000 | 800,000    | 800,000    |

(1) From Supplement, page 3, line 10 and line 20, respectively.  
 (2) Indicate amount budgeted in Fund 500 for M&O purposes

**CALCULATION OF FY 2016 GENERAL BUDGET LIMIT  
(A.R.S. §15-947.C)**

|   |                | <u>A.<br/>Maintenance<br/>and Operation</u> | <u>B.<br/>Unrestricted<br/>Capital Outlay</u> |
|---|----------------|---|---|
| 1. (a) FY 2016 Revenue Control Limit (RCL)<br>(from Work Sheet E, line VIII, or Work Sheet F, line III)   | \$ 241,591,972 |   |   |
| * (b) Plus Adjustment for Growth (1)  |                |   |   |
| * (c) Increase or (Decrease) in 03 District High School Tuition<br>Payments (A.R.S. §15-905.J) (1)  |                |   |   |
| (d) Adjusted RCL  | \$ 241,591,972 | \$ 231,799,178                              | \$ 9,792,794                                  |
| 2. (a) FY 2016 District Additional Assistance (DAA) (from Work<br>Sheet H, lines VII.E.1 and VII.F.1)   | \$ 22,243,784  |   |   |
| * (b) DAA Reduction for State Budget Adjustments (from Work<br>Sheet H, lines VII.E.2 and VII.F.2)  | 18,795,997     |   |   |
| (c) Adjusted DAA  | \$ 3,447,787   |   | 3,447,787                                     |
| 3. FY 2016 Override Authorization (A.R.S. §§15-481 and 15-482)  |                |   |   |
| * (a) Maintenance and Operation   |                |   |   |
| * (b) Unrestricted Capital Outlay   |                |   |   |
| * (c) Special Program   |                |   |   |
| *4. Small School Adjustment for Districts with a Student Count of 125 or less in K-8 or 100 or<br>less in 9-12 (A.R.S. §15-949) (If phase-down applies, see Work Sheets K and K2) |                |   |   |
| *5. Tuition Revenue (A.R.S. §§15-823 and 15-824)  |                |   |   |
| Local   |                |   |   |
| (a) Individuals and Other Private Sources   |                | 15,000                                      | 1,000   |
| (b) Other Arizona Districts   |                |   |   |
| (c) Out-of-State Districts and Other Governments  |                |   |   |
| State   |                |   |   |
| (d) Certificates of Educational Convenience (A.R.S. §§15-825, 15-825.01, and 15-825.02)   |                | 4,000                                       | 1,000   |
| *6. State Assistance (A.R.S. §15-976) and Special Ed. Voucher Payments Received (A.R.S. §15-1204)   |                |   |   |
| *7. Increase Authorized by County School Superintendent for Accommodation Schools<br>(not to exceed Work Sheet S, line II.B.5) (A.R.S. §15-974.B)                                 |                |   |   |
| 8. Budget Increase for:   |                |   |   |
| (a) Desegregation Expenditures (A.R.S. §15-910.G-K)   |                | 59,611,047                                  | 4,100,000                                     |
| * (b) Tuition Out Debt Service (from Work Sheet O, line 7) (A.R.S. §15-910.L)   |                | 0   |   |
| * (c) Budget Balance Carryforward (from Work Sheet M, line 12) (A.R.S. §15-943.01)  |                | 9,579,535                                   |   |
| (d) Dropout Prevention Programs (Laws 1992, Ch. 305, §32 and Laws 2000, Ch. 398, §2)  |                | 767,410                                     |   |
| (e) Registered Warrant or Tax Anticipation Note Interest Expense Incurred in<br>FY 2014 (A.R.S. §15-910.M)  |                |   |   |
| * (f) Joint Career and Technical Education and Vocational Education Center (A.R.S. §15-910.01)  |                |   |   |
| * (g) FY 2015 Performance Pay Unexpended Budget Carryforward (from Work<br>Sheet M, line 6.h) (A.R.S. §15-920)  |                | 0   |   |
| (h) Excessive Property Tax Valuation Judgments (A.R.S. §§42-16213 and 42-16214)   |                |   |   |
| * (i) Transportation Revenues for Attendance of Nonresident Pupils (A.R.S. §§15-923 and 15-947)   |                |   |   |
| *9. Adjustment to the General Budget Limit (A.R.S. §§15-272, 15-905.M, 15-910.02, and 15-<br>915) Include year(s) and descriptions, as applicable.                                |                |   |   |
| (a) Prior Year Over Expenditures/Resolutions:   |                |   |   |
| (b) Decrease for Transfer from M&O to Energy and Water Savings Fund   |                |   |   |
| (c) Increase for Energy and Water Savings Fund Transfer to M&O  |                |   |   |
| (d) JTED Reduction  |                |   |   |
| (e) Noncompliance Adjustment  |                |   |   |
| (f) ADM Audit Adjustment  |                |   |   |
| (g) Other:  |                |   |   |
| 10. FY 2016 General Budget Limit (column A, lines 1 through 9)<br>(A.R.S. §15-905.F) (page 1, line 31 cannot exceed this amount)  |                | <u>\$ 301,776,170</u>                       |   |
| 11. Total Amount to be Used for Capital Expenditures (column B, lines 1 through 8)<br>(A.R.S. §15-905.F) (to page 8, line A.11)   |                |   | <u>\$ 17,342,581</u>                          |

\* Subject to adjustment prior to May 15 as allowed by A.R.S. Revisions are described in the instructions for these lines, as needed.

(1) For budget adoption, this line should be left blank.

**UNRESTRICTED CAPITAL BUDGET LIMIT AND CLASSROOM SITE FUND BUDGET LIMIT (A.R.S. §15-947.D and A.R.S. §15-978)**

**CALCULATION OF UNRESTRICTED CAPITAL BUDGET LIMIT**

|   |    |                             |
|---|----|-----------------------------|
| A. 1. FY 2015 Unrestricted Capital Budget Limit (UCBL)<br>(from FY 2015 latest revised Budget, page 8, line A.12)                                       | \$ | <u>28,215,096</u>           |
| 2. Total UCBL Adjustment for prior years as notified by ADE on BUDG75 report (For budget adoption, use zero.)   | \$ | <u>                    </u> |
| 3. Adjusted Amount Available for FY 2015 Capital Expenditures (line A.1 + A.2)  | \$ | <u>28,215,096</u>           |
| 4. Amount Budgeted in Fund 610 in FY 2015<br>(from FY 2015 latest revised Budget, page 4, line 10)  | \$ | <u>28,215,096</u>           |
| 5. Lesser of line A.3 or the sum of line A.4 and any positive adjustment on line A.2  | \$ | <u>28,215,096</u>           |
| 6. FY 2015 Fund 610 Actual Expenditures (For budget adoption use actual expenditures to date plus estimated expenditures through fiscal year-end.)      | \$ | <u>24,715,096</u>           |
| 7. Unexpended Budget Balance in Fund 610 (line A.5 minus A.6) If negative, use zero in calculation, but show negative amount here in parentheses.       | \$ | <u>3,500,000</u>            |
| 8. Interest Earned in Fund 610 in FY 2015   | \$ | <u>                    </u> |
| 9. Monies deposited in Fund 610 from School Facilities Board for donated land (A.R.S. §15-2041.F)   | \$ | <u>                    </u> |
| 10. Adjustment to UCBL for FY 2016 (A.R.S. §15-905.M) Include year(s) and descriptions, as applicable.<br>(a) Prior Year Over Expenditures/Resolutions: | \$ | <u>                    </u> |
| (b) Increase to UCBL Due to Greater than Anticipated Growth (from FY2015 BUDG75)  | \$ | <u>                    </u> |
| (c) JTED Reduction  | \$ | <u>                    </u> |
| (d) ADM Audit Adjustment  | \$ | <u>                    </u> |
| (e) Other:  | \$ | <u>                    </u> |
| 11. Amount to be Used for Capital Expenditures (from page 7, line 11)   | \$ | <u>17,342,581</u>           |
| 12. FY 2016 Unrestricted Capital Budget Limit (lines A.7 through A.11) (1)  | \$ | <u>20,842,581</u>           |

**CALCULATION OF CLASSROOM SITE FUND BUDGET LIMIT**

|  | Fund 011  | Fund 012   | Fund 013  | Payments to Charter Schools | Total Fund 010 |
|--|-----------|------------|-----------|-----------------------------|----------------|
| B. 1. FY 2015 Classroom Site Fund Budget Limit (from FY 2015 latest revised Budget, page 8, line 7 of detailed table)  | 4,287,946 | 16,559,109 | 7,790,863 | 0                           | 28,637,918     |
| 2. FY 2015 Actual Expenditures (For budget adoption use actual expenditures to date plus estimated expenditures through fiscal year-end.)  | 3,500,000 | 4,000,000  | 6,470,000 |                             | 13,970,000     |
| 3. Unexpended Budget Balance (line B.1 minus B.2)  | 787,946   | 12,559,109 | 1,320,863 | 0                           | 14,667,918     |
| 4. Interest Earned in the Classroom Site Fund in FY 2015   |           |            |           |                             | 0              |
| 5. FY 2016 Classroom Site Fund Allocation (provided by ADE, based on \$327) Enter the total allocation in the Total Fund 010 column. Funds 011, 012, and 013 will automatically calculate. | 3,544,560 | 7,089,120  | 7,089,120 |                             | 17,722,800     |
| 6. Adjustments to FY 2016 Classroom Site Fund Budget Limit (2)   |           |            |           |                             | 0              |
| 7. FY 2016 Classroom Site Fund Budget Limit (Sum of lines B.3 through B.6) (3)   | 4,332,506 | 19,648,229 | 8,409,983 | 0                           | 32,390,718     |

- (1) The amount budgeted on page 4, line 10 cannot exceed this amount.
- (2) This line may be used to recapture lost CSF budget capacity that resulted from underbudgeting in prior fiscal years.
- (3) The amounts budgeted on page 3, lines 13, 26, 39, 40, and footnote (1) on that page, cannot exceed the respective amounts on this line.

I certify that the Budget of Tucson Unified School District, Pima County for fiscal year 2016 was officially proposed by the Governing Board on June 23, 2015, and that the complete Proposed Expenditure Budget may be reviewed by contacting Karla Soto at the District Office, telephone 520 225 6493 during normal business hours.

\_\_\_\_\_  
 President of the Governing Board

|                          |                           |                            |                        |                 |                            |  |
|--------------------------|---------------------------|----------------------------|------------------------|-----------------|----------------------------|--|
| <b>1. Student Count:</b> | <b>FY 2015</b>            | <b>FY 2016</b>             | <b>2. Tax Rates:</b>   |                 |                            | * Secondary rate applies only for voter-approved overrides and bonded indebtedness per A.R.S. §15-101(22) and Joint Technical Education Districts per A.R.S. §15-393(F). |
|                          | <b>Prior Yr. 2014 ADM</b> | <b>Budget Yr. 2015 ADM</b> |                        | <b>Prior FY</b> | <b>Estimated Budget FY</b> |  |
| <b>Attending</b>         | 46,822.162                | 45,924.188                 | <b>Primary Rate</b>    | 6.8021          | 6.4672                     |  |
|                          |                           |                            | <b>Secondary Rate*</b> | 0.7073          | 0.8283                     |  |

|  |             |              |             |
|--|-------------|--------------|-------------|
| <b>3. The Maintenance and Operation, Classroom Site, and Unrestricted Capital Outlay budgets cannot exceed their respective budget limits.</b> |             |              |             |
| <b>Maintenance &amp; Operation</b>   | 301,776,170 | <b>GBL</b>   | 301,776,170 |
| <b>Classroom Site</b>  | 32,390,718  | <b>CSFBL</b> | 32,390,718  |
| <b>Unrestricted Capital Outlay</b>   | 20,842,581  | <b>UCBL</b>  | 20,842,581  |

|  | MAINTENANCE AND OPERATION EXPENDITURES |                    |                   |                   |                    |                    | % Inc./(Decr.) from Prior FY |
|--|--|--------------------|-------------------|-------------------|--------------------|--------------------|------------------------------|
|  | Salaries and Benefits                  |                    | Other             |                   | TOTAL              |                    |                              |
|  | Prior FY                               | Budget FY          | Prior FY          | Budget FY         | Prior FY           | Budget FY          |                              |
| <b>100 Regular Education</b>   |  |                    |                   |                   |                    |                    |                              |
| 1000 Instruction   | 81,139,732                             | 79,534,228         | 1,323,120         | 1,435,974         | 82,462,852         | 80,970,202         | -1.8%                        |
| <b>2000 Support Services</b>   |  |                    |                   |                   |                    |                    |                              |
| 2100 Students  | 11,817,860                             | 11,374,789         | 216,157           | 300,503           | 12,034,017         | 11,675,292         | -3.0%                        |
| 2200 Instructional Staff   | 4,444,868                              | 4,422,320          | 264,261           | 334,677           | 4,709,129          | 4,756,997          | 1.0%                         |
| 2300, 2400, 2500 Administration  | 28,324,956                             | 28,820,908         | 2,967,676         | 2,519,157         | 31,292,632         | 31,340,065         | 0.2%                         |
| 2600 Oper./Maint. of Plant   | 22,492,946                             | 21,893,648         | 26,682,291        | 25,686,764        | 49,175,237         | 47,580,412         | -3.2%                        |
| 2900 Other   | 18,574                                 | 0                  | 0                 | 0                 | 18,574             | 0                  | -100.0%                      |
| 3000 Oper. of Noninstructional Services                                  | 0                                      | 0                  | 466,183           | 474,333           | 466,183            | 474,333            | 1.7%                         |
| 610 School-Sponsored Cocurric. Activities                                | 398,517                                | 400,554            | 0                 | 0                 | 398,517            | 400,554            | 0.5%                         |
| 620 School-Sponsored Athletics   | 2,262,571                              | 1,643,097          | 233,930           | 233,931           | 2,496,501          | 1,877,028          | -24.8%                       |
| 630, 700, 800, 900 Other Programs  | 0                                      | 0                  | 0                 | 0                 | 0                  | 0                  | 0.0%                         |
| <b>Regular Education Subsection Subtotal</b>                             | <b>150,900,024</b>                     | <b>148,089,544</b> | <b>32,153,618</b> | <b>30,985,339</b> | <b>183,053,642</b> | <b>179,074,883</b> | <b>-2.2%</b>                 |
| <b>200 Special Education</b>   |  |                    |                   |                   |                    |                    |                              |
| 1000 Instruction   | 32,306,422                             | 34,678,190         | 253,675           | 332,769           | 32,560,097         | 35,010,959         | 7.5%                         |
| <b>2000 Support Services</b>   |  |                    |                   |                   |                    |                    |                              |
| 2100 Students  | 12,425,301                             | 12,231,061         | 1,515,432         | 1,207,269         | 13,940,733         | 13,438,330         | -3.6%                        |
| 2200 Instructional Staff   | 1,460,680                              | 968,337            | 48,625            | 34,450            | 1,509,305          | 1,002,787          | -33.6%                       |
| 2300, 2400, 2500 Administration  | 281,535                                | 342,240            | 11,000            | 18,561            | 292,535            | 360,801            | 23.3%                        |
| 2600 Oper./Maint. of Plant   | 65,222                                 | 65,861             | 51,100            | 51,570            | 116,322            | 117,431            | 1.0%                         |
| 2900 Other   | 0                                      | 0                  | 0                 | 0                 | 0                  | 0                  | 0.0%                         |
| 3000 Oper. of Noninstructional Services                                  | 0                                      | 0                  | 0                 | 0                 | 0                  | 0                  | 0.0%                         |
| <b>Special Education Subsection Subtotal</b>                             | <b>46,539,160</b>                      | <b>48,285,689</b>  | <b>1,879,832</b>  | <b>1,644,619</b>  | <b>48,418,992</b>  | <b>49,930,308</b>  | <b>3.1%</b>                  |
| 400 Pupil Transportation   | 8,175,963                              | 9,165,116          | 2,268,503         | 2,825,662         | 10,444,466         | 11,990,778         | 14.8%                        |
| 510 Desegregation  | 44,055,627                             | 47,758,007         | 11,655,420        | 11,853,040        | 55,711,047         | 59,611,047         | 7.0%                         |
| 520 Special K-3 Program Override   | 0                                      | 0                  | 0                 | 0                 | 0                  | 0                  | 0.0%                         |
| 530 Dropout Prevention Programs  | 759,983                                | 692,047            | 7,427             | 75,363            | 767,410            | 767,410            | 0.0%                         |
| 540 Joint Career and Technical Education and Vocational Education Center | 0                                      | 0                  | 0                 | 0                 | 0                  | 0                  | 0.0%                         |
| 550 K-3 Reading Program  | 136,173                                | 163,400            | 5,694             | 238,344           | 141,867            | 401,744            | 183.2%                       |
| <b>TOTAL EXPENDITURES</b>  | <b>250,566,930</b>                     | <b>254,153,803</b> | <b>47,970,494</b> | <b>47,622,367</b> | <b>298,537,424</b> | <b>301,776,170</b> | <b>1.1%</b>                  |

| TOTAL EXPENDITURES BY FUND   |                       |             |  |   |
|------------------------------|-----------------------|-------------|--|---|
| Fund                         | Budgeted Expenditures |             | \$ Increase/<br>(Decrease)<br>from<br>Prior FY | % Increase/<br>(Decrease)<br>from<br>Prior FY |
|                              | Prior FY              | Budget FY   |  |   |
| Maintenance & Operation      | 298,537,424           | 301,776,170 | 3,238,746                                      | 1.1%  |
| Instructional Improvement    | 2,500,000             | 2,500,000   | 0  | 0.0%  |
| Structured English Immersion | 0                     | 0           | 0  | 0.0%  |
| Compensatory Instruction     | 0                     | 0           | 0  | 0.0%  |
| Classroom Site               | 28,637,918            | 32,390,718  | 3,752,800                                      | 13.1%   |
| Federal Projects             | 67,455,463            | 67,355,463  | (100,000)                                      | -0.1%   |
| State Projects               | 1,932,500             | 1,932,500   | 0  | 0.0%  |
| Unrestricted Capital Outlay  | 28,215,096            | 20,842,581  | (7,372,515)                                    | -26.1%  |
| New School Facilities        | 0                     | 0           | 0  | 0.0%  |
| Adjacent Ways                | 1,200,000             | 1,200,000   | 0  | 0.0%  |
| Debt Service                 | 24,200,000            | 24,200,000  | 0  | 0.0%  |
| School Plant Funds           | 777,000               | 777,000     | 0  | 0.0%  |
| Auxiliary Operations         | 1,700,000             | 1,700,000   | 0  | 0.0%  |
| Bond Building                | 0                     | 0           | 0  | 0.0%  |
| Food Service                 | 23,000,000            | 23,000,000  | 0  | 0.0%  |
| Other                        | 107,697,500           | 90,282,500  | (17,415,000)                                   | -16.2%  |

| M&O FUND SPECIAL EDUCATION PROGRAMS BY TYPE      |            |            |
|--|------------|------------|
| Program (A.R.S. §§15-761 and 15-903)             | Prior FY   | Budget FY  |
| Autism   | 3,404,363  | 3,307,761  |
| Emotional Disability                             | 3,846,138  | 3,729,421  |
| Hearing Impairment                               | 1,429,100  | 2,364,900  |
| Other Health Impairments                         | 3,751,156  | 3,793,056  |
| Specific Learning Disability                     | 11,305,726 | 12,468,320 |
| Mild, Moderate or Severe Intellectual Disability | 4,729,918  | 4,878,357  |
| Multiple Disabilities                            | 1,506,592  | 1,244,594  |
| Multiple Disabilities with S.S.I.                | 39,617     | 117,537    |
| Orthopedic Impairment                            | 343,423    | 333,035    |
| Developmental Delay                              | 1,791,389  | 1,586,670  |
| Preschool Severe Delay                           | 2,834,406  | 3,219,763  |
| Speech/Language Impairment                       | 8,076,061  | 8,114,362  |
| Traumatic Brain Injury                           | 0          | 0          |
| Visual Impairment                                | 504,530    | 595,664    |
| Subtotal   | 43,562,419 | 45,753,440 |
| Gifted Education                                 | 1,459,787  | 1,532,325  |
| Remedial Education                               | 0          | 0          |
| ELL Incremental Costs                            | 1,877,595  | 1,312,983  |
| ELL Compensatory Instruction                     | 0          | 0          |
| Vocational and Technical Education               | 1,519,191  | 1,331,560  |
| Career Education                                 | 0          | 0          |
| TOTAL  | 48,418,992 | 49,930,308 |

| PROPOSED STAFFING SUMMARY                           |       |                   |
|---|-------|-------------------|
| Staff Type  | FTE   | Staff-Pupil Ratio |
| Certified --  |       |                   |
| Superintendent, Principals,<br>Other Administrators | 156   | 1 to 294.4        |
| Teachers  | 2,537 | 1 to 18.1         |
| Other   | 282   | 1 to 162.9        |
| Subtotal  | 2,975 | 1 to 15.4         |
| Classified --                                       |       |                   |
| Managers, Supervisors, Directors                    | 158   | 1 to 290.7        |
| Teachers Aides                                      | 875   | 1 to 52.5         |
| Other   | 1,503 | 1 to 30.6         |
| Subtotal  | 2,536 | 1 to 18.1         |
| TOTAL   | 5,511 | 1 to 8.3          |
| Special Education --                                |       |                   |
| Teacher   | 462   | 1 to 15.0         |
| Staff   | 968   | 1 to 12.0         |



DISTRICT NAME Tucson Unified School District #1

CTD NUMBER T00201000

VERSION Adopted

**FY 2016 Truth in Taxation Work Sheet (A.R.S. §15-905.01)**

|    |  |    |                          |
|----|--|----|--------------------------|
| 1. | FY 2016 Truth in Taxation Base Limit (from FY 2015 TNT work sheet, line 3 + line 11) | \$ | <u>64,478,459</u>        |
| 2. | Deduction for discontinued programs  |    |                          |
| 3. | Adjusted FY 2016 TNT Base Limit  | \$ | <u><u>64,478,459</u></u> |

**Primary Property Tax Rate  
Related to Budgeted  
Expenditures**

**FY 2016 Budgeted Expenditures**

|    |   |    |                   |               |
|----|---|----|-------------------|---------------|
| 4. | Desegregation (from Districtwide Desegregation Budget page 2, line 44 and page 3, line 70)  | \$ | <u>63,711,047</u> | <u>0.0211</u> |
| 5. | Dropout Prevention (from page 1, line 28)   |    | <u>767,410</u>    | <u>0.0003</u> |
| 6. | Joint Career and Technical Education and Vocational Education Center (from Supplement page 1, line 20 and Supplement page 2, line 32) |    | <u>0</u>          | <u>0.0000</u> |
| 7. | Small School Adjustment (from page 7, line 4, columns A and B)  | \$ | <u>0</u>          | <u>0.0000</u> |

**Adjustments for FY 2015 Expenditures**

|     |   |    |                             |               |
|-----|---|----|-----------------------------|---------------|
| 8.  | Desegregation, Dropout Prevention, and Joint Career and Technical Education and Vocational Education Center       |    |                             |               |
| a.  | FY 2015 Total Actual Expenditures for programs above  | \$ | <u>64,478,457</u>           |               |
| b.  | Sum of FY 2015 original budget amounts for programs above (from FY 2015 TNT work sheet, sum of lines 4, 5, and 6) |    | <u>64,478,457</u>           |               |
| c.  | Expenditures over/(under) original budget (line 8.a minus line 8.b)   | \$ | <u>0</u>                    |               |
| 9.  | Small School Adjustment   |    |                             |               |
| a.  | FY 2015 final budget for Small School Adjustment  | \$ | <u>                    </u> |               |
| b.  | FY 2015 original budget for Small School Adjustment (from FY 2015 TNT work sheet, line 7)                         | \$ | <u>0</u>                    |               |
| c.  | Amount over/(under) budget for Small School Adjustment (line 9.a minus line 9.b)                                  | \$ | <u>0</u>                    |               |
| 10. | Total (add lines 4 through 7 and line 8.c. and line 9.c.)   | \$ | <u><u>64,478,457</u></u>    |               |
| 11. | Excess over Truth in Taxation Limit (1)<br>(Line 10 minus line 3. If negative, enter zero.)                       | \$ | <u><u>0</u></u>             |               |
| 12. | Amount to be Levied in FY 2016 for Adjacent Ways pursuant to A.R.S. §15-995 (1)                                   | \$ | <u>                    </u> | <u>0.0000</u> |
| 13. | Amount to be Levied in FY 2016 for Liabilities in Excess of the Budget pursuant to A.R.S. §15-907 (1)             | \$ | <u>                    </u> | <u>0.0000</u> |

**Calculations for Truth in Taxation Notice**

|      |   |    |                      |
|------|---|----|----------------------|
| A.   | Sum of lines 11, 12, and 13               | \$ | <u>0</u>             |
| B.1. | Current Assessed Value                    | \$ | <u>3,026,614,777</u> |
| B.2. | (Line 3 divided by line B.1) x \$10,000   | \$ | <u>213.0382 (2)</u>  |
| C.1. | Sum of lines 3, 11, 12, and 13            | \$ | <u>64,478,459</u>    |
| C.2. | (Line C.1 divided by line B.1) x \$10,000 | \$ | <u>213.0382 (2)</u>  |

- (1) If an amount on line 11, 12, or 13 is greater than zero, the district must publish a Truth in Taxation Hearing Notice as described in A.R.S. §15-905.01.
- (2) \$10,000 is used in these calculations to determine the amounts to include on the truth in taxation hearing notice for a \$100,000 home, as property taxes on residential properties are levied at 10% of the assessed valuation per A.R.S. §42-15003.



Districtwide Desegregation Budget, Fiscal Year 2016 [A.R.S. §15-910(J) and (K)]

| Maintenance and Operation (M&O) Fund             | FTE         |              | Salaries<br>6100 | Employee<br>Benefits<br>6200 | Purchased<br>Services<br>6300, 6400,<br>6500 | Supplies<br>6600 | Other<br>6800 | Number of individual school budgets |              | % Increase/<br>Decrease |          |
|--|-------------|--------------|------------------|------------------------------|--|------------------|---------------|-------------------------------------|--------------|-------------------------|----------|
|  | Prior<br>FY | Budget<br>FY |                  |                              |  |                  |               | Totals                              |              |                         |          |
|  |             |              |                  |                              |  |                  |               | Prior<br>FY                         | Budget<br>FY |                         |          |
| <b>Expenditures</b>                              |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| <b>511 Desegregation - Regular Education</b>     |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| 1000 Classroom Instruction                       | 1.          | 280.09       | 377.00           | 14,710,943                   | 4,340,793                                    | 51,580           | 247,565       | 705,767                             | 14,784,687   | 20,056,648              | 35.7%    |
| 2000 Support Services                            |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| 2100 Students                                    | 2.          | 95.60        | 96.60            | 4,188,829                    | 1,248,014                                    | 34,500           | 38,030        | 33,350                              | 5,560,742    | 5,542,723               | -0.3%    |
| 2200 Instructional Staff                         | 3.          | 76.70        | 79.35            | 5,948,873                    | 1,555,342                                    | 1,491,404        | 256,741       | 101,000                             | 8,036,832    | 9,353,360               | 16.4%    |
| 2300 General Administration                      | 4.          | 1.90         | 2.50             | 204,140                      | 61,242                                       | 1,242,504        | 27,723        | 500                                 | 2,601,384    | 1,536,109               | -41.0%   |
| 2400 School Administration                       | 5.          | 1.00         |                  |                              |  |                  | 500           |                                     | 31,453       | 500                     | -98.4%   |
| 2500 Central Services                            | 6.          | 24.03        | 26.07            | 1,545,106                    | 463,532                                      | 1,602,872        | 45,500        | 37,450                              | 2,895,449    | 3,694,459               | 27.6%    |
| 2600 Operation & Maintenance of Plant            | 7.          | 5.60         | 5.50             | 239,231                      | 71,109                                       | 570,579          | 312,500       |                                     | 1,186,323    | 1,193,419               | 0.6%     |
| 2900 Other                                       | 8.          | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 3000 Operation of Noninstructional Services      | 9.          | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| Subtotal (lines 1-9)                             | 10.         | 484.92       | 587.02           | 26,837,122                   | 7,740,031                                    | 4,993,438        | 928,559       | 878,067                             | 35,096,870   | 41,377,217              | 17.9%    |
| <b>512 Desegregation - Special Education</b>     |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| 1000 Classroom Instruction                       | 11.         | 33.36        | 32.16            | 1,430,174                    | 422,508                                      |                  | 5,000         |                                     | 1,983,726    | 1,857,682               | -6.4%    |
| 2000 Support Services                            |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| 2100 Students                                    | 12.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 2200 Instructional Staff                         | 13.         | 1.20         | 3.20             | 141,769                      | 42,146                                       | 6,000            |               |                                     | 114,513      | 189,914                 | 65.8%    |
| 2300 General Administration                      | 14.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 2400 School Administration                       | 15.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 2500 Central Services                            | 16.         | 0.00         |                  |                              |  |                  | 5,000         |                                     | 20,000       | 5,000                   | -75.0%   |
| 2600 Operation & Maintenance of Plant            | 17.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 2900 Other                                       | 18.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 3000 Operation of Noninstructional Services      | 19.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| Subtotal (lines 11-19)                           | 20.         | 34.56        | 35.36            | 1,571,943                    | 464,653                                      | 6,000            | 10,000        | 0                                   | 2,118,239    | 2,052,596               | -3.1%    |
| <b>513 Desegregation - Pupil Transportation</b>  | 21.         | 74.32        | 72.32            | 2,400,642                    | 679,153                                      | 1,843,000        | 3,161,400     |                                     | 8,932,318    | 8,084,195               | -9.5%    |
| <b>514 Desegregation - ELL Incremental Costs</b> |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| 1000 Classroom Instruction                       | 22.         | 162.15       | 123.00           | 5,365,148                    | 1,609,500                                    |                  |               |                                     | 8,196,351    | 6,974,648               | -14.9%   |
| 2000 Support Services                            |             |              |                  |                              |  |                  |               |                                     |              |                         |          |
| 2100 Students                                    | 23.         | 0.00         | 4.50             | 275,134                      | 82,540                                       | 2,000            | 3,576         |                                     | 3,576        | 363,250                 | 10058.0% |
| 2200 Instructional Staff                         | 24.         | 13.20        | 14.00            | 514,758                      | 151,347                                      | 17,000           | 9,000         |                                     | 652,032      | 692,105                 | 6.1%     |
| 2300 General Administration                      | 25.         | 6.00         | 1.00             | 50,796                       | 15,239                                       |                  |               |                                     | 339,617      | 66,035                  | -80.6%   |
| 2400 School Administration                       | 26.         | 4.40         |                  |                              |  |                  |               |                                     | 372,044      | 0                       | -100.0%  |
| 2500 Central Services                            | 27.         | 0.00         |                  |                              |  | 1,000            |               |                                     | 0            | 1,000                   | --       |
| 2600 Operation & Maintenance of Plant            | 28.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 2700 Student Transportation                      | 29.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 2900 Other                                       | 30.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| 3000 Operation of Noninstructional Services      | 31.         | 0.00         |                  |                              |  |                  |               |                                     | 0            | 0                       | 0.0%     |
| Subtotal (lines 22-31)                           | 32.         | 185.75       | 142.50           | 6,205,836                    | 1,858,627                                    | 20,000           | 12,576        | 0                                   | 9,563,620    | 8,097,039               | -15.3%   |

Districtwide Desegregation Budget, Fiscal Year 2016 [A.R.S. §15-910(J) and (K)]

| M&O Fund (Concluded)  | FTE         |              | Salaries<br>6100 | Employee<br>Benefits<br>6200 | Purchased<br>Services<br>6300, 6400,<br>6500 | Supplies<br>6600 | Other<br>6800 | Totals      |              | %<br>Increase/<br>Decrease |      |
|---|-------------|--------------|------------------|------------------------------|--|------------------|---------------|-------------|--------------|----------------------------|------|
|   | Prior<br>FY | Budget<br>FY |                  |                              |  |                  |               | Prior<br>FY | Budget<br>FY |                            |      |
| <b>Expenditures</b>   |             |              |                  |                              |  |                  |               |             |              |                            |      |
| <b>515 Desegregation - ELL Compensatory Instruction</b>   |             |              |                  |                              |  |                  |               |             |              |                            |      |
| 1000 Classroom Instruction  | 33.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2000 Support Services   |             |              |                  |                              |  |                  |               |             |              |                            |      |
| 2100 Students   | 34.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2200 Instructional Staff  | 35.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2300 General Administration   | 36.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2400 School Administration  | 37.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2500 Central Services   | 38.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2600 Operation & Maintenance of Plant   | 39.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2700 Student Transportation   | 40.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 2900 Other  | 41.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| 3000 Operation of Noninstructional Services   | 42.         | 0.00         |                  |                              |  |                  |               | 0           | 0            | 0.0%                       |      |
| Subtotal (lines 33-42)  | 43.         | 0.00         | 0.00             | 0                            | 0  | 0                | 0             | 0           | 0            | 0.0%                       |      |
| <b>Total M&amp;O Fund Desegregation (lines 10, 20, 21, 32, &amp; 43) (to Budget, page 1, line 26) (1)</b> | 44.         | 779.55       | 837.20           | 37,015,543                   | 10,742,464                                   | 6,862,438        | 4,112,535     | 878,067     | 55,711,047   | 59,611,047                 | 7.0% |

(1) In accordance with A.R.S. §15-910(K), the total amount budgeted for desegregation expenditures in the M&O, UCO, and IA Funds cannot exceed the amount budgeted in FY 2009.

**Desegregation Revenues A.R.S. §15-910(J)(3)(a), (h) & (j):**

|                      |    |       |
|----------------------|----|-------|
| Tax Levy:            | \$ | _____ |
| Other (description): | \$ | _____ |
| Other (description): | \$ | _____ |
| Other (description): | \$ | _____ |

**Employees needed to conduct Desegregation activities**

| Teachers | Administrators | Others | Total |
|----------|----------------|--------|-------|
|          |                |        | -     |

1. The date that the school district was determined to be out of compliance with Title VI of the Civil Rights Act of 1964 (42 United States Code Section 2000d) and the basis for that determination. A.R.S. §15-910(J)(3)(c) \_\_\_\_\_

2. The initial date that the school district began to levy property taxes to provide funding for desegregation expenses. A.R.S. §15-910(J) (3)(d) \_\_\_\_\_

3. An estimate of when the school district will be in compliance with the court order or administrative agreement. A.R.S. §15-910(J)(3)(r) \_\_\_\_\_

Districtwide Desegregation Budget, Fiscal Year 2016 [A.R.S. §15-910(J) and (K)]

| Unrestricted Capital Outlay (UCO) Fund  | Rentals<br>6440 | Library Books,<br>Textbooks, &<br>Instructional Aids<br>6641-6643 | Property<br>6700 | Redemption of<br>Principal<br>6831, 6832 | Interest<br>6841, 6842,<br>6850 | All Other<br>Object Codes<br>(excluding 6900) | Totals      |              | %<br>Increase/<br>Decrease |        |
|---|-----------------|---|------------------|--|---------------------------------|---|-------------|--------------|----------------------------|--------|
|   |                 |   |                  |  |                                 |   | Prior<br>FY | Budget<br>FY |                            |        |
| <b>Expenditures</b>   |                 |   |                  |  |                                 |   |             |              |                            |        |
| <b>511 Desegregation - Regular Education</b>  |                 |   |                  |  |                                 |   |             |              |                            |        |
| 1000 Classroom Instruction  | 45.             | 1,136,433   | 57,589           |  |                                 |   | 2,317,163   | 1,194,022    | -48.5%                     |        |
| 2000 Support Services   | 46.             | 15,000  | 1,657,000        |  |                                 |   | 3,747,200   | 1,672,000    | -55.4%                     |        |
| 3000 Operation of Noninstructional Services   | 47.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 4000 Facilities Acquisition & Construction  | 48.             |   |                  |  |                                 | 397,189                                       | 1,408,420   | 397,189      | -71.8%                     |        |
| 5000 Debt Service   | 49.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| Subtotal (lines 45-49)  | 50.             | 0   | 1,151,433        | 1,714,589                                | 0                               | 0   | 397,189     | 7,472,783    | 3,263,211                  | -56.3% |
| <b>512 Desegregation - Special Education</b>  |                 |   |                  |  |                                 |   |             |              |                            |        |
| 1000 Classroom Instruction  | 51.             | 93,432  |                  |  |                                 |   | 31,939      | 93,432       | 192.5%                     |        |
| 2000 Support Services   | 52.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 3000 Operation of Noninstructional Services   | 53.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 4000 Facilities Acquisition & Construction  | 54.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 5000 Debt Service   | 55.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| Subtotal (lines 51-55)  | 56.             | 0   | 93,432           | 0  | 0                               | 0   | 31,939      | 93,432       | 192.5%                     |        |
| <b>513 Desegregation - Pupil Transportation</b>   | 57.             |   | 250,000          | 453,035                                  | 40,322                          |   | 495,278     | 743,357      | 50.1%                      |        |
| <b>514 Desegregation - ELL Incremental Costs</b>  |                 |   |                  |  |                                 |   |             |              |                            |        |
| 1000 Classroom Instruction  | 58.             |   |                  |  |                                 |   |             |              |                            |        |
| 2000 Support Services   | 59.             |   |                  |  |                                 |   |             |              |                            |        |
| 3000 Operation of Noninstructional Services   | 60.             |   |                  |  |                                 |   |             |              |                            |        |
| 4000 Facilities Acquisition & Construction  | 61.             |   |                  |  |                                 |   |             |              |                            |        |
| 5000 Debt Service   | 62.             |   |                  |  |                                 |   |             |              |                            |        |
| Subtotal (lines 58-62)  | 63.             |   |                  |  |                                 |   |             |              |                            |        |
| <b>515 Desegregation - ELL Compensatory Instruction</b>   |                 |   |                  |  |                                 |   |             |              |                            |        |
| 1000 Classroom Instruction  | 64.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 2000 Support Services   | 65.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 3000 Operation of Noninstructional Services   | 66.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 4000 Facilities Acquisition & Construction  | 67.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| 5000 Debt Service   | 68.             |   |                  |  |                                 |   | 0           | 0            | 0.0%                       |        |
| Subtotal (lines 64-68)  | 69.             | 0   | 0                | 0  | 0                               | 0   | 0           | 0            | 0.0%                       |        |
| <b>Total UCO Fund Desegregation (lines 50, 56, 57, 63, &amp; 69) (Include in Fund 610 Budget page 4, lines 2-9) (2)</b> | 70.             | 0   | 1,244,865        | 1,964,589                                | 453,035                         | 40,322  | 397,189     | 8,000,000    | 4,100,000                  | -48.8% |

(2) In accordance with A.R.S. §15-910(K), the total amount budgeted for desegregation expenditures in the M&O, UCO, and IA Funds cannot exceed the amount budgeted in FY 2009.



**VERSION** Proposed  
**DATE** \_\_\_\_\_

**BUDGET WORK SHEETS  
 FOR FISCAL YEAR 2016**

|     | WORK SHEET TITLE   | PAGE |
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| B.  | Support Level Weights and PSD-12 Weighted Student Counts. . . . .                    | 2    |
| C.  | Base Support Level and Base Revenue Control Limit . . . . .                          | 3    |
| C2. | Weighted Student Count: AOI Students . . . . .                                       | 4    |
| D.  | Transportation Support Level and Transportation Revenue Control Limit . . . . .      | 5    |
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| S.  | Equalization Assistance for an Accommodation School . . . . .                        | 14   |

**A. WORK SHEET FOR ADJUSTMENT FOR TUITION LOSS and STUDENT REVENUE LOSS PHASE-DOWN (OPTIONAL)**  
 (A.R.S. §§15-954 and 15-902.01)

**NOTE 1: Only complete this section if the district receives less tuition from a district which is inside or outside of this state because the district of residence began to offer instruction in one or more high school grade levels not previously offered. If the district of residence is a joint unified district that phases instruction in over more than 1 year, complete a separate Work Sheet for each phase.**

- I. A. Base year (FY \_\_\_\_\_) Attending ADM Grades 9-12. Base year is defined as the year before the other district began to offer instruction.
- B. Factor of 5%
- C. ADM loss required to qualify (line I.A x line I.B)
- D. Number of tuitioned students lost in the year after the base year due to district of residence offering instruction in Grades 9-12 not offered previously

|  |       |
|--|-------|
|  |       |
|  | 0.05  |
|  | 0.000 |
|  |       |

**NOTE 2: If line I.C is greater than line I.D, do not complete the rest of this section. District does not qualify for an increase in the base support level (BSL).**

- E. Tuition received in base year
- F. Tuition received in fiscal year after base year
- G. Tuition loss (line I.E - line I.F) (If less than 0, enter 0)
- H. Enter the appropriate BSL adjustment factor:  
 For the first year after the base year, the BSL adjustment is .75  
 For the second year after the base year, the BSL adjustment is .50  
 For the third year after the base year, the BSL adjustment is .25
- I. Increase in BSL for Tuition Loss Adjustment (line I.G x line I.H) (to Work Sheet C, line X)

|    |      |
|----|------|
| \$ |      |
| \$ |      |
| \$ | 0.00 |
|    |      |
| \$ | 0.00 |

II. In addition to any adjustment for tuition loss received pursuant to A.R.S. §15-954, a district which loses students from its student count resulting from the formation of a joint unified school district (pursuant to A.R.S. §15-450) and does not receive tuition for those students for the budget year, may increase its BSL (A.R.S. §15-902.01). The applicable increase(s) for Student Revenue Loss Phase-Down should be recorded on Work Sheet C, line XI:

- A. A district which loses at least 500 students may increase the BSL:
  1. By \$650,000 for the first year of the loss.
  2. By \$600,000 for the second year following the loss.
  3. By \$500,000 for the third year following the loss.
  4. By \$300,000 for the fourth year following the loss.
  5. By \$100,000 for the fifth year following the loss.
- B. A union high school district may increase the BSL:
  1. By \$100,000 if it loses at least 50 students in the first year.
  2. By \$200,000 if it loses an additional 50 students in the second year.
  3. By \$325,000 if it loses an additional 50 students in the third year.
  4. By \$200,000 in the fourth year if it was eligible for the third year loss.
  5. By \$100,000 in the fifth year if it was eligible for the fourth year loss.

**B. WORK SHEET FOR FY 2016 SUPPORT LEVEL WEIGHTS AND PSD-12 WEIGHTED STUDENT COUNTS**  
 (A.R.S. §15-943 and Laws 2014, Ch. 214, §5)

| A. Unweighted Student Count                        | PSD       | K-8          | 9-12         |
|--|-----------|--------------|--------------|
| 1. FY 2016 Non-AOI Student Count                   | 233.614   | 31,655.841   | 13,918.036   |
| 2. FY 2016 AOI Full-Time Student Count             |           | + 4.330      | + 65.365     |
| 3. FY 2016 AOI Part-Time Student Count             |           | + 0.000      | + 0.000      |
| 4. Subtotal (lines A.1 through A.3)                | = 233.614 | = 31,660.171 | = 13,983.401 |
| 5. District Sponsored Charter School Estimated ADM |           |              |              |
| 6. Total Student Count                             | = 233.614 | = 31,660.171 | = 13,983.401 |

| B. Support Level Weights for Districts   | DESIGNATED AS ISOLATED |         | NOT DESIGNATED AS ISOLATED |         |
|--|------------------------|---------|----------------------------|---------|
|  | K-8                    | 9-12    | K-8                        | 9-12    |
| Student Count 0.001-99.999 (from line A.4)<br>Support Level Weight             | 1.559                  | 1.669   | 1.399                      | 1.559   |
| Student Count 100.000-499.999  |                        |         |                            |         |
| Student Count Constant   | 500.000                | 500.000 | 500.000                    | 500.000 |
| FY 2015 Student Count (from line A.4)  | -                      |         |                            |         |
| Difference   | =                      |         |                            |         |
| Weight Adjustment Factor   | x 0.0005               | 0.0005  | 0.0003                     | 0.0004  |
| Support Level Weight Increase  | =                      |         |                            |         |
| Support Level Weight   | + 1.358                | 1.468   | 1.278                      | 1.398   |
| FY 2015 Adjusted Support Level Weight  | =                      |         |                            |         |
| Student Count 500.000-599.999  |                        |         |                            |         |
| Student Count Constant   | 600.000                | 600.000 | 600.000                    | 600.000 |
| FY 2015 Student Count (from line A.4)  | -                      |         |                            |         |
| Difference   | =                      |         |                            |         |
| Weight Adjustment Factor   | x 0.0020               | 0.0020  | 0.0012                     | 0.0013  |
| Support Level Weight Increase  | =                      |         |                            |         |
| Support Level Weight   | + 1.158                | 1.268   | 1.158                      | 1.268   |
| FY 2015 Adjusted Support Level Weight  | =                      |         |                            |         |
| Student Count 600.00 or More (from line A.4)<br>Support Level Weight           |                        |         | 1.158                      | 1.268   |
| Joint Technical Education District<br>Support Level Weight (A.R.S. §15-943.02) |                        |         |                            | 1.339   |

| C. PSD-12 WEIGHTED STUDENT COUNT             | Non-AOI Student Count | AOI Full-Time Student Count | AOI Part-Time Student Count | Support Level Weight | Non-AOI Weighted Student Count | AOI Full-Time Weighted Student Count | AOI Part-Time Weighted Student Count |
|--|-----------------------|-----------------------------|-----------------------------|----------------------|--------------------------------|--------------------------------------|--------------------------------------|
| 1. PSD (from line A.6)                       | 233.614               |                             |                             | x 1.450              | = 338.740                      |                                      |                                      |
| 2. District (from line A.1, A.2, or A.3)     |                       |                             |                             |                      |                                |                                      |                                      |
| a. K-8                                       | 31,655.841            | 4.330                       | 0.000                       | x 1.158              | = 36,657.464                   | 5.014                                | 0.000                                |
| b. 9-12                                      | 13,918.036            | 65.365                      | 0.000                       | x 1.268              | = 17,648.070                   | 82.883                               | 0.000                                |
| 3. Charter School (from line A.5)            |                       |                             |                             |                      |                                |                                      |                                      |
| a. K-8                                       | 0.000                 |                             |                             | x 1.158              | = 0.000                        |                                      |                                      |
| b. 9-12                                      | 0.000                 |                             |                             | x 1.268              | = 0.000                        |                                      |                                      |
| 4. Total                                     |                       |                             |                             |                      |                                |                                      |                                      |
| a. K-8 (C.2.a + C.3.a)                       | 31,655.841            | 4.330                       | 0.000                       |                      | 36,657.464                     | 5.014                                | 0.000                                |
| b. 9-12 (C.2.b + C.3.b)                      | 13,918.036            | 65.365                      | 0.000                       |                      | 17,648.070                     | 82.883                               | 0.000                                |
| 5. Total Student Count (C.1 + C.4.a + C.4.b) | 45,807.491            | 69.695                      | 0.000                       |                      | 54,644.274                     | 87.897                               | 0.000                                |

**C. WORK SHEET FOR FY 2016 BASE SUPPORT LEVEL (BSL) AND BASE REVENUE CONTROL LIMIT (BRCL)**  
 (A.R.S. §§15-808, 15-943, and 15-944.E)

**WEIGHTED STUDENT COUNT**

|   | Non-AOI Student Count | Support Level Weight | = | Non-AOI Weighted Student Count            |
|---|-----------------------|----------------------|---|---|
| I. A. FY 2016 Non-AOI Student Count (from Work Sheet B, line C.5) | 45,807.491            |                      |   | 54,644.274                                |
| B. Student Count Add-ons (1)                                      |                       |                      |   |   |
| 1. Hearing Impairment   | 108.401               | x 4.771              | = | 517.181                                   |
| 2. K-3  | 13,643.241            | x 0.060              | = | 818.594                                   |
| 3. K-3 Reading (2)  | 13,643.241            | x 0.040              | = | 545.730                                   |
| 4. English Learners (ELL)   | 3,255.205             | x 0.115              | = | 374.349                                   |
| 5. MD-R, A-R, and SID-R   | 234.630               | x 6.024              | = | 1,413.411                                 |
| 6. MD-SC, A-SC, and SID-SC  | 304.743               | x 5.833              | = | 1,777.566                                 |
| 7. Multiple Disabilities Severe Sensory Impairment                | 20.080                | x 7.947              | = | 159.576                                   |
| 8. Orthopedic Impairment (Resource)                               | 29.594                | x 3.158              | = | 93.458                                    |
| 9. Orthopedic Impairment (Self Contained)                         | 69.155                | x 6.773              | = | 468.387                                   |
| 10. Preschool-Severe Delay  | 36.850                | x 3.595              | = | 132.476                                   |
| 11. DD, ED, MIID, SLD, SLI, & OHI                                 | 5,862.499             | x 0.003              | = | 17.587                                    |
| 12. Emotional Disability (Private)                                | 14.180                | x 4.822              | = | 68.376                                    |
| 13. Moderate Intellectual Disability                              | 110.955               | x 4.421              | = | 490.532                                   |
| 14. Visual Impairment   | 26.060                | x 4.806              | = | 125.244                                   |
| 15. Total Add-on Count (I.B.1 through I.B.14)                     | 37,358.834            |                      |   | 7,002.467                                 |
| II. FY 2016 Non-AOI Weighted Student Count                        |                       |                      |   | 61,646.741<br>(I.A + I.B.15, this column) |

|  | AOI Weighted Student Count | x Funding Ratio | = | Adjusted AOI Weighted Student Count |
|--|----------------------------|-----------------|---|-------------------------------------|
| III. FY 2016 AOI FT Weighted Student Count (from Work Sheet C2, line II) | 87.901                     | x 95%           | = | 83.506                              |
| IV. FY 2016 AOI PT Weighted Student Count (from Work Sheet C2, line IV)  | 0.000                      | x 85%           | = | 0.000                               |

**CALCULATION OF FY 2016 BSL AND BRCL**

|  |              |  |            |                         |
|--|--------------|--|------------|-------------------------|
| V. Total Weighted Student Count (line II + III + IV)   |              |  |            | 61,730.247              |
| VI. A. Base Level Amount   | \$3,426.74   | - To include Teacher Compensation, use Base Level of               | \$3,469.57 |                         |
|  |              | (A.R.S. §§15-901, as amended by Laws 2015, Ch. 15, §4, and 15-952) |            | \$ 3,469.57             |
| B. Additional Inflation Amount   | \$54.31      | - To include Teacher Comp, use                                     | \$54.99    | (Laws 2015, Ch. 8, §34) |
|  |              |  |            | \$ 54.99                |
| C. Total Base Level and Additional Inflation (line VI.A + VI.B)                                |              |  |            | \$ 3,524.56             |
| D. Increase for 200 Days of Instruction (line VI.C x 5%) (A.R.S. §15-902.04)                   |              | Check here   |            | \$                      |
| E. Adjusted FY 2016 Base Level Amount (line VI.C + VI.D) (to Work Sheet K, line I.G and II.G)  |              |  |            | \$ 3,524.56             |
| VII. Result (line V x VI.E)  |              |  |            | \$ 217,571,959.37       |
| VIII. Teacher Experience Index (TEI) (If actual TEI is less than 1.0000 use 1.0000)            |              |  |            | 1.0205                  |
| IX. Result (line VII x VIII)   |              |  |            | \$ 222,032,184.54       |
| X. Increase for Tuition Loss Adjustment (from all copies of Work Sheet A, line I.I)            |              |  |            | \$                      |
| XI. Increase for Student Revenue Loss Phase-Down (from Work Sheet A, line II)                  |              |  |            | \$                      |
| XII. FY 2014 Nonfederal Audit Service Actual Expenditures (3)                                  | \$ 75,338.00 | x 1.00   | =          | \$ 75,338.00            |
| XIII. Decreases for Charter School Federal and State Monies Received                           |              |  |            | -\$                     |
| XIV. FY 2016 BSL and BRCL (sum lines IX through XII minus line XIII) (to Work Sheet E, line I) |              |  |            | \$ 222,107,522.54       |

|   |             |                 |
|---|-------------|-----------------|
| Portion of line IX amount from total K-3 and total K-3 Reading weighted student counts: (2) | K-3         | \$ 2,944,329.93 |
|   | K-3 Reading | \$ 1,962,889.02 |

- The Non-AOI Student Count for districts with district sponsored charter schools (DSCS) includes the district student count plus the estimated charter school student count for students that did not attend a district school last year.
- Districts assigned a letter grade of C, D, or F, in accordance with A.R.S. §15-241 and Laws 2015, Ch. 76, §1, or that have more than 10% of their pupils in grade three reading far below the third grade level according to the reading portion of the AIMS test, or a successor test, will receive monies for this weight only after the district's K-3 Reading Program Plan is approved by the State Board of Education. A.R.S. §15-211
- A.R.S. §15-914.F allows districts to increase the BSL if financial and compliance audit costs will be incurred for the budget year.  
 Enter the FY 2014 **nonfederal** audit expenditures on line XII.  
 Enter the FY 2014 **federal** audit expenditures from all funds to the right (should agree to FY 2014 AFR). \$ 9,712.00  
 Enter the **total** FY 2014 audit expenditures from all funds to the right. \$ 75,338.00  
**Do not include costs of consulting or other nonaudit services paid to audit firms (e.g., application fees paid for submission of district's reports to ASBO and GFOA for certification or for the preparation of the Meritorious Budget Award application to ASBO) in the amounts reported on Line XII or in this footnote.**



**C2. WORK SHEET FOR FY 2016 WEIGHTED STUDENT COUNT: AOI STUDENTS**  
(A.R.S. §§15-808 and 15-943)

**Note: To be completed by school districts that offer AOI instruction.**

**AOI FULL-TIME (FT) WEIGHTED STUDENT COUNT**

I. A. FY 2016 AOI FT Student Count (from Work Sheet B, line C.5)

| AOI FT Student Count | x | Support Level Weight | = | AOI FT Weighted Student Count |
|----------------------|---|----------------------|---|-------------------------------|
| 69.695               |   |                      |   | 87.897                        |

B. Student Count Add-ons

1. Hearing Impairment
2. K-3
3. K-3 Reading (1)
4. English Learners (ELL)
5. MD-R, A-R, and SID-R
6. MD-SC, A-SC, and SID-SC
7. Multiple Disabilities Severe Sensory Impairment
8. Orthopedic Impairment (Resource)
9. Orthopedic Impairment (Self Contained)
10. Preschool-Severe Delay
11. DD, ED, MIID, SLD, SLI, & OHI
12. Emotional Disability (Private)
13. Moderate Intellectual Disability
14. Visual Impairment
15. Total Add-on Count (I.B.1 through I.B.14)

|       |   |       |   |        |
|-------|---|-------|---|--------|
| 0.000 | x | 4.771 | = | 0.000  |
| 0.000 | x | 0.060 | = | 0.000  |
| 0.000 | x | 0.040 | = | 0.000  |
| 0.000 | x | 0.115 | = | 0.000  |
| 0.000 | x | 6.024 | = | 0.000  |
| 0.000 | x | 5.833 | = | 0.000  |
| 0.000 | x | 7.947 | = | 0.000  |
| 0.000 | x | 3.158 | = | 0.000  |
| 0.000 | x | 6.773 | = | 0.000  |
| 0.000 | x | 3.595 | = | 0.000  |
| 1.422 | x | 0.003 | = | 0.004  |
| 0.000 | x | 4.822 | = | 0.000  |
| 0.000 | x | 4.421 | = | 0.000  |
| 0.000 | x | 4.806 | = | 0.000  |
| 1.422 |   |       |   | 0.004  |
|       |   |       |   | 87.901 |

II. FY 2016 AOI FT Weighted Student Count

**AOI PART-TIME (PT) WEIGHTED STUDENT COUNT**

III. A. FY 2016 AOI PT Student Count (from Work Sheet B, line C.5)

| AOI PT Student Count | x | Support Level Weight | = | AOI PT Weighted Student Count |
|----------------------|---|----------------------|---|-------------------------------|
| 0.000                |   |                      |   | 0.000                         |

B. Student Count Add-ons

1. Hearing Impairment
2. K-3
3. K-3 Reading (1)
4. English Learners (ELL)
5. MD-R, A-R, and SID-R
6. MD-SC, A-SC, and SID-SC
7. Multiple Disabilities Severe Sensory Impairment
8. Orthopedic Impairment (Resource)
9. Orthopedic Impairment (Self Contained)
10. Preschool-Severe Delay
11. DD, ED, MIID, SLD, SLI, & OHI
12. Emotional Disability (Private)
13. Moderate Intellectual Disability
14. Visual Impairment
15. Total Add-on Count (III.B.1 through III.B.14)

|       |   |       |   |       |
|-------|---|-------|---|-------|
| 0.000 | x | 4.771 | = | 0.000 |
| 0.000 | x | 0.060 | = | 0.000 |
| 0.000 | x | 0.040 | = | 0.000 |
| 0.000 | x | 0.115 | = | 0.000 |
| 0.000 | x | 6.024 | = | 0.000 |
| 0.000 | x | 5.833 | = | 0.000 |
| 0.000 | x | 7.947 | = | 0.000 |
| 0.000 | x | 3.158 | = | 0.000 |
| 0.000 | x | 6.773 | = | 0.000 |
| 0.000 | x | 3.595 | = | 0.000 |
| 0.000 | x | 0.003 | = | 0.000 |
| 0.000 | x | 4.822 | = | 0.000 |
| 0.000 | x | 4.421 | = | 0.000 |
| 0.000 | x | 4.806 | = | 0.000 |
| 0.000 |   |       |   | 0.000 |
|       |   |       |   | 0.000 |

IV. FY 2016 AOI PT Weighted Student Count

(1) Districts assigned a letter grade of C, D, or F, in accordance with A.R.S. §15-241, and Laws 2015, Ch. 76, §1, or that have more than 10% of their pupils in grade three reading far below the third grade level according to the reading portion of the AIMS test, or a successor test, will receive monies for this weight only after the district's K-3 Reading Program Plan is approved by the State Board of Education. A.R.S. §15-211



**D. WORK SHEET FOR FY 2016 TRANSPORTATION SUPPORT LEVEL (TSL) (A.R.S. §§15-945, as amended by Laws 2015, Ch. 15, §6, and 15-816.01) AND TRANSPORTATION REVENUE CONTROL LIMIT (TRCL) (A.R.S. §15-946)**

**TABLE I**

| Approved Daily Route Miles per Eligible Student Transported | FY 2016 State Support Level per Route Mile |
|---|--|
| I. 0.5 or Less  | 2.53                                       |
| II. More than 0.5, through 1.0                              | 2.07                                       |
| III. More than 1.0  | 2.53                                       |

**TABLE II FACTORS**

| Approved Daily Route Miles per Eligible Students Transported | Unified or an Accommodation School that offers instruction in grades 9-12 or a Common School District Not in a High School District (Type 01, 02, or 03) | Common School District within a High School District or an Accommodation School that does not offer instruction in grades 9-12 (Type 01 or 04) | High School District (Type 05) |
|--|--|--|--------------------------------|
| I. 1.0 or Less   | 0.15   | 0.10   | 0.25                           |
| II. More than 1.0  | 0.18   | 0.12   | 0.30                           |

**TSL CALCULATION**

|   |   |                  |
|---|---|------------------|
| I. Approved Daily Route Miles per Eligible Student Transported  |   |                  |
| A. FY 2015 Approved Daily Route Miles   |   | 25,663.000       |
| B. Number of Eligible Students Transported in FY 2015   |   | 11,381.000       |
| C. Approved Daily Route Miles per Eligible Student Transported (I.A ÷ I.B)  |   | 2.255            |
| II. To and From School Support Level  |   |                  |
| A. Annual Route Miles (Line I.A x 180 or 200, as applicable)  | <input type="checkbox"/> Check here if approved for 200 Days of Instruction | 4,619,340.000    |
| B. State Support Level per Route Mile (use Table I based on I.C)  |   | \$ 2.53          |
| C. 1. FY 2015 Annual Expenditure for Bus Tokens   |   | \$ 0.00          |
| 2. FY 2015 Annual Expenditure for Bus Passes  |   | \$ 720,000.00    |
| D. To and From School Support Level [(II.A x II.B) + II.C.1 + II.C.2]   |   | \$ 12,406,930.20 |
| III. Academic Education, Career and Technical Education, Vocational Education, and Athletic Trips Support Level               |   |                  |
| A. Factor from Table II (based on I.C and district type)  |   | 0.180            |
| B. Academic Education, Career and Technical Education, Vocational Ed., and Athletic Trips Support Level (II.A x II.B x III.A) |   | \$ 2,103,647.44  |
| IV. Extended School Year Support Level for Pupils with Disabilities   |   |                  |
| A. Actual Route Miles traveled in July and August 2014 to Transport Pupils w/Disabilities for Extended School Year            |   | 0.000            |
| B. Estimated Route Miles Traveled in June 2015 to Transport Pupils w/Disabilities for Extended School Year                    |   | 11,000.000       |
| C. Total Extended School Year Route Miles (IV.A + IV.B)   |   | 11,000.000       |
| D. State Support Level per Route Mile (use Table I based on I.C)  |   | \$ 2.53          |
| E. Extended School Year Support Level for Pupils with Disabilities (IV.C x IV.D)  |   | \$ 27,830.00     |
| V. FY 2016 TSL (lines II.D + III.B + IV.E) (to Work Sheet E, line III)  |   | \$ 14,538,407.64 |
| VI. Support Level Change  |   |                  |
| A. FY 2015 Transportation Support Level   |   | \$ 14,319,033.67 |
| B. Transportation Support Level Change (If result is negative, enter 0) (V- VI.A)   |   | \$ 219,373.97    |

**TRCL CALCULATION**

|  |  |                  |
|--|--|------------------|
| VII. FY 2015 Transportation Revenue Control Limit  |  | \$ 19,484,449.71 |
| VIII. FY 2016 Transportation Revenue Control Limit   |  |                  |
| A. Preliminary FY 2016 Transportation Revenue Control Limit (VI.B + VII)   |  | \$ 19,703,823.68 |
| B. 120% of FY 2016 Transportation Support Level (V x 1.20)   |  | \$ 17,446,089.17 |
| C. Adjusted FY 2016 Transportation Revenue Control Limit (if line VIII.A is greater than line VIII.B use line VII, otherwise use line VIII.A.) |  | \$ 19,484,449.71 |
| D. FY 2016 Transportation Revenue Control Limit (the greater of line V or VIII.C) (to Work Sheet E, line VII)                                  |  | \$ 19,484,449.71 |

**E. WORK SHEET FOR FY 2016 DISTRICT SUPPORT LEVEL (DSL) AND REVENUE CONTROL LIMIT (RCL) (A.R.S. §§15-947 and 15-951)**

**CALCULATION OF THE DSL**

|  |                          |
|--|--------------------------|
| I. FY 2016 Base Support Level/Base Revenue Control Limit (from Work Sheet C, line XIV)   | \$ <u>222,107,522.54</u> |
| II. Tuition Out for High School Students (from Work Sheet O, line 13)<br>[Applies only to tuition for high school students if the District of Residence is a common school NOT within a high school district (Type 03).] | \$ <u>0.00</u>           |
| III. FY 2016 Transportation Support Level (from Work Sheet D, line V)  | \$ <u>14,538,407.64</u>  |
| IV. FY 2016 District Support Level (sum of lines I through III)  | \$ <u>236,645,930.18</u> |

**CALCULATION OF THE RCL**

|  |                          |
|--|--------------------------|
| V. FY 2016 Base Support Level/Base Revenue Control Limit (from line I above)   | \$ <u>222,107,522.54</u> |
| VI. Tuition Out for High School Students (from Work Sheet O, line 13)<br>[Applies only to tuition for high school students if the District of Residence is a common school NOT within a high school district (Type 03).] | \$ <u>0.00</u>           |
| VII. FY 2016 Transportation Revenue Control Limit (from Work Sheet D, line VIII.D)   | \$ <u>19,484,449.71</u>  |
| VIII. FY 2016 Revenue Control Limit (sum of lines V through VII) [to Budget, page 7, line 1(a)]  | \$ <u>241,591,972.25</u> |

**F. WORK SHEET FOR FY 2016 CONSOLIDATION/UNIFICATION ASSISTANCE (A.R.S. §§15-912 and 15-912.01)**

|  |                |
|--|----------------|
| I. Consolidation/Unification Increase for Transitional Costs incurred in first year                  | <u>0.00</u>    |
| II. FY 2016 District Support Level (line I + Work Sheet E, line IV)                                  | \$ <u>0.00</u> |
| III. FY 2016 Revenue Control Limit (line I + Work Sheet E, line VIII) [to Budget, page 7, line 1(a)] | \$ <u>0.00</u> |

**G. WORK SHEET FOR FY 2016 DISTRICT ADDITIONAL ASSISTANCE HIGH SCHOOL STUDENT COUNT FOR COMMON SCHOOL DISTRICTS NOT WITHIN A HIGH SCHOOL DISTRICT (TYPE 03) (A.R.S. §15-951.C)**

|   |              |
|---|--------------|
| I. High School Student Count Tuitioned Out (from Work Sheet O, line 6)  | <u>0.000</u> |
| II. High School Student Count Transported by District of Residence to District of Attendance  | <u>0.000</u> |
| III. 50% of High School Student Count Transported by District of Residence to District of Attendance (Line II x .5) (to Work Sheet H, line V.A column 9-12) | <u>0.000</u> |

**H. WORK SHEET FOR FY 2016 DISTRICT ADDITIONAL ASSISTANCE (DAA)**

(A.R.S. §§15-183, 15-185, 15-951.C, 15-961, 15-962.01, and 15-963.B, and Laws 2015, Ch. 15, §§1, 11, 12, 13 and 17)

**TABLE TO CALCULATE DAA PER STUDENT COUNT**

|  | <u>K-8</u>  | <u>9-12</u> |
|--|-------------|-------------|
| I. FY 2016 Actual Student Count: .001 - 99.999           |             |             |
| DAA per Student Count                                    | \$ 544.58   | \$ 601.24   |
| II. FY 2016 Actual Student Count: 100.000 - 499.999      |             |             |
| A. Student Count Constant                                | 500.000     | 500.000     |
| B. Actual Student Count (from Work Sheet B, line A.4)    | - 0.000     | - 0.000     |
| C. Difference  | = 0.000     | = 0.000     |
| D. Weight Adjustment Factor                              | x 0.0003    | x 0.0004    |
| E. Support Level Weight Increase                         | = 0.000     | = 0.000     |
| F. Support Level Weight                                  | + 1.278     | + 1.398     |
| G. Adjusted Support Level Weight                         | = 0.000     | = 0.000     |
| H. Support Level Amount                                  | x \$ 389.25 | x \$ 405.59 |
| I. DAA per Student Count                                 | = \$ 0.00   | = \$ 0.00   |
| III. FY 2016 Actual Student Count: 500.000 - 599.999     |             |             |
| A. Student Count Constant                                | 600.000     | 600.000     |
| B. Actual Student Count (from Work Sheet B, line A.4)    | - 0.000     | - 0.000     |
| C. Difference  | = 0.000     | = 0.000     |
| D. Weight Adjustment Factor                              | x 0.0012    | x 0.0013    |
| E. Support Level Weight Increase                         | = 0.000     | = 0.000     |
| F. Support Level Weight                                  | + 1.158     | + 1.268     |
| G. Adjusted Support Level Weight                         | = 0.000     | = 0.000     |
| H. Support Level Amount                                  | x \$ 389.25 | x \$ 405.59 |
| I. DAA per Student Count                                 | = \$ 0.00   | = \$ 0.00   |
| IV. FY 2016 Actual Student Count: 600.000 or More & JTED |             |             |
| DAA per Student Count                                    | \$ 450.76   | \$ 492.94   |

**CALCULATIONS FOR DAA**

|   | <u>PSD</u>      | <u>K-8</u>         | <u>9-12</u>        |
|---|-----------------|--------------------|--------------------|
| V. District Additional Assistance Base  |                 |                    |                    |
| A. FY 2016 Student Count (from Work Sheet B, line A.4 and Work Sheet G, line III for type 03 districts)             | 233.614         | 31,660.171         | 13,983.401         |
| B. DAA per Student Count (from Table above)   | x \$ 450.76     | x \$ 450.76        | x \$ 492.94        |
| C. DAA Base (line V.A x line V.B)   | = \$ 105,303.85 | = \$ 14,271,138.68 | = \$ 6,892,977.69  |
| VI. District Additional Assistance Growth Factor  |                 |                    |                    |
| A. FY 2016 Student Count (from Work Sheet B, line A.4 and Work Sheet G, line II for type 03 districts)              |                 | 45,877.186         |                    |
| B. FY 2015 Student Count  |                 | ÷ 46,794.169       |                    |
| C. FY 2016 DAA Growth Factor (VI.A ÷ VI.B)  |                 | = 0.9804           |                    |
| VII. Adjusted District Additional Assistance  |                 |                    |                    |
| A. DAA Base (from line V.C)   | \$ 105,303.85   | \$ 14,271,138.68   | \$ 6,892,977.69    |
| B. Adjusted Growth Factor (if line VI.C is < or = 1.05, use 1.0, if > 1.05, use 1 plus 50% of the increase)         | x 1.0000        | x 1.0000           | x 1.0000           |
| C. FY 2016 DAA (VII.A x VII.B)  | = \$ 105,303.85 | = \$ 14,271,138.68 | = \$ 6,892,977.69  |
| D. DAA for High School Textbooks  |                 |                    |                    |
| 1. FY 2016 Actual 9-12 Student Count (from Work Sheet B, line A.4)  |                 |                    | 13,983.401         |
| 2. Support Level Amount for Textbooks   |                 |                    | x \$ 69.68         |
| 3. DAA for Textbooks (VII.D.1 x VII.D.2)  |                 |                    | = \$ 974,363.38    |
| E. 9-12 DAA (including charter additional assistance and capital transportation adjustment from lines below)        |                 |                    |                    |
| 1. FY 2016 9-12 DAA (9-12 lines VII.C + VII.D.3 + VII.G.7 + VII.H) (to Budget, page 7, line 2.a)                    |                 |                    | = \$ 7,867,341.07  |
| 2. 9-12 DAA Reduction for State Budget Adjustments (to Budget, page 7, line 2.b)                                    |                 |                    | - \$ 6,647,903.20  |
| 3. Adjusted FY 2016 9-12 DAA (VII.E.1-VII.E.2) (to Work Sheet J, line II.E)   |                 |                    | = \$ 1,219,437.87  |
| F. PSD and K-8 DAA (including charter additional assistance and capital transportation adjustment from lines below) |                 |                    |                    |
| 1. FY 2016 PSD and K-8 DAA (PSD and K-8 lines VII.C + VII.G.7 + VII.H) (to Budget, page 7, line 2.a)                |                 |                    | = \$ 14,376,442.53 |
| 2. PSD and K-8 DAA Reduction for State Budget Adjustments (to Budget, page 7, line 2.b)                             |                 |                    | - \$ 12,148,093.94 |
| 3. Adjusted FY 2016 PSD and K-8 DAA (VII.F.1-VII.F.2) (to Work Sheet J, line II.E)                                  |                 |                    | = \$ 2,228,348.59  |
| G. Charter Additional Assistance (CAA)  | <u>PSD</u>      | <u>K-8</u>         | <u>9-12</u>        |
| 1. FY 2016 Charter School Student Count (from Work Sheet B, line A.5)   | 0.00            | 0.00               | 0.00               |
| 2. CAA per Student  | \$ 1,734.92     | \$ 1,734.92        | \$ 2,022.02        |
| 3. FY 2016 CAA (line VII.G.1 x line VII.G.2)  | \$ 0.00         | \$ 0.00            | \$ 0.00            |
| 4. DAA per Student (recalculated factor from lines I through IV including student count amount from line VII.G.1)   | \$ 450.76       | \$ 0.00            | \$ 0.00            |
| 5. DAA for Charter Students (line VII.G.1 x line VII.G.4 (plus line VII.D.2 for 9-12 only))                         | \$ 0.00         | \$ 0.00            | \$ 0.00            |
| 6. Difference (line VII.G.3 - VII.G.5)  | \$ 0.00         | \$ 0.00            | \$ 0.00            |
| 7. Adjusted FY 2016 CAA (line VII.G.6 x 50%)  | \$ 0.00         | \$ 0.00            | \$ 0.00            |
| H. Capital Transportation Adjustment A.R.S. §15-963.B   | \$              | \$                 | \$                 |

**J. WORK SHEET FOR EQUALIZATION BASE AND ASSISTANCE (A.R.S. §§15-971.A and .B and 15-992)**

|  | <u>PSD-8</u>                                 | <u>9-12</u>   |
|--|--|---|
| I. A. Total FY 2016 PSD and K-8 Weighted State Aid Student Count   |  |   |
| 1. PSD (from Work Sheet B, line C.1)   | 338.740                                      |   |
| 2. K-8 (from Work Sheet B, line C.4.a, Total Non-AOI and AOI Counts)   | 36,662.478                                   |   |
| B. Total FY 2016 PSD-8 and 9-12 Weighted State Aid Student Count<br>(Total Non-AOI and AOI Counts)   | 37,001.218<br><small>(I.A.1 + I.A.2)</small> | 17,730.953<br><small>(from Work Sheet B, line C.4.b)</small>        |
| C. Total FY 2016 Weighted State Aid Student Count (line I.B PSD-8 column +<br>9-12 column)   |  | 54,732.171  |
| D. PSD-8 and 9-12 Factors (line I.B ÷ line I.C)  | 0.6760                                       | 0.3240  |
| II. A. Lesser of District Support Level (DSL) or Revenue Control Limit (RCL)<br>(from Work Sheet E, line IV or VIII, or Work Sheet F, line II or III) (to Work<br>Sheet S, line I.A) |  | \$ 236,645,930.18   |
| B. Tuition Out for High School Students (from Work Sheet E, line II or VI)   | -  | \$ 0.00   |
| C. Adjusted DSL/RCL (II.A - II.B)  |  | \$ 236,645,930.18   |
| D. DSL/RCL PSD-8 and 9-12 Allocation (line I.D x II.C)   | \$ 159,972,648.80                            | \$ 76,673,281.38  |
| E. Adjusted FY 2016 District Additional Assistance (from Work Sheet H)<br><small>(from Work Sheet H, line VII.F.3)</small>   | \$ 2,228,348.59                              | \$ 1,219,437.87<br><small>(from Work Sheet H, line VII.E.3)</small> |
| F. Tuition Out for High School Students (Type 03 Districts Only) (from Work<br>Sheet E, line II or VI)   |  | \$ 0.00   |
| G. FY 2016 Equalization Base (II.D + II.E (+ 9-12 II.F for Type 03 only)   | \$ 162,200,997.39                            | \$ 77,892,719.25  |
| III. A. 2015 Primary Assessed Valuation ÷ 100  | \$ 30,266,147.77                             | \$ 30,266,147.77  |
| B. 2015 Salt River Project (SRP) Valuation ÷ 100   | \$   | \$  |
| C. 2015 Government Property Lease Excise Tax Assessed Valuation ÷ 100  | \$   | \$  |
| D. TOTAL Valuation (III.A + III.B + III.C)   | \$ 30,266,147.77                             | \$ 30,266,147.77  |
| E. Qualifying Tax Rate   | x \$ 2.0977                                  | x \$ 2.0977   |
| F. Qualifying Levy (III.D x III.E)   | \$ 63,489,298.18                             | \$ 63,489,298.18  |
| G. FY 2016 Equalization Assistance (II.G - III.F)  | \$ 98,711,699.21                             | \$ 14,403,421.07  |
| IV. Additional Tax in Districts Ineligible for Equalization Assistance, Amount to<br>be Levied and Paid to the State (50% of line III.F - II.G)                                      | \$ 0.00                                      | \$ 0.00   |

Laws 2015, Ch. 15, §15, requires a joint technical education district (JTED) with a student count of more than 2,000 students to be funded  at 95.5% of the state aid that would otherwise be provided by law and to reduce its budget limits accordingly. Therefore, the JTED's actual total equalization assistance may be less than the amount calculated on this Work Sheet. Estimated reduction to state aid \$ 0.00  
This estimated reduction amount must be used to reduce the GBL on page 7, line 9 and/or the UCBL on page 8, line A.10.

**K. WORK SHEET FOR FY 2016 COMPUTING SMALL SCHOOL ADJUSTMENT PHASE DOWN LIMIT**  
**(A.R.S. §§15-481 and 15-949)**

**This Work Sheet applies to any district that operated under the provisions of the small school adjustment (A.R.S. §15-949.A), and exceeded the allowable student counts for the first time before FY 2000. Districts that operated under the provisions of a small school adjustment and exceeded the allowable student counts for the first time after FY 1999, should refer to Work Sheet K2.**

If in FY 2016, the K-8 student count is greater than 125 but less than 154, or the 9-12 student count is greater than 100 but less than 176, the district may continue to adopt a budget using a small school adjustment on Budget, page 7, line 4 of up to \$50,000 without an election. **OR** If the district holds an override election as provided in A.R.S. §15-481, the district may include up to the amount calculated below on Budget, page 7, line 3(a).

I. A district whose student count K-8 has exceeded 125 but is less than 154 may determine the small school adjustment phase down as follows:

|  |            |               |
|--|------------|---------------|
| A. Phase down base   |            | \$ 150,000.00 |
| B. FY 2016 actual K-8 student count                                |            |               |
| C. Small school student count limit                                | - 125.000  |               |
| D. Student count above the small school limit (I.B - I.C)          | = 0.000    |               |
| E. Adjusted Support Level Weight (See Table A below to calculate)  | x          |               |
| F. Weighted student count above small school limit (I.D x I.E)     | = 0.000    |               |
| G. Base Level Amount (from Work Sheet C, line VI.E)                | x 3,524.56 |               |
| H. Phase down reduction factor (I.F x I.G)                         |            | - \$ 0.00     |
| I. Grades K-8 small school adjustment phase down limit (I.A - I.H) |            | \$ 0.00       |

II. A unified or union high school district whose student count in grades 9-12 has exceeded 100 but is less than 176 may determine the small school adjustment phase down as follows:

|   |           |               |
|---|-----------|---------------|
| A. Phase down base  |           | \$ 350,000.00 |
| B. FY 2016 actual 9-12 student count                                  |           |               |
| C. Small school student count limit                                   | - 100.000 |               |
| D. Student count above the small school limit (II.B - II.C)           | = 0.000   |               |
| E. Adjusted Support Level Weight (See Table B below to calculate)     | x         |               |
| F. Weighted student count above small school limit (II.D x II.E)      | = 0.000   |               |
| G. Base Level Amount (from Work Sheet C, line VI.E)                   | x 0.00    |               |
| H. Phase down reduction factor (line II.F x II.G)                     |           | - \$ 0.00     |
| I. Grades 9-12 small school adjustment phase down limit (II.A - II.H) |           | \$ 0.00       |

III. For unified districts that qualified for a phase down limit for K-8 or 9-12 but not both, enter 10% of the RCL attributable to the nonqualifying K-8 or 9-12 weighted student count as provided in A.R.S. §15-971(B)(2)(a).

\$

IV. Allowable Small School Adjustment, subject to an election (I.I + II.I + III)

\$ 0.00

V. 10% of the District's Total RCL

\$

VI. Maximum override, subject to an election (Greater of line IV or line V)

\$ 0.00

**TABLE A: GRADES K-8**

|   | <b>SMALL<br/>ISOLATED</b> | <b>SMALL</b> |
|---|---------------------------|--------------|
| Student Count Constant  | 500.000                   | 500.000      |
| FY 2016 Student Count (line I.B above)                          | - 0.000                   | - 0.000      |
| Difference  | = 0.000                   | = 0.000      |
| Weight Adjustment Factor  | x 0.0005                  | x 0.0003     |
| Support Level Weight Increase                                   | = 0.000                   | = 0.000      |
| Support Level Weight  | + 1.358                   | + 1.278      |
| FY 2016 Adjusted Support Level Weight (Enter on line I.E above) | = 0.000                   | = 0.000      |

**TABLE B: GRADES 9-12**

|  |          |          |
|--|----------|----------|
| Student Count Constant   | 500.000  | 500.000  |
| FY 2016 Student Count (line II.B above)                          | - 0.000  | - 0.000  |
| Difference   | = 0.000  | = 0.000  |
| Weight Adjustment Factor   | x 0.0005 | x 0.0004 |
| Support Level Weight Increase                                    | = 0.000  | = 0.000  |
| Support Level Weight   | + 1.468  | + 1.398  |
| FY 2016 Adjusted Support Level Weight (Enter on line II.E above) | = 0.000  | = 0.000  |

**K2. WORK SHEET FOR FY 2016 COMPUTING MAXIMUM SMALL SCHOOL ADJUSTMENT OVERRIDE**  
**(A.R.S. §§15-481 and 15-949)**

**This Work Sheet applies to any district that operated under the provisions of a small school adjustment (A.R.S. §15-949.A) and exceeded the allowable student counts for the first time after FY 1999. Districts that operated under the provisions of the small school adjustment and exceeded the allowable student counts for the first time before FY 2000, should refer to Work Sheet K.**

If in FY 2016, the K-8 student count is greater than 125 but less than 181, or the 9-12 student count is greater than 100 but less than 185, the district may hold an override election as provided in A.R.S. §15-481. The maximum amount the district may budget on Budget, page 7, line 3(a), subject to an override election, is the amount calculated below.

I. A district whose K-8 student count has exceeded 125, but is less than 181 may determine the maximum small school adjustment override as follows:

|   |   |                |                |
|---|---|----------------|----------------|
| A. FY 2016 K-8 student count  |   |                |                |
| B. Small school student count limit   | - | <u>125.000</u> |                |
| C. Student count above the small school limit (I.A - I.B )                            | = | <u>0.000</u>   |                |
| D. Phase-down factor  | x | <u>0.0045</u>  |                |
| E. Result (Line I.C x I.D)  | = | <u>0.0000</u>  |                |
| F. Maximum Percent Increase to apply to RCL (.35 - Line I.E)                          |   | <u>0.0000</u>  |                |
| G. K-8 Revenue Control Limit  | x |                |                |
| H. K-8 small school budget override limit (I.F x I.G) (If less than zero, enter zero) |   |                | \$ <u>0.00</u> |

II. A district whose 9-12 student count has exceeded 100, but is less than 185 may determine the maximum small school adjustment override as follows:

|  |   |                |                |
|--|---|----------------|----------------|
| A. FY 2016 9-12 student count  |   |                |                |
| B. Small school student count limit  | - | <u>100.000</u> |                |
| C. Student count above the small school limit (II.A - II.B)                              | = | <u>0.000</u>   |                |
| D. Phase-down factor   | x | <u>0.0065</u>  |                |
| E. Result (Line II.C x II.D)   | = | <u>0.0000</u>  |                |
| F. Maximum Percent Increase to apply to RCL (.65 - Line II.E)                            |   | <u>0.0000</u>  |                |
| G. 9-12 Revenue Control Limit  | x |                |                |
| H. 9-12 small school budget override limit (II.F x II.G) (If less than zero, enter zero) |   |                | \$ <u>0.00</u> |

III. For unified districts that qualified for a phase down limit for K-8 or 9-12 but not both, enter 10% of the RCL attributable to the nonqualifying K-8 or 9-12 weighted student count as provided in A.R.S. §15-971(B)(2)(a).

|  |  |             |  |
|--|--|-------------|--|
| IV. Allowable Small School Adjustment, subject to an election (I.H + II.H + III) |  | <u>0.00</u> |  |
| V. 10% of the District's Total RCL   |  | <u>0.00</u> |  |
| VI. Maximum override, subject to an election (Greater of Line IV or Line V)      |  | <u>0.00</u> |  |

**L. WORK SHEET FOR FY 2016 IMPACT AID FUND (ESEA, TITLE VIII)  
 (A.R.S. §15-905.R)  
 (For school districts that receive ESEA, Title VIII monies.)**

|   |                |
|---|----------------|
| I. FY 2016 Impact Aid revenue   | \$ 1,000,000   |
| II. Impact Aid revenue deposited in FY 2016 to the Impact Aid Revenue Bond Debt Service Fund for principal and interest payments        | - \$           |
| III. A. TRCL/TSL Difference (from Work Sheet D, line VIII.D - line V)   | \$ 4,946,042   |
| B. Impact Aid revenue transferred in FY 2016 to the M&O Fund to provide cash for the TRCL/TSL difference calculated on line III.A       | - \$           |
| IV. Impact Aid revenue transferred in FY 2016 to the M&O Fund to reduce or eliminate taxes  | - \$           |
| V. FY 2015 Ending Cash Balance in the Impact Aid Fund   | + \$ 600,000   |
| VI. FY 2016 Amount Available to be Spent in the Impact Aid Fund (line I - lines II through IV + line V)<br>(on Budget, page 6, line 16) | = \$ 1,600,000 |



**M. WORK SHEET FOR CALCULATION OF THE FY 2016 MAINTENANCE AND OPERATION (M&O) FUND  
 BUDGET BALANCE CARRYFORWARD (A.R.S. §15-943.01)**

|    |    |   |                   |
|----|----|---|-------------------|
| 1. | a. | General Budget Limit (GBL) (from FY 2015 latest revised Budget, page 7, line 10)  | \$ 298,537,424.00 |
|    | b. | Adjustments to the GBL from FY 2015 BUDG75  | \$                |
|    | c. | Adjusted GBL  | \$ 298,537,424.00 |
| 2. | a. | Budgeted M&O expenditures (from FY 2015 latest revised Budget, page 1, line 30, Total Budget Year Column)   | \$ 298,537,424.00 |
|    | b. | Adjustments to the GBL (from line 1.b)  | \$ 0.00           |
|    | c. | Adjusted Budgeted Expenditures  | \$ 298,537,424.00 |
| 3. |    | Lesser of the Adjusted GBL (line 1.c) or the Adjusted Budgeted Expenditures (line 2.c)  | \$ 298,537,424.00 |
| 4. |    | M&O actual expenditures   | \$ 288,957,889.00 |
| 5. |    | Budget Balance (line 3 minus line 4) (If negative, enter zero. The district does not have any budget balance to carry forward. Do not complete the remainder of this work sheet.) | \$ 9,579,535.00   |

**Note: For lines 6.a through 6.h deduct the FY 2015 actual expenditures from the budget amount. If the result is negative, enter zero.**

|     | FY 2015<br>Budget | - | Actual   | =                | Unexpended<br>Budget |
|-----|-------------------|---|--|------------------|----------------------|
| 6.  | a.                |   | Special Program Override   | \$ 0.00          | \$ 0.00              |
|     | b.                |   | Desegregation  | \$ 55,711,047.00 | \$ 0.00              |
|     | c.                |   | Tuition Out Debt Service   | \$ 0.00          | \$ 0.00              |
|     | d.                |   | Dropout Prevention Programs  | \$ 767,410.00    | \$ 0.00              |
|     | e.                |   | Joint Career and Technical Ed. and Voc. Ed. Center   | \$ 0.00          | \$ 0.00              |
|     | f.                |   | Career Ladder  | \$               | \$ 0.00              |
|     | g.                |   | Optional Performance Incentive Program   | \$               | \$ 0.00              |
|     | h.                |   | Performance Pay  | \$ 0.00          | \$ 0.00              |
|     | i.                |   | Total Budget Balance Deductions [Add lines 6.a through 6.h.]   | \$               | \$ 0.00              |
| 7.  |                   |   | Budget Balance after Deductions (If negative, enter zero. The district does not have any budget balance to carry forward.) (line 5 minus line 6.i)                                 |                  | \$ 9,579,535.00      |
| 8.  | a.                |   | FY 2015 Adjusted District Limit (RCL) from page 4 of the most recent ADE report "Basic Calculations for Equalization Assistance" APOR 55-1, available on ADE's Web site            |                  | \$ 239,488,383.93    |
|     | b.                |   | Growth Adjustment (FY 2015 BUDG75)   |                  | \$                   |
|     | c.                |   | Factor of 4%   | x                | 0.04                 |
| 9.  |                   |   | Maximum Allowable Budget Balance Carryforward [(line 8.a + line 8.b) x line 8.c]   |                  | \$ 9,579,535.36      |
| 10. |                   |   | Actual Allowable Budget Balance Carryforward (Enter the lesser of line 7 or 9)   |                  | \$ 9,579,535.00      |
| 11. |                   |   | Enter the amount of Allowable Budget Balance Carryforward transferred to the School Opening Fund (not to exceed the lesser of line 10 or the FY 2015 M&O Fund ending cash balance) |                  | \$                   |
| 12. |                   |   | Remaining Actual Allowable Budget Balance Carryforward to be used in M&O Fund (line 10 - line 11) [to Budget, page 7, line 8(c)]   |                  | \$ 9,579,535.00      |



**O. WORK SHEET FOR FY 2016 TUITION OUT FOR HIGH SCHOOL STUDENTS  
(A.R.S. §§15-910.L, 15-448.J, and 15-951)**

For Common School Districts NOT within a High School District (Type 03)

**Part I-Increase to GBL for Debt Service Tuition Outside the RCL [To Budget, page 7, line 8(b)]**

|    | Attending District Name   | Attending District CTD Number | A                             | B                                  | C                              | D   | Increase to GBL (A x D) |
|----|---|-------------------------------|-------------------------------|------------------------------------|--------------------------------|---|-------------------------|
|    |   |                               | Tuition Out High School Count | Debt Service Per Pupil Tuition (1) | Debt Service Tuition Limit (2) | Per Pupil Tuition in Excess of Debt Service Limit (B - C) |                         |
| 1. |   |                               |                               |                                    |                                | 0.00  | 0.00                    |
| 2. |   |                               |                               |                                    |                                | 0.00  | 0.00                    |
| 3. |   |                               |                               |                                    |                                | 0.00  | 0.00                    |
| 4. |   |                               |                               |                                    |                                | 0.00  | 0.00                    |
| 5. |   |                               |                               |                                    |                                | 0.00  | 0.00                    |
| 6. | <b>Total HS Count:</b>  |                               | 0.00                          |                                    |                                |   |                         |
| 7. | <b>Total Increase to GBL for Debt Service Tuition Outside the RCL [To Budget, page 7, line 8(b)]:</b> |                               |                               |                                    |                                |   | 0.00                    |

**Part II-Increase to DSL and RCL for Tuition (To Work Sheet E, lines II and VI)**

|     | Attending District Name  | E                            | F   | Increase to DSL and RCL (A x F) |
|-----|--|------------------------------|---|---------------------------------|
|     |  | M&O & UCO, Per Pupil Tuition | Per Pupil Tuition Including Limited Debt Service (E + lesser of B or C) |                                 |
| 8.  | 0  |                              | 0.00  | 0.00                            |
| 9.  | 0  |                              | 0.00  | 0.00                            |
| 10. | 0  |                              | 0.00  | 0.00                            |
| 11. | 0  |                              | 0.00  | 0.00                            |
| 12. | 0  |                              | 0.00  | 0.00                            |
| 13. | <b>Total Increase to DSL and RCL for Tuition (To Work Sheet E, lines II and VI):</b> |                              |   | 0.00                            |

(1) Not to exceed \$750 if the district pays tuition to other districts for 750 or fewer pupils. Not to exceed \$800 if the district pays tuition to other districts for more than 750, but less than 1,001 pupils. To determine the allowable debt service amount, use the Total HS Count from line 6. (A.R.S. §15-824)

For common school districts no longer within a high school district due to the unification of the high school district, enter the actual debt service tuition amount calculated pursuant to A.R.S. §15-448.J.

(2) Enter \$150 if the district pays tuition to other districts for 750 or fewer pupils. Enter \$200 if the district pays tuition to other districts for more than 750, but less than 1,001 pupils. To determine the debt service limit, use the Total HS Count from line 6. (A.R.S. §15-951.G)

For a common school district no longer within a high school district due to the unification of the high school district, enter the actual debt service tuition amount on this line. (A.R.S. §15-448.J)

**S. WORK SHEET FOR FY 2016 EQUALIZATION ASSISTANCE FOR AN ACCOMMODATION SCHOOL (A.R.S. §15-974 )**

**PART I. CALCULATION OF EQUALIZATION ASSISTANCE**

|    |  |    |             |                  |
|----|--|----|-------------|------------------|
| A. | Lesser of FY 2016 District Support Level or Revenue Control Limit (from Work Sheet J, line II.A) | \$ | <u>0.00</u> |                  |
| B. | District Additional Assistance (from Work Sheet H, lines VII.E.3 and VII.F.3)                    | +  | <u>0.00</u> |                  |
| C. | FY 2016 Equalization Assistance (Lines A + B)  |    |             | = \$ <u>0.00</u> |

**PART II. CASH BALANCE CARRYFORWARD**

Accommodation schools with a student count of 125 or less in grades K-8 or accommodation schools that offer instruction in grades 9-12 and have a student count of 100 or less in grades 9-12, complete Part I only.

|    |   |    |             |                |
|----|---|----|-------------|----------------|
| A. | 1. Maintenance and Operation (Fund 001) Cash Balance as of June 30, 2015                  | \$ |             |                |
|    | 2. Budget Balance Carryforward (from Work Sheet M, line 12)                               | -  | \$          | <u>0.00</u>    |
|    | 3. Remaining M&O Cash Balance (line A.1 minus A.2)  | =  | \$          | <u>0.00</u>    |
| B. | Maximum RCL Addition that may be Authorized by County School Superintendent :             |    |             |                |
|    | 1. The amount on line A.3 or  | \$ | <u>0.00</u> |                |
|    | 2. 10% of the FY 2016 RCL calculated on Work Sheet E, line VIII or Work Sheet F, line III | \$ | <u></u>     |                |
|    | 3. Up to 5% of the FY 2016 RCL calculated pursuant to A.R.S. §15-482.B                    | +  | \$          |                |
|    | 4. Line B.2 plus B.3  | =  | \$          | <u>0.00</u>    |
|    | 5. The lesser of line B.1 or B.4  |    |             | \$ <u>0.00</u> |

# **Tucson Unified School District #1 FY 2016 Adopted Budget July 14, 2015**

Karla G. Soto, Chief Financial Officer  
Renee Weatherless, Director of Finance



# Agenda

- Budget Development Process
  - Objectives, Timeline, Staffing
- FY2016 Budget Update
- FY2016 Proposed Budget Cuts
- Arizona School Finance
  - Regulations and Required Documents
- FY2016 District Expenditure Budget
  - Classroom Dollars
  - Estimated Tax Rate
    - Truth in Taxation
    - Tax Rate
  - Budgeted Expenditures by Fund
- USP Budget

# Budget Development Process - Objectives

- Eliminate the projected budget deficit
- Implement changes in Staffing Formula – priority 1:27 Teacher to Student ratio
- Meet the requirements of the Desegregation Order
- Focus on shifting more \$ and resources into the classroom / reduction of budget allocations in non-instructional areas
- Realign district budget and establish expenditures and encumbrances from appropriate funding sources in all funds to have more consistency in spending – eliminate the need to process journal entries at year end as has been done in the past to balance the budget

# Budget Development Process - Objectives

- Use Visions (ERP) software to develop and maintain budget throughout the year
- Work with bargaining groups to restructure salary schedules and embed longevity stipends. This will facilitate Visions (ERP) setup, allow affordable salary increases and facilitate future salary projections
- Align budget with District Strategic Plan

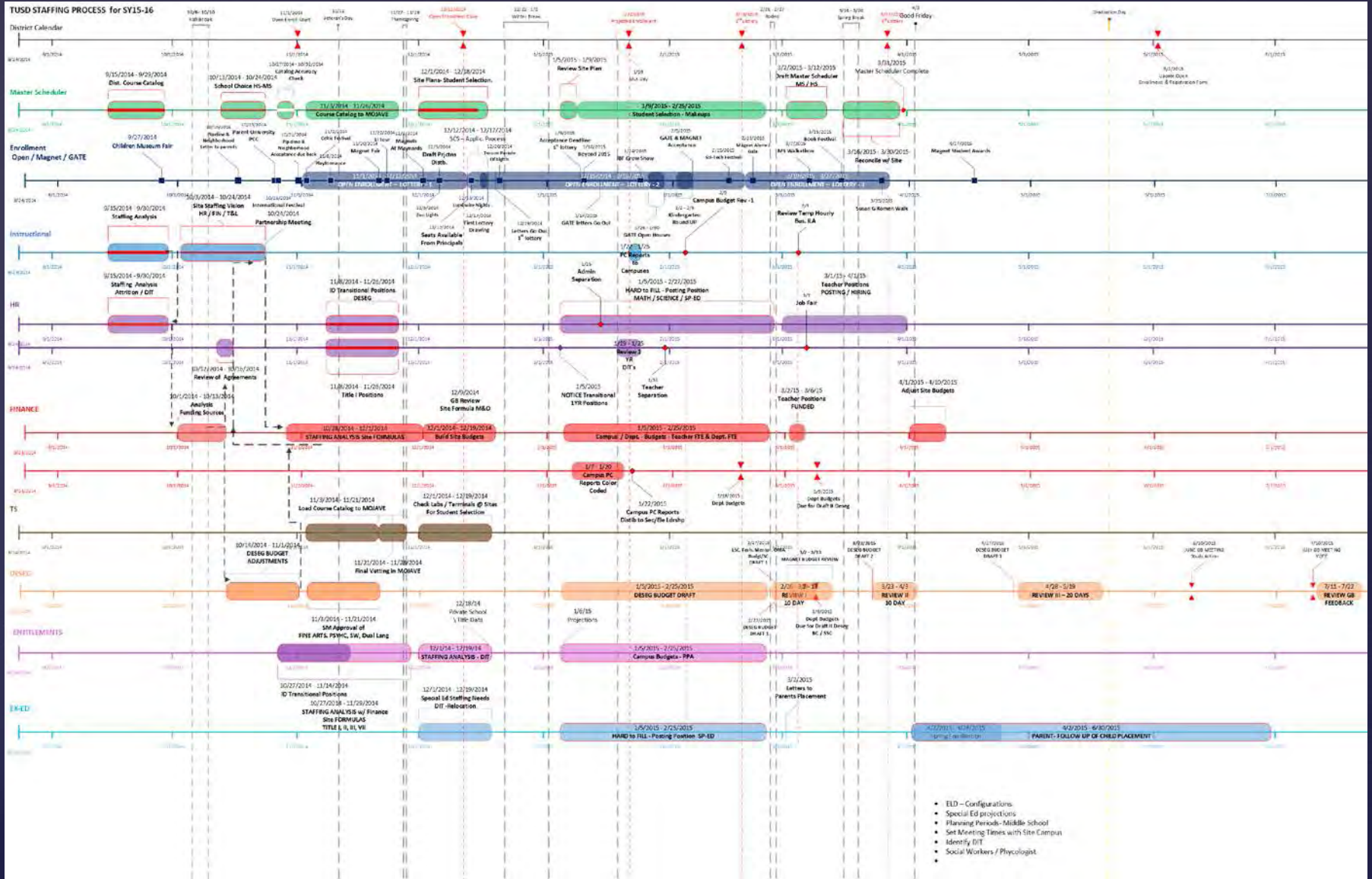


# Budget Development Process - Timeline

Timeline was driven by TUSD Staffing Process for FY15-16. Timeline was developed by Staffing Committee that included representation from all departments. Important functions from each were taken into account in order to coordinate efforts, align significant dates, prepare the budget with adequate staffing levels, initiate the recruitment process early and meet critical deadlines

- District Calendar – student enrollment projections
- Master Scheduler – course catalog, student selection
- Open Enrollment - lottery
- Instructional – staffing analysis, site needs
- Human Resources – recruitment fairs, job postings, DIT, hiring
- Finance – funding analysis, budget preparation schools/depts/district
- Technology Services – course catalog upload, lab preparation
- Desegregation – budget criteria process deadlines (3 drafts)
- Entitlements – funding analysis, budget preparation schools/depts
- Exceptional Education – staffing analysis, ex ed site needs, student placement

# Budget Development Process - Timeline





# Budget Development Process - Staffing

FY2015-2016  
Proposed  
Staffing  
Formula

| M&O                           | Elementary<br>Standard             | K-8<br>Standard    | Middle School<br>Standard | High School<br>Standard |
|-------------------------------|------------------------------------|--------------------|---------------------------|-------------------------|
| Principal                     | 1                                  | 1                  | 1                         | 1                       |
| Assistant Principal           | 1:600                              | 1:600              | 1:600                     | 1:600                   |
| Teachers K                    | 1:26                               | 1:26               | -                         | -                       |
| Teacher 1st                   | 1:29                               | 1:29               | -                         | -                       |
| Teachers 2nd-3rd              | 1:29                               | 1:29               | -                         | -                       |
| Teachers 4th-5th              | 1:30                               | 1:30               | -                         | -                       |
| Teachers 6th-8th              | -                                  | 1:32               | 1:32                      | -                       |
| Teachers 9th-12th             | -                                  | -                  | -                         | 1:33                    |
| Counselors                    | 0.5 <500                           | 1:500              | 1:500                     | 1:500                   |
|                               | 1.0 >500                           | -                  | -                         | -                       |
| Library Media Specialist      | -                                  | -                  | -                         | 1                       |
| Library Assistant             | 0.5 <500                           | 1                  | 1                         | -                       |
|                               | 1.0 >500                           | -                  | -                         | -                       |
| Office Manager                | 1                                  | 1                  | 1                         | 1                       |
| Attendance Clerk              | 1                                  | 1                  | 1                         | 1:750                   |
| Office Assistant              | -                                  | 1 >750             | 1 >750                    | 1                       |
| Registrar                     |                                    |                    |                           | 1                       |
| Finance Manager               |                                    |                    |                           | 1                       |
| Finance Clerk                 |                                    |                    |                           | 1 >2500                 |
| Admin. Secretary              |                                    |                    |                           | 1:2 Asst. Principals    |
| Athletic Coordinator (A)      |                                    |                    |                           | 1 per comprehensive HS  |
| Engineer                      |                                    |                    |                           | 1                       |
|                               |                                    |                    |                           | -1 >2500                |
| Grounds Maintenance           | 0                                  | 0.5                | 0.5                       | 2                       |
| Custodians                    | As per operations staffing formula |                    |                           |                         |
| Campus Monitors (M)           | 0.25 : 150 Students                | 0.25 : 150 Student | 0.25 : 150 Students       | 0.25 : 150 Students     |
| Substitute Teachers **        | \$1,000:Teacher                    | \$1,000:Teacher    | \$1,000:Teacher           | \$1,000:Teacher         |
| Classroom Loss of Planning ** | 0                                  |                    | 0                         | \$75:Teacher            |
| Teaching Supplies **          | \$25:Student                       | \$25:Student       | \$25:Student              | \$25:Student            |
| Office Supplies **            | \$2:Student                        | \$2:Student        | \$2:Student               | \$2:Student             |
| Health Supplies **            | \$2:Student                        | \$2:Student        | \$2:Student               | \$2:Student             |
| Custodial Supplies **         | \$10:Student                       | \$10:Student       | \$10:Student              | \$10:Student            |
| Extra Duty Clubs**            | 0                                  | 6                  | 6                         | 16                      |
| Extra Duty Sports**           | 0                                  | 9                  | 9                         | 38                      |
| Rentals**                     | 0                                  | 0                  | 0                         | \$5,200                 |
| Graduation Supplies**         | 0                                  | 0                  | 0                         | \$6:12th Grade Student  |
| Newspaper**                   | 0                                  | 0                  | 0                         | \$2000                  |



Presented to the Governing Board December 9, 2014

# Budget Development Process - Staffing

## FY2015-2016 Proposed Staffing Formula

### Proposed FY15-16 M&O Staffing Formula

|                             | Avg Salary | FY14-15         |                    | Standard        |                   | Optimal**       |                    | Standard vs Actual |                     | Optimal vs Actual |                 |
|-----------------------------|------------|-----------------|--------------------|-----------------|-------------------|-----------------|--------------------|--------------------|---------------------|-------------------|-----------------|
|                             |            | Actual FTE      | Salaries           | FY15-16 Std FTE | FY15-16 Salaries  | FY15-16 Std FTE | FY15-16 Salaries   | FTE Variance       | Salary Variance     | FTE Variance      | Salary Variance |
| Principal                   | 86,447     | 82.00           | 7,088,666          | 82.00           | 7,088,666         | 82.00           | 7,088,666          | -                  | -                   | -                 | -               |
| Asst. Principal             | 67,357     | 45.00           | 3,031,051          | 45.00           | 3,031,051         | 45.00           | 3,031,051          | -                  | -                   | -                 | -               |
| Teacher *                   | 41,500     | 2,000.34        | 83,013,944         | 1,660.00        | 68,890,000        | 1,947.00        | 81,774,000         | (340.34)           | (14,123,944)        | (53.34)           | (1,239,944)     |
| Athletic Coordinator        | 50,080     | 8.00            | 400,642            | 9.00            | 450,722           | 9.00            | 455,222            | 1.00               | 50,080              | 1.00              | 54,580          |
| Bldg Maint Engineer - FM    | 42,443     | 9.00            | 381,985            | 11.00           | 466,871           | 11.00           | 466,871            | 2.00               | 84,886              | 2.00              | 84,886          |
| Counselor                   | 41,818     | 66.50           | 2,780,899          | 75.00           | 3,136,352         | 75.00           | 3,173,852          | 8.50               | 355,453             | 8.50              | 392,953         |
| Custodian                   | 25,717     | 220.56          | 5,672,141          | 221.50          | 5,696,251         | 221.50          | 5,696,251          | 0.94               | 24,109              | 0.94              | 24,109          |
| Ground Maint                | 28,054     | 22.20           | 622,789            | 31.50           | 883,687           | 31.50           | 883,687            | 9.30               | 260,898             | 9.30              | 260,898         |
| HS Finance Manager          | 36,557     | 9.00            | 329,013            | 10.00           | 365,570           | 10.00           | 365,570            | 1.00               | 36,557              | 1.00              | 36,557          |
| Office Assistant            | 24,663     | 93.88           | 2,315,381          | 10.00           | 246,632           | 10.00           | 246,632            | (83.88)            | (2,068,749)         | (83.88)           | (2,068,749)     |
| Office Manager              | 34,633     | 80.00           | 2,770,620          | 82.00           | 2,839,886         | 82.00           | 2,839,886          | 2.00               | 69,266              | 2.00              | 69,266          |
| HS Administrative Secretary | 33,060     | 4.50            | 148,770            | 13.50           | 446,310           | 13.50           | 446,310            | 9.00               | 297,540             | 9.00              | 297,540         |
| Registrar                   | 34,543     | 10.00           | 345,434            | 10.00           | 345,434           | 10.00           | 345,434            | -                  | -                   | -                 | -               |
| Librarian                   | 45,424     | 7.00            | 317,970            | 10.00           | 454,242           | 10.00           | 459,242            | 3.00               | 136,273             | 3.00              | 141,273         |
| Library Assistant           | 20,671     | 32.50           | 671,794            | 57.00           | 1,178,224         | 57.00           | 1,178,224          | 24.50              | 506,429             | 24.50             | 506,429         |
| Attendance Clerk            | 24,663     | 1.00            | 24,663             | 87.00           | 2,145,681         | 87.00           | 2,145,681          | 86.00              | 2,121,018           | 86.00             | 2,121,018       |
| Monitors / Security Agents  | 19,474     | 71.50           | 1,392,356          | 71.50           | 1,392,356         | 71.50           | 1,392,356          | -                  | -                   | -                 | -               |
| <b>TOTAL SALARIES</b>       |            | <b>2,762.98</b> | <b>111,308,118</b> | <b>2,486.00</b> | <b>99,057,934</b> | <b>2,773.00</b> | <b>111,988,934</b> | <b>(276.98)</b>    | <b>(12,250,184)</b> | <b>10.02</b>      | <b>680,816</b>  |
|                             |            |                 |                    |                 |                   | <b>287.00</b>   | <b>12,931,000</b>  |                    |                     |                   |                 |

\* FY14-15 Actuals include Ex Ed Teachers

\*\* FY15-16 Optimal Salaries includes step increase for certified

# FY2016 Budget Update

## INFLATION FUNDING – Permanent Increase to the base support level (BSL)

- Inflation increase for **TUSD \$3.5M**
- Declining ADM (including Ex Ed) - **\$4.6M**

## RETROACTIVE INFLATION INCREASE-\$54.31 increase to the BSL

- This would offset TUSD's shortfall by **\$3.2M**

## REPEAL OF STUDENT SUCCESS FUNDING

- TUSD's budget for FY14-15 was **\$915,000**

## 5% REDUCTION DISTRICT ADDITIONAL ASSISTANCE (DAA) FUND

- **Current DAA Fund Reduction - \$14,031,140**
- **FY15-16 Total DAA Fund Reduction -\$18,795,997**

For TUSD, this is equivalent to almost a 90% reduction in Capital funding – from a \$22.2M allocation approximately \$18.8M will be cut



# FY2016 Proposed Budget Cuts

As a new requirement per the Arizona Auditor General's Office TUSD must perform the following regarding the FY2015-16 Budget:

1. Hold a public meeting to present the district's plan for proposed District Additional Assistance reductions. Cuts should focus on non instructional areas, including administration - **June 2, 2015**
2. Allow 30 days for the community to submit comments and recommendations to the governing board. E-mail to:  
[1516FYBudgetFeedback@tusd1.org](mailto:1516FYBudgetFeedback@tusd1.org)
3. Governing Board must consider the comments and recommendations of the community at a public meeting.
4. The district's budget signed by the Governing Board must include the percentage of classroom spending.

# FY2016 Proposed Budget Cuts

## Steps taken:

- Postponed filling vacant positions
- Monitored spending to maximize M&O carryover for FY15-16
- Reduced Budgets in other funding sources (i.e. Indirect costs, Reserve funds)
- Other areas of review and consideration— Mandated healthcare, ASRS costs, Leased employee options, Leased substitute program, energy reduction programs
- Mandated 8% M&O Budget Reductions at all Central Administration Departments to fulfill mandated DAA reduction of **\$5,793,100**

# FY2016 Proposed Budget Cuts-Central Administration Budget Reductions

|   | FY2015-<br>2016<br>Proposed<br>Budget | FY2014-<br>2015<br>Revised<br>Budget | \$ Reduction        | % Reduction |
|---|---------------------------------------|--------------------------------------|---------------------|-------------|
| <b>SUMMARY ALL DEPARTMENTS</b>                                |                                       |                                      |                     |             |
| Executive Administration                                      | \$1,124,081                           | \$1,232,584                          | -\$108,503          | -9%         |
| Legal Services  | \$2,906,048                           | \$3,068,359                          | -\$162,311          | -5%         |
| Human Resources   | \$2,141,358                           | \$2,274,112                          | -\$132,754          | -6%         |
| Finance   | \$2,382,750                           | \$2,648,066                          | -\$265,316          | -10%        |
| Operations  | \$45,475,639                          | \$49,575,493                         | -\$4,099,854        | -8%         |
| Technology Services   | \$6,060,106                           | \$6,640,181                          | -\$580,075          | -9%         |
| Leadership  | \$2,130,442                           | \$2,243,970                          | -\$113,529          | -5%         |
| Curriculum & Instruction                                      | \$1,745,105                           | \$1,662,580                          | \$82,524            | 5%          |
| Student Services  | \$21,721,102                          | \$23,397,625                         | -\$1,676,523        | -7%         |
| <b>TOTAL</b>  | <b>\$85,686,630</b>                   | <b>\$92,742,970</b>                  | <b>-\$7,056,340</b> | <b>-8%</b>  |
| <b>Targeted Reduction</b>                                     |                                       |                                      | <b>\$5,793,100</b>  |             |
| <b>Reallocation to Schools for Technology, Supplies, etc.</b> |                                       |                                      | <b>-\$1,263,240</b> |             |

# FY2016 Proposed Budget Cuts

## Feedback Received:

Several emails were received regarding the FY16 Projected Budget Cuts. These emails are being compiled and will be submitted to the Board for review and consideration and possible discussion at a later meeting.

# Arizona School Finance - Regulations

## ARIZONA REVISED STATUTE (ARS) TITLE 15

- Rules Established by the Arizona Legislature
- Title 15 Refers to Education
- Sections 15-901 to 15-1241 Refer to School Finance

## UNIFORM SYSTEM OF FINANCIAL RECORDS (USFR)

The legislature has required that the Arizona Department of Education and the State's Auditor General interpret Title 15 and design the State's Uniform System of Financial Records (USFR) which is used in maintaining local school district financial records and preparing reports.



# Arizona School Finance – Required Documents

In the State of Arizona, there are a number of forms which provide some uniformity in the manner that financial information is presented and submitted to the Arizona Department of Education.

## EXPENDITURE BUDGET

- Proposed by July 1st of the fiscal year
- Adopted by July 15th of the fiscal year  
(public hearing required)



## REVISED EXPENDITURE BUDGET

- Completed by December 15th and/or May 15th

## ANNUAL FINANCIAL REPORT

- (Completed by October 15th)

# Arizona School Finance – Required Documents

## EXPENDITURE BUDGET FORMS

- Budget Worksheets
- Truth in Taxation Worksheet
- FY2016 State of Arizona School District Annual Expenditure Budget
- Summary of School District Proposed Expenditure Budget
- Districtwide Desegregation Budget

# How are the Classroom Dollars calculated?

Account-based description Using school district Uniform System of Financial Records Chart of Account's terminology,

***These are the primary funds excluded:***

- 250 & 425 – Adult Education
- 515 & 520 – Civic Center and Community School
- 575 – Unemployment Insurance (an internal service fund)
- 600 – Capital Projects Funds with the following exceptions: *Include textbooks, instructional aids, and library books (object codes 6641-6643)*
- 700 – Debt Service
- 800 and above – Fiduciary and Proprietary Funds

***These programs are excluded:***

- 700 and above – Adult/Continuing Education, Community College Education Programs,
- Community Services Programs

***These functions are excluded:***

- 4000 and above – Capital, Debt Service, and Other Financing Uses

***These object codes are excluded:***

- 6561 & 6565 – Tuition to other Arizona school districts
- 6700's – Land, Buildings, and Equipment
- 6900's – Other Financing Uses, such as Transfers and Indirect Costs
- Similar transactions that a district accounts for in other funds, programs, functions, or object codes could also be excluded.

# How are the Classroom Dollars calculated?

## Classroom dollars

- Classroom personnel—Teachers, teachers' aides, substitute teachers, contracted instructional services, athletic coaches
- General instructional supplies—Paper, pencils, crayons, etc.
- Instructional aids—Textbooks, workbooks, instructional kits, instructional computer software, etc.
- Activities—Field trips, athletics, and cocurricular activities such as choir and band

## Nonclassroom dollars

- Administration
- Plant operation and maintenance
- Food service
- Transportation
- Student support services
- Instruction support services



# TUSD Classroom Spending FY14

Case 1:14-cv-00090-DCE Document 12-40 Filed 05/01/15 Page 243 of 345

## Tucson Unified School District

Pima County District size, location: Very large, City  
 Efficiency peer groups 1 and T-5, Achievement peer group 3 Students attending: 46,827  
 Legislative district(s): 2, 3, 4, 9, and 10 Number of schools: 86

### OPERATIONAL EFFICIENCY

Spending by operational area

5-year spending trend (2009 through 2014)  
 Total spending per pupil decreased by 2 percent. Spending in the classroom decreased from 53.5 to 48.7 percent. Spending on administration and transportation increased and spending on plant operations, food service, and student support increased slightly. Spending on instruction support remained stable.

Cost measures relative to peer averages

| Operational area | Measure                    | District | Peer average | State average |
|------------------|----------------------------|----------|--------------|---------------|
| Administration   | Cost per pupil             | \$355    | \$630        | \$757         |
|                  | Students per administrator | 61       | 61           | 68            |
| Plant operations | Cost per square foot       | \$6.21   | \$5.83       | \$6.04        |
|                  | Square footage per student | 1.71     | 1.43         | 1.53          |
| Food service     | Cost per meal equivalent   | \$2.91   | \$2.72       | \$2.69        |
|                  | Cost per mile              | \$1.75   | \$3.47       | \$3.62        |
| Transportation   | Cost per rider             | \$1.57   | \$1.326      | \$1.036       |

Per pupil spending by operational area

|                       | District | Peer average | State average | National average |
|-----------------------|----------|--------------|---------------|------------------|
|                       | 2013     | 2014         | 2014          | 2012             |
| Total                 | \$9,421  | \$8,080      | \$7,208       | \$7,578          |
| Classroom dollars     | 4,139    | 3,934        | 4,086         | 4,073            |
| Nonclassroom dollars: | 4,282    | 4,146        | 3,122         | 3,506            |
| Administration        | 855      | 855          | 630           | 757              |
| Plant operations      | 1,162    | 1,063        | 831           | 923              |
| Food service          | 369      | 397          | 330           | 405              |
| Transportation        | 481      | 482          | 346           | 373              |
| Student support       | 816      | 806          | 605           | 600              |
| Instruction support   | 589      | 543          | 380           | 447              |

### STUDENT ACHIEVEMENT, TEACHER MEASURES, AND FINANCIAL ASSESSMENT

ADE-reported district and school letter grades  
 District grade: **C**

| Grade     | Number of schools | Percentage of schools |
|-----------|-------------------|-----------------------|
| A         | 12                | 14%                   |
| B         | 26                | 30%                   |
| C         | 33                | 38%                   |
| D         | 9                 | 10%                   |
| F         | 3                 | 4%                    |
| Not rated | 3                 | 4%                    |

Students who met state standards (AIMS)

Student and teacher measures

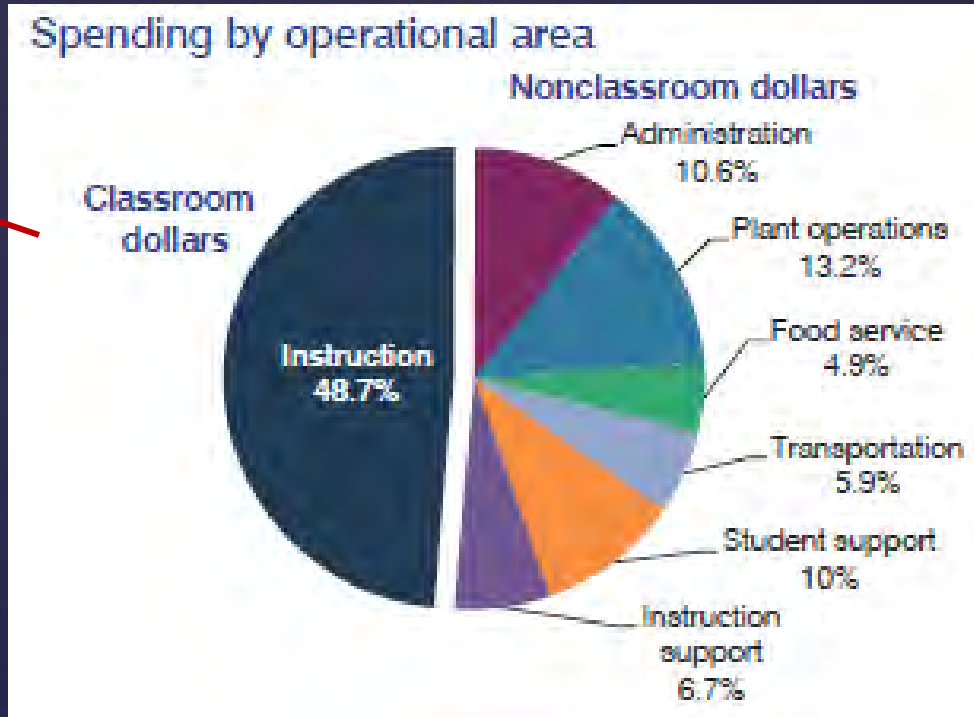
| Measure                                 | District | Peer average | State average |
|---|----------|--------------|---------------|
| Attendance rate                         | 92%      | 94%          | 95%           |
| Graduation rate (2013)                  | 80%      | 80%          | 75%           |
| Poverty rate (2013)                     | 26%      | 23%          | 24%           |
| Students per teacher                    | 18.1     | 18.6         | 18.6          |
| Average teacher salary                  | \$44,040 | \$45,840     | \$46,026      |
| Amount from Proposition 301             | \$4,277  | \$5,396      | \$4,810       |
| Average years of teacher experience     | 12.4     | 11.7         | 10.9          |
| Percentage of teachers in first 3 years | 16%      | 19%          | 20%           |

Financial stress assessment  
 Overall financial stress level: **Moderate**

| Measure: 2012 through 2014                    | Assessment            |
|---|-----------------------|
| Change in number of district students         | Unacceptable decrease |
| Spending exceeded operating/capital budgets   | No over/underfunding  |
| Spending increase election results            | No election held      |
| Operating reserve percentage (max. 4%), trend | 2.7%, Varying         |
| Years of capital reserve held                 | 1 to 3 years          |
| Current financial and internal control status | Compliant             |

Stress level: **Moderate**

- [http://www.auditorgen.state.az.us/Reports/School\\_Districts/Statewide/2014\\_February/AZ\\_School\\_District\\_Spending\\_FY2014.pdf](http://www.auditorgen.state.az.us/Reports/School_Districts/Statewide/2014_February/AZ_School_District_Spending_FY2014.pdf)

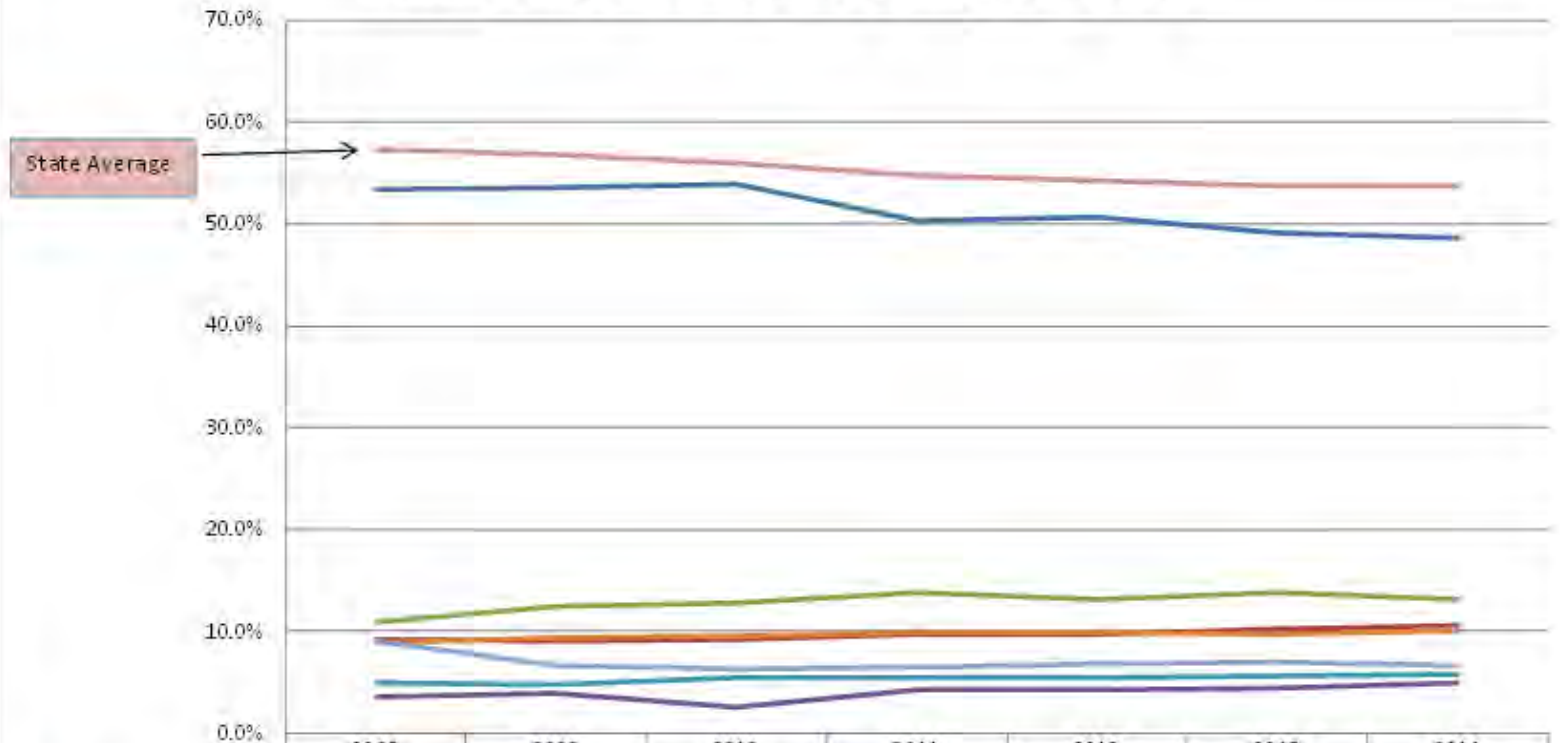


Source of information State of Arizona Office of the Auditor General

# TUSD Classroom Spending FY14

Case 1:14-cv-00090-DCE Document 1-18-15 Filed 05/01/15 Page 244 of 345

TUSD Classroom Dollar FY2008 through FY 2014



|                     | 2008  | 2009  | 2010  | 2011  | 2012  | 2013  | 2014  |
|---------------------|-------|-------|-------|-------|-------|-------|-------|
| Classroom Dollars   | 53.5% | 53.5% | 53.9% | 50.4% | 50.6% | 49.2% | 48.7% |
| Administration      | 9.2%  | 9.0%  | 9.3%  | 9.7%  | 9.8%  | 10.3% | 10.6% |
| Plant Operations    | 11.0% | 12.5% | 12.8% | 13.9% | 13.2% | 13.8% | 13.2% |
| Food Service        | 3.6%  | 4.0%  | 2.6%  | 4.2%  | 4.2%  | 4.4%  | 4.9%  |
| Transportation      | 4.9%  | 4.8%  | 5.5%  | 5.4%  | 5.5%  | 5.7%  | 5.9%  |
| Student Support     | 8.9%  | 9.4%  | 9.6%  | 9.9%  | 9.9%  | 9.7%  | 10.0% |
| Instruction Support | 9.0%  | 6.7%  | 6.3%  | 6.5%  | 6.9%  | 7.0%  | 6.7%  |
| STATE Classroom 5   | 57.3% | 56.9% | 55.9% | 54.7% | 54.2% | 53.8% | 53.7% |

# FY2016 Expenditure Budget

## Classroom Dollars — Cover Page

|                            | FY13-14<br>Actual | FY14-15<br>Actual as of 6.2.15 |               | FY15-16<br>Budgeted |               |
|----------------------------|-------------------|--------------------------------|---------------|---------------------|---------------|
| <b>Classroom Dollars</b>   | <b>48.7%</b>      | \$172,052,995                  | <b>50.6%</b>  | \$232,574,448       | <b>50.8%</b>  |
| <b>Student Support</b>     | <b>10.0%</b>      | \$33,534,872                   | <b>9.9%</b>   | \$39,975,911        | <b>8.7%</b>   |
| <b>Instruction Support</b> | <b>6.7%</b>       | \$17,914,790                   | <b>5.3%</b>   | \$33,101,335        | <b>7.2%</b>   |
| <b>Administration</b>      | <b>10.6%</b>      | \$35,273,502                   | <b>10.4%</b>  | \$48,511,632        | <b>10.6%</b>  |
| <b>Plant Operations</b>    | <b>13.2%</b>      | \$43,069,776                   | <b>12.7%</b>  | \$60,797,428        | <b>13.3%</b>  |
| <b>Food Service</b>        | <b>4.9%</b>       | \$18,130,376                   | <b>5.3%</b>   | \$22,328,023        | <b>4.9%</b>   |
| <b>Transportation</b>      | <b>5.9%</b>       | \$20,030,523                   | <b>5.9%</b>   | \$20,383,647        | <b>4.5%</b>   |
| <b>TOTAL</b>               | <b>100.0%</b>     | \$340,006,833                  | <b>100.0%</b> | \$457,672,424       | <b>100.0%</b> |
| <i>Total Budgeted</i>      |                   | \$585,852,901                  |               | \$567,956,932       |               |



# FY2016 Expenditure Budget

## Estimated Tax Rate – Timeline

JULY 20 – 24: Pima County School Superintendent's Office will be meeting with all Pima County school districts to discuss tax rates and levies for FY2016.

JULY 25: All tax calculation spreadsheets and cash balance certifications will be submitted to the Property Tax Oversight Commission.

AUGUST 7: Deadline to submit all tax rates and levies to the Clerk of the Board for ratification by the Pima County Board of Supervisors. No changes to the rates/levies can be made after this date.

AUGUST 17: Pima County Board of Supervisors will conduct a public hearing to ratify the tax rates and levies for all taxing jurisdictions in Pima County.

SEPTEMBER 11: Property tax billing statements mailed

SEPTEMBER 18: Property tax mortgage statements mailed

SEPTEMBER 25: Personal property tax statements mailed

# FY2016 Expenditure Budget

## Estimated Tax Rate – Cover Page

| Tax Rate Type | 2014 Actual | 2015 Actual | 2016 Projected |
|---------------|-------------|-------------|----------------|
| Primary *     | 6.0056      | 6.8021      | 6.4672         |
| Secondary     | 1.4263      | 0.7073      | 0.8283         |
| Total         | 7.4319      | 7.5094      | 7.2955         |
| Difference    |             | 0.0775      | -0.2139        |

| Tax Rate Type  | 2014 Actual | 2015 Actual | 2016 Projected |
|----------------|-------------|-------------|----------------|
| *Deseg portion | 2.1220      | 2.1225      | 2.1050         |
| Difference     |             | 0.0005      | -0.0175        |

| Levy Amount | 2014 Actual   | 2015 Actual   | 2016          |
|-------------|---------------|---------------|---------------|
|             |               |               | Projected     |
| Primary *   | \$180,311,907 | \$204,175,605 | \$195,735,738 |
| Secondary   | \$41,398,333  | \$20,394,321  | \$23,990,781  |
| Total       | \$221,710,240 | \$224,569,926 | \$219,726,519 |
| Difference  |               | \$2,859,686   | -\$4,843,407  |

| Levy Amount    | 2014 Actual  | 2015 Actual  | 2016 Projected |
|----------------|--------------|--------------|----------------|
| *Deseg portion | \$63,711,047 | \$63,711,047 | \$63,711,047   |
| Difference     |              | \$0          | \$0            |

# FY2016 Expenditure Budget

## Estimated Tax Rate – Cover Page

### REVENUE SOURCES

- State & County Equalization – 32%
- Local Levy – 63% (Tax Rate)
- Other – 5% (Cash) – **ONLY INCLUDES M&O AND CAPITAL USED TO FUND BUDGET BALANCE CARRYOVER**

### TAX RATE FACTORS

- State Qualifying Tax Rate change
- State Aid Rollover (reduction of cash available to reduce the tax rate)
- Fluctuations in home values and Districtwide Assessed valuations
- Decline in Student Enrollment
- State Aid Reduction- reduces the cash on hand
- Funding outside budget limit – Desegregation

# FY2016 Expenditure Budget Tax Rate Factors— State Aid Rollover

ARIZONA DEPARTMENT OF EDUCATION

Tom Horne  
Superintendent of  
Public Instruction



School Finance  
1535 West Jefferson  
Phoenix, Arizona 85007  
(602) 542-5695  
(602) 542-3099 Fax

STATE OF ARIZONA

SCHOOL FINANCE MEMORANDUM 09-081

**TO:** District Superintendents, District Business Managers, and County School Superintendents  
**FROM:** Yousef Awwad, Director of School Finance  
**DATE:** June 11, 2009  
**SUBJECT:** June 15, 2009 Basic calculations for Equalization Assistance Report (APOR 55 - 1) and Equalization Assistance and Additional State Aid Detail Report (APOR 64-1)

The June 15, 2009 apportionment reports applicable to the FY2009 equalization payment for your school district are posted on your district's home page on the ADE web site (<http://www.ade.az.gov/districts/default.asp>). If you need help finding or viewing these reports please contact the ADE Training and Support Group at 602-542-7378 or toll free at (866) 577-9636.

The following items have been included in the June 15, 2009 APOR calculations:

- K-12 Rollover:** Pursuant to Laws 2008, Chapter 287, the ADE is to rollover \$602 million of FY2009 basic state aid and additional state aid payments scheduled to be paid to school districts on July 1, 2009. This amount is equal to all of the June 15, 2009 and a portion of the May 15, 2009 apportionment payments. In addition, the Arizona Legislature deferred another \$300 M pursuant to Laws 2009, Chapter 5, which may be paid with local cash balances pursuant to Laws 2009, Chapter 6. The deferred amount excludes school districts eligible to budget for the small school adjustment pursuant to ARS Section 15-949, and is scheduled to be paid to school districts on October 15, 2009 after the adjustments are made.



# FY2016 Expenditure Budget

## Tax Rate Factors— State Aid Rollover

| SAIS APOR64-1  |                       | Arizona Department of Education                         |                        |                   |  | Apportionment Date : 06/15/2009    |                       |                                    |       |
|--|-----------------------|---|------------------------|-------------------|--|------------------------------------|-----------------------|------------------------------------|-------|
|  |                       | Equalization Assistance and Additional State Aid Detail |                        |                   |  | Report Date : 06/10/2009           |                       |                                    |       |
|  |                       | Fiscal Year 2008 - 2009                                 |                        |                   |  | Page : 1 of 4                      |                       |                                    |       |
| <b>10 02 01 Tucson Unified District</b>  |                       |   |                        |                   |  |                                    |                       |                                    |       |
| <b>Equalization Assistance</b>   |                       |   |                        |                   |  |                                    |                       |                                    |       |
| Pursuant to Laws 2008, Chapter 287, the ADE has implemented a rollover scheduled to be paid July 1, 2009, and includes part of the May 15 and the entire June 15 payments. Pursuant to Laws 2009, Chapter 5, a rollover was implemented against a portion of the May 15 payment scheduled to be repaid pursuant to Laws 2009, Chapter 6. Please note that funded YTD totals do not equal the calculated Net State Equalization due to this new rollover. |                       |   |                        |                   |  |                                    |                       |                                    |       |
| Total Equalization Assistance  |                       |   |                        |                   |  | \$                                 | 197,256,413.06        |                                    |       |
| County Equalization Assistance   |                       |   |                        |                   | (District's percent of total County Equalization = 0.4194195076) | \$                                 | 0.00                  |                                    |       |
| State Equalization Assistance  |                       |   |                        |                   |  | \$                                 | 197,256,413.06        |                                    |       |
| Adjustments to Equalization Assistance Subtotal*   |                       |   |                        |                   |  | \$                                 | -312,452.10           |                                    |       |
| <b>Net State Equalization</b>  |                       |   |                        |                   |  | <b>\$</b>                          | <b>196,943,960.96</b> |                                    |       |
| <b>Equalization Assistance Payment Detail</b>  |                       |   |                        |                   |  |                                    |                       |                                    |       |
| Month  | Monthly Apportionment | Advance   | Adjustment Description | Adjustment Amount | = Current Payment  | Equalization Apportionment YTD     | YTD %                 | Equalization Funded YTD            | YTD % |
| July   | \$17,513,424.59       | \$0.00  |                        | \$0.00            | \$17,513,424.59  | \$17,513,424.59                    | 8.89                  | \$17,513,424.59                    | 8.89  |
| August   | \$0.00                | \$0.00  |                        | \$0.00            | \$0.00   | \$17,513,424.59                    | 8.89                  | \$17,513,424.59                    | 8.89  |
| September  | \$16,214,335.26       | \$0.00  |                        | \$0.00            | \$16,214,335.26  | \$33,727,759.85                    | 17.12                 | \$33,727,759.85                    | 17.12 |
| October  | \$16,853,763.62       | \$0.00  |                        | \$0.00            | \$16,853,763.62  | \$50,581,523.47                    | 25.68                 | \$50,581,523.47                    | 25.68 |
| November   | \$0.00                | \$0.00  |                        | \$0.00            | \$0.00   | \$50,581,523.47                    | 25.68                 | \$50,581,523.47                    | 25.68 |
| December   | \$17,193,932.86       | \$0.00  |                        | \$0.00            | \$17,193,932.86  | \$67,775,456.33                    | 34.41                 | \$67,775,456.33                    | 34.41 |
| January  | \$16,959,115.08       | \$10,519,550.56   |                        | \$0.00            | \$27,478,665.64  | \$95,254,121.97                    | 48.36                 | \$95,254,121.97                    | 48.36 |
| February   | \$13,250,754.58       | \$11,626,236.38   |                        | \$0.00            | \$24,876,990.96  | \$120,131,112.93                   | 60.99                 | \$120,131,112.93                   | 60.99 |
| March  | \$16,296,861.38       | \$2,064,496.47  |                        | \$0.00            | \$18,361,357.85  | \$138,492,470.78                   | 70.32                 | \$138,492,470.78                   | 70.32 |
| April  | \$8,450,166.84        | \$0.00  |                        | \$0.00            | \$8,450,166.84   | \$146,942,637.62                   | 74.61                 | \$146,942,637.62                   | 74.61 |
| May  | \$17,499,171.53       | \$0.00  | See page 4.            | (\$15,416,491.75) | \$2,082,679.78   | \$164,441,809.15                   | 83.49                 | \$149,025,317.40                   | 75.66 |
| June   | \$32,502,151.81       | \$0.00  |                        | \$0.00            | \$32,502,151.81  | \$196,943,960.96                   | 100.00                | <del>\$181,527,469.21</del>        | 92.17 |
|  |                       |   |                        |                   |  | <b>\$196,943,960.96</b>            |                       |                                    |       |
|  |                       |   |                        |                   |  | <del><b>\$181,527,469.21</b></del> |                       |                                    |       |
|  |                       |   |                        |                   |  | <b>\$ 15,416,491.75</b>            |                       |                                    |       |
| ADE4403  |                       |   |                        |                   |  |                                    |                       | * See Page 4 for Adjustment Detail |       |



# FY2016 Expenditure Budget

## Tax Rate Factors– State Aid Rollover

SAIS APOR64-1

**Arizona Department of Education**  
 Equalization Assistance and Additional State Aid Detail

Apportionment Date : 06/15/2009

Report Date : 06/10/2009

Page : 2 of 4

Fiscal Year 2008 - 2009

10 02 01 Tucson Unified District

Additional State Aid

|  |                         |
|--|-------------------------|
| Secured                                      | \$ 33,027,284.70        |
| Adjustments to Additional State Aid SubTotal | \$ 0.00                 |
| Unsecured                                    | \$ 0.00                 |
| <b>Total</b>                                 | <b>\$ 33,027,284.70</b> |

Secured Property Payment Detail

| Month     | Monthly Apportionment | Adjustment Description | + | Adjustment Amount | = | Current Payment | YTD Total              | YTD % |
|-----------|-----------------------|------------------------|---|-------------------|---|-----------------|------------------------|-------|
| July      | \$2,599,295.19        |                        |   | \$0.00            |   | \$2,599,295.19  | \$2,599,295.19         | 8.33  |
| August    | \$0.00                |                        |   | \$0.00            |   | \$0.00          | \$0.00                 | 0.00  |
| September | \$2,602,415.60        |                        |   | \$0.00            |   | \$2,602,415.60  | \$5,201,710.79         | 16.67 |
| October   | \$2,599,295.19        |                        |   | \$0.00            |   | \$2,599,295.19  | \$7,801,005.98         | 25.00 |
| November  | \$0.00                |                        |   | \$0.00            |   | \$0.00          | \$0.00                 | 0.00  |
| December  | \$3,206,988.01        |                        |   | \$0.00            |   | \$3,206,988.01  | \$11,007,993.99        | 33.33 |
| January   | \$2,754,475.54        |                        |   | \$0.00            |   | \$2,754,475.54  | \$13,762,469.53        | 41.67 |
| February  | \$2,751,172.82        |                        |   | \$0.00            |   | \$2,751,172.82  | \$16,513,642.35        | 50.00 |
| March     | \$2,751,172.82        |                        |   | \$0.00            |   | \$2,751,172.82  | \$19,264,815.17        | 58.33 |
| April     | \$5,201,710.79        |                        |   | \$0.00            |   | \$5,201,710.79  | \$24,466,525.96        | 75.00 |
| May       | \$3,070,963.48        | See page 4.            |   | (\$3,070,963.48)  |   | \$0.00          | \$24,466,525.96        | 74.08 |
| June      | \$5,489,795.26        |                        |   | \$0.00            |   | \$5,489,795.26  | <b>\$29,956,321.22</b> | 90.70 |

|                        |
|------------------------|
| \$33,027,284.70        |
| -\$29,956,321.22       |
| <b>\$ 3,070,963.48</b> |

ADE4403



# FY2016 Expenditure Budget

## Tax Rate Factors— State Aid Rollover

SAIS APOR64-1

**Arizona Department of Education**  
 Equalization Assistance and Additional State Aid Detail  
 Fiscal Year 2008 - 2009

Apportionment Date : 06/15/2009

Report Date : 06/10/2009

Page : 4 of 4

10 02 01 Tucson Unified District

Equalization Assistance and Additional State Aid Adjustments

| Adjustment Type                        | Date       | Description  | Amount            |
|--|------------|--|-------------------|
| Equalization Assistance                | 12/15/2008 | Qwest lawsuit settlement - state aid portion                     | \$1,010,561.23    |
| Equalization Assistance                | 2/15/2009  | FY07 915 adjustment  | \$31,121.94       |
| Equalization Assistance                | 2/15/2009  | Laws 2009, 1st Special Session, Chapter 6 SCA Adj (SB1006)       | (\$1,309,298.94)  |
| Equalization Assistance                | 3/15/2009  | ARS 15-108 Early Graduation Scholarship Fund Adjustment          | (\$113,900.00)    |
| Equalization Assistance                | 3/15/2009  | FY2008 Growth Recalc Adjustment                                  | \$12,974.54       |
| Equalization Assistance                | 5/15/2009  | May Equalization Payment Adjustment for expanded FY2009 rollover | (\$15,416,491.75) |
| Secured Additional Monthly Adjustments | 5/15/2009  | May Equalization Payment Adjustment for expanded FY2009 rollover | (\$3,070,963.48)  |
| Equalization Assistance                | 6/15/2009  | FY2009 Delayed Interest Payment per session law                  | \$56,089.13       |

|                 |
|-----------------|
| \$15,416,419.75 |
| +\$3,070,963.48 |
| \$18,487,452.23 |

ADE4403





# FY2016 Expenditure Budget

## Primary Tax Rate Calculation

= Budgeted Expenditures  
(Budget limit set by formula in  
Budget Worksheets)  
+ Budget Increases  
(Carryover, Desegregation, etc.)  
= **Amount needed**

= Projected Year End Cash Balance  
+ Local Revenues  
(Tuition, prior taxes, interest)  
+ State & County Equalization  
(set by formula in Budget  
Worksheets using QTR\*)  
= **Amount available**

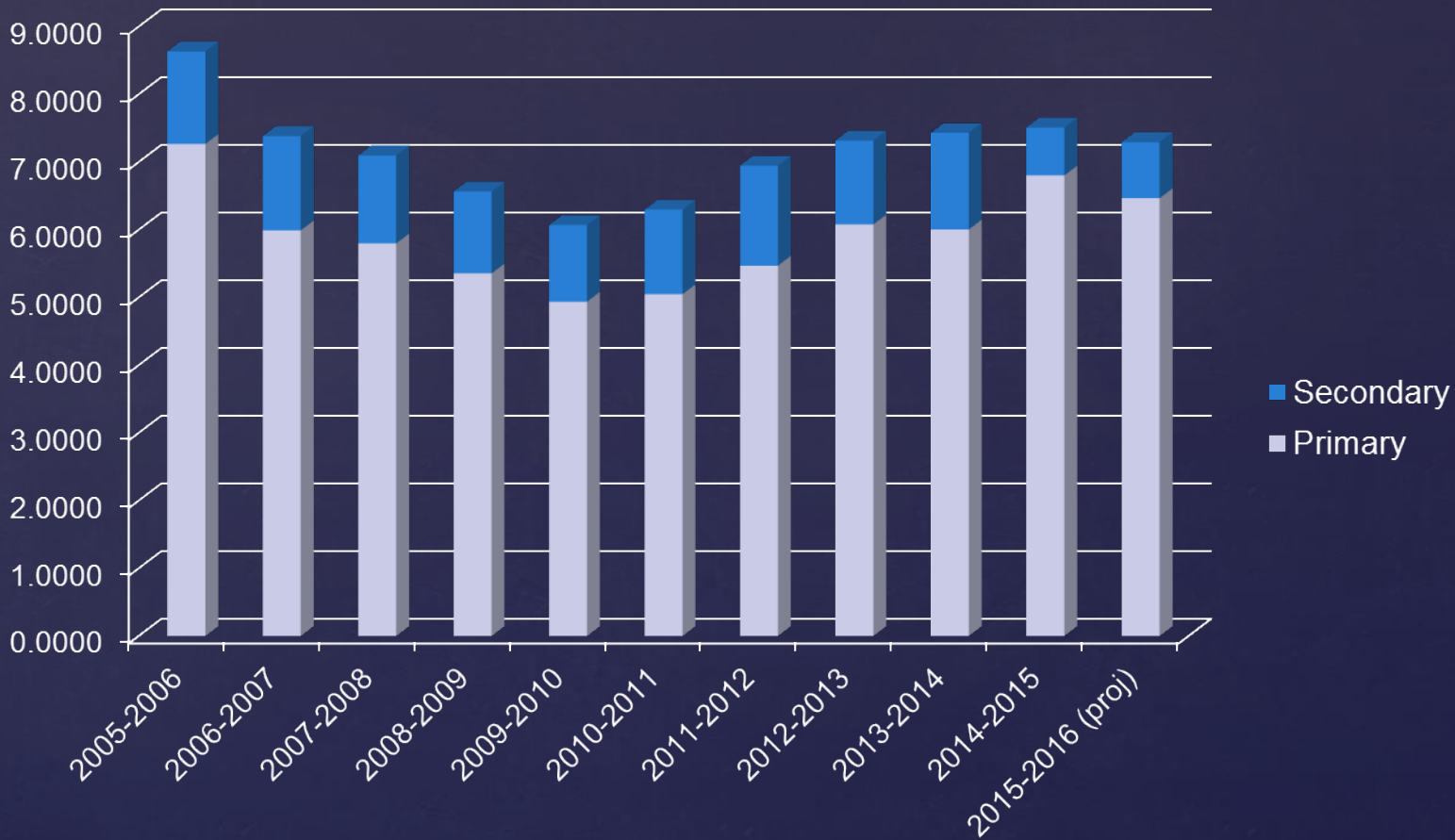
Amount needed – Amount available = Local Levy (property taxes)

Tax rate is calculated by dividing Local Levy by Assessed Value / 100

\*QTR – Qualifying Tax Rate set by the Joint Legislative Budget Committee and is used to determine the amount of Equalization the district will receive

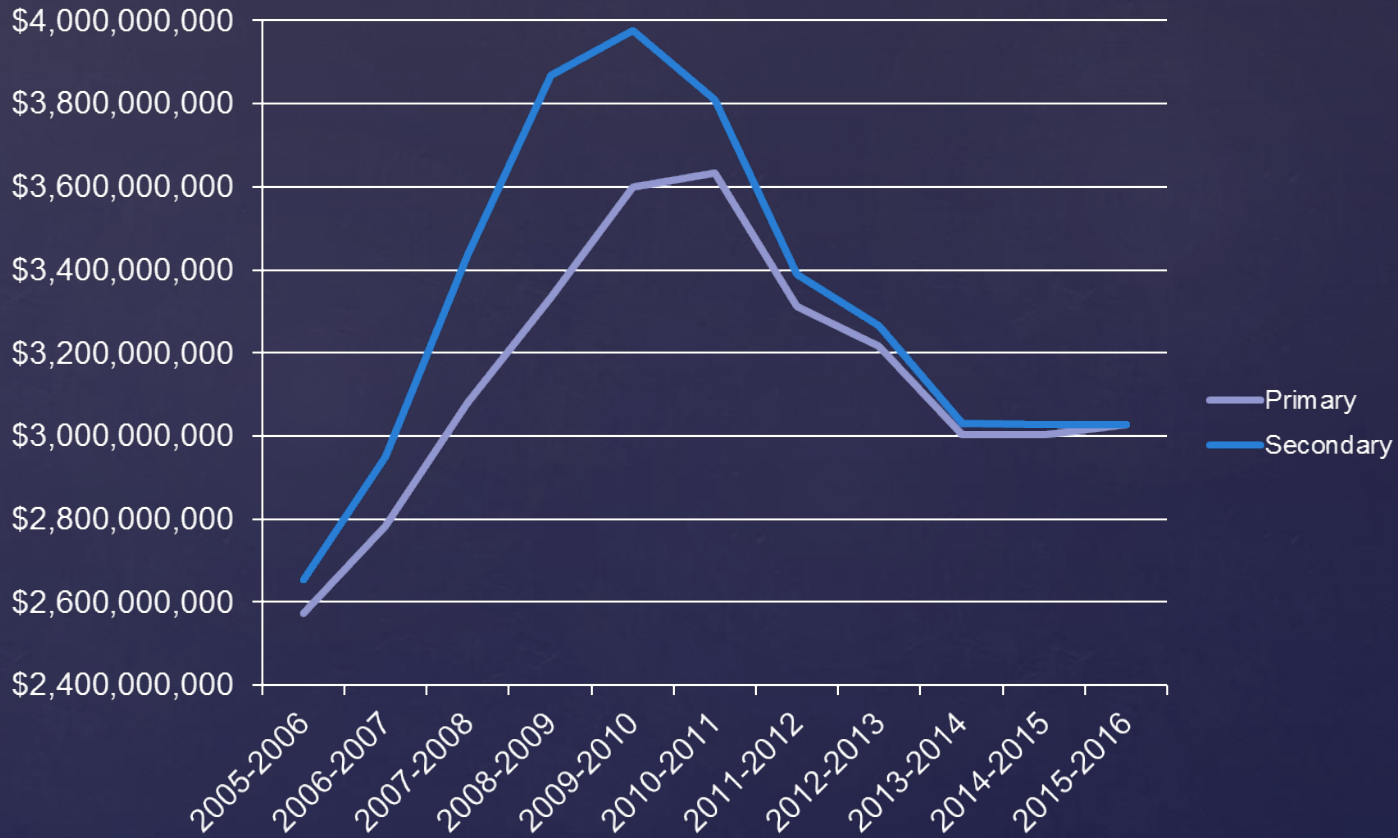
# FY2016 Expenditure Budget

## TUSD Tax Rate Information 2006-2016



# FY2016 Expenditure Budget

## TUSD Assessed Valuation 2006-2016



# FY2016 Expenditure Budget

The Expenditure Budget contains categories from which school districts can expend monies. These categories (funds) fall into these major classifications:

- Maintenance & Operation
- Classroom Site Fund
- District Additional Assistance Fund
- Special Revenue Funds (Federal/State Projects)
- Instructional Improvement Fund
- Other Funds
- Internal Service Funds

# Maintenance & Operation Fund Page 1, Line 31

|                                      |              |                      |
|--------------------------------------|--------------|----------------------|
| <b>FY2015 M&amp;O Budget Limit *</b> |              | <b>\$298,537,424</b> |
| <b>FY2016 M&amp;O Budget Limit *</b> |              | <b>\$301,776,170</b> |
| <b>Difference</b>                    | <b>+1.1%</b> | <b>\$3,238,746</b>   |

The Maintenance & Operation Budget is the budget where much of the day to day expenditures take place. Typical expenditures include salaries, benefits, supplies, utilities, maintenance & repair, and other non-capital expenditures.

M&O fund includes Desegregation (\$59,611,047, Line 26), K-3 Move on when Reading (\$401,744, Line 28) and Dropout Prevention (\$767,410, Line 30).



# Classroom Site Funds-Prop 301 Page 3, Line 40

|                               |               |                     |
|-------------------------------|---------------|---------------------|
| <b>FY2015 Budget</b>          |               | <b>\$28,637,918</b> |
| <b>FY2016 Proposed Budget</b> |               | <b>\$32,290,718</b> |
| <b>Difference</b>             | <b>+13.1%</b> | <b>\$3,752,800</b>  |

All monies must be spent in accordance with the district's approved Prop 301 Plan

|  |
|--|
| <b>Fund 011 = 20% <u>Teacher Base Pay</u></b>            |
| <b>Fund 012 = 40% <u>Teacher performance payment</u></b> |
| <b>Fund 013 = 40% <u>Other</u></b>                       |



# Unrestricted Capital Outlay Fund

Page 4, Line 10

|                                |               |                     |
|--------------------------------|---------------|---------------------|
| <b>FY2015 Budget*</b>          |               | <b>\$28,215,096</b> |
| <b>FY2016 Proposed Budget*</b> |               | <b>\$20,842,581</b> |
| <b>Difference</b>              | <b>-26.1%</b> | <b>-\$7,372,515</b> |

Unrestricted Capital Fund is the DAA level of funding which the District may utilize for Capital purposes. Allowable expenses include Textbooks, Library Books, Instructional Aids, Land & Building Improvements, Vehicles, Furniture & Equipment, Technology Equipment, Capital Leases

DAA fund includes Desegregation (\$4,100,000), and K-3 Move on when Reading (\$1,561,445)



# TUSD Current Capital Lease Obligations

FY2014-2015 \$11.3M

FY2015-2016 \$10.7M

FY2016-2017 \$9.2M

FY2017-2018 \$7.4M

FY2018-2019 \$3.3M

FY2019-2020 \$2.8M

Include ITIMI Project, Energy Performance Contract, School Buses, Computers, Instructional Software (Successmaker)



# TUSD Other Capital Needs

## Amount needed in FY2015-2016 Budget

|   |        |
|---|--------|
| Textbooks/<br>Instructional Aids                                  | \$1.8M |
| Building Maintenance/<br>Site Improvements                        | \$1.4M |
| Technology Equipment<br>Software/License Renewals                 | \$3.0M |
| Other Equipment Needs<br>Custodial/Grounds/Vehicles/Health/Safety | \$1.3M |

# Special Projects-Federal & State Page 6, Line 29

|                               |               |                     |
|-------------------------------|---------------|---------------------|
| <b>FY2015 Budget</b>          |               | <b>\$69,387,963</b> |
| <b>FY2016 Proposed Budget</b> |               | <b>\$69,287,963</b> |
| <b>Difference</b>             | <b>-0..9%</b> | <b>-\$100,000</b>   |

**Federal & State Projects** The majority of these funds are administered through the Arizona Department of Education available to School Districts via an application process (Require eligibility and strict compliance)

# Instructional Improvement Fund Page 6, Line 5

|                               |                    |
|-------------------------------|--------------------|
| <b>FY2015 Budget</b>          | <b>\$2,500,000</b> |
| <b>FY2016 Proposed Budget</b> | <b>\$2,500,000</b> |
| <b>Difference</b>             | <b>\$0</b>         |

This fund is similar to the Classroom Site Fund – however, revenues determine Budget total. No revenue projections are provided by the State. Fluctuations in district projected revenues will cause an increase or decrease in Budget Total.

Monies are used to partially fund Full Day Kinder Program in accordance with A.R.S.15-979

# Other Funds

Page 6, Lines 1-36

|                                |               |                      |
|--------------------------------|---------------|----------------------|
| <b>FY2015 Budget*</b>          |               | <b>\$122,274,500</b> |
| <b>FY2016 Proposed Budget*</b> |               | <b>\$104,859,500</b> |
| <b>Difference</b>              | <b>-14.2%</b> | <b>-\$17,415,000</b> |
|                                |               |                      |
| Student Success Fund           |               | -\$915,000           |
| Energy and Water Savings Fund  |               | -\$19,000,000        |
| Worker's Compensation Fund     |               | \$2,500,000          |

**Other Funds - Special Revenue Funds** serve a specific purpose determined by the USFR whose budget is controlled by cash flow

# Internal Service Funds Page 6, Lines 1-4

|                               |                     |
|-------------------------------|---------------------|
| <b>FY2015 Budget</b>          | <b>\$36,300,000</b> |
| <b>FY2016 Proposed Budget</b> | <b>\$36,300,000</b> |
| <b>Difference</b>             | <b>\$0</b>          |

## Internal Service Funds

Funds used to account for the cost of providing certain goods and services within the district whose budget is controlled by cash flow.

Funds Include:

Employee Insurance (Premiums collected to pay Insurance Trust),

Print Shop Services

Intergovernmental Agreements

# Budgeted Expenditures - All Funds

|                               |                      |
|-------------------------------|----------------------|
| <b>FY2015 Budget</b>          | <b>\$585,852,901</b> |
| <b>FY2016 Proposed Budget</b> | <b>\$567,956,932</b> |
| <b>Difference</b>             | <b>-\$17,895,969</b> |



# FY2016 Desegregation Expenditure Budget (ADE)

|                                    |              |
|------------------------------------|--------------|
| *FY2015 M&O Deseg Budget (Line 44) | \$55,711,047 |
| *FY2016 M&O Deseg Budget (Line 44) | \$59,611,047 |
| Difference                         | \$3,900,000  |

|  |              |
|--|--------------|
| *FY2015 Capital Deseg Budget (Line 70) | \$8,000,000  |
| *FY2016 Capital Deseg Budget (Line 70) | \$4,100,000  |
| Difference                             | -\$3,900,000 |

|                            |              |
|----------------------------|--------------|
| *FY2015 Total Deseg Budget | \$63,711,047 |
| *FY2016 Total Deseg Budget | \$63,711,047 |
| Difference                 | \$0          |

# USP Budget – FY2016 Changes

- Absorbed Overhead Costs into M&O - \$5M
- Absorbed entire impact of October 2014 order
  - 8.8 FTE Magnet Fine Arts Teachers (11.1 FTE in 2016)
  - 19 Dual Language Teachers
  - 9.64 FTE Social Workers
  - 4.85 FTE Psychologists

## Cost impact

FY2015 – 1 Semester only - \$1.7M

FY2016 – Entire year - \$3M

- Magnet plans – increased by \$2.5M

# USP Budget – FY2016 Changes

- Budget Criteria Review process required the conversion & tracking from 14 Projects to 65 Activity codes. This required prior year information to be cross walked for audit and budget reporting purposes. Data is not comparable because mathematical calculations had to be used for cross walk method.
- Budget Criteria Review process required three separate drafts of the USP budget to be submitted for review and comment.
  - First draft due 2/28/15.
  - Second draft due 3/23/15
  - Third draft due 4/27/15
  - Each draft subject to feedback from SMP and Plaintiffs



Budget is still under review and subject to revision

# USP Budget Format – Project Codes

| ACCOUNT DESCRIPTION               | FY2013-2014 | FY2014-2015 | DIFFERENCE  |
|-----------------------------------|-------------|-------------|-------------|
| Project 1 Personnel               | 526,296     | 413,401     | (112,895)   |
| Project 2 Student Assignment      | 8,409,810   | 10,588,102  | 2,178,293   |
| Project 3 Transportation          | 8,612,937   | 9,337,929   | 724,992     |
| Project 4 ALEs                    | 5,875,365   | 5,555,024   | (320,341)   |
| Project 5 Achievement Support     | 8,956,716   | 7,872,136   | (1,084,580) |
| Project 6 Inclusive Environments  | 4,657,203   | 3,153,694   | (1,503,509) |
| Project 7 Discipline & ECA        | 2,025,082   | 1,938,694   | (86,388)    |
| Project 8 Family Engagement       | 722,548     | 677,557     | (44,990)    |
| Project 9 Facilities Access       | 819,755     | 1,774,985   | 955,230     |
| Project 10 Technology Access      | 547,013     | 588,000     | 40,987      |
| Project 11 General Administration | 8,423,740   | 8,100,715   | (323,025)   |
| Project 12 Prof. Development      | 1,961,408   | 1,943,291   | (18,117)    |
| Project 13 Monitoring/Reporting   | 1,410,065   | 1,950,878   | 540,813     |
| Project 14 ELL /OCR               | 10,437,535  | 9,350,874   | (1,086,661) |



# USP Budget Format – Project Codes

| Project# | Activity  | USP Section(s)         | Activity# |
|----------|---|------------------------|-----------|
| 1        | IV.1 Hire or Designate USP Positions                  | All                    | 0401      |
| 1        | IV.2 Outreach, Recruitment, Retention Plan            | IV.C.3                 | 0402      |
| 1        | IV.3 Interview Committees/Instrument/App Pool         | IV.D.1-3, IV.B.1       | 0403      |
| 1        | IV.4 Evaluate Applicant Offer Rejections              | IV.D.4                 | 0404      |
| 1        | IV.5 Diversity Assignment                             | IV.E.1-4               | 0405      |
| 1        | IV.6 Experience Assignment                            | IV.E.5                 |           |
| 1        | IV.7 Retention  | IV.F.1.a-c             |           |
| 1        | IV.8 Reduction in Force (RIF) Plan                    | IV.G                   |           |
| 2        | II.1 Comprehensive Boundary Plan                      | II.D.2-3               |           |
| 2        | II.2 Comprehensive Magnet Plan                        | II.E.3                 |           |
| 2        | II.3 Application and Selection Process (+APOS)        | II.D.4, I.G.1, II.G.2  |           |
| 2        | II.4 Marketing, Outreach, and Recruitment Plan        | II.I.1, III.A.5, VII.B |           |
| 2        | II.5 Student Assignment PD                            | II.J.1                 |           |
| 3        | III.1 Magnet Transportation                           | III.A.3                |           |
| 3        | III.2 Incentive Transportation                        | III.A.3                |           |
| 4        | V.1 ALE Access and Recruitment Plan                   | V.A.2-4                |           |
| 4        | V.2 UHS Admissions/Outreach/Recruitment               | V.A.5                  |           |
| 4        | V.3 Pursue OELAS Extension                            | V.B.1                  |           |
| 4        | V.4 Build/Expand Dual Language Programs               | V.C.1                  |           |
| 4        | V.5 Placement Policies and Practices                  | V.D.1                  |           |
| 5        | V.6 Dropout Prevention and Retention Plan             | V.E.2.b-c              |           |
| 5        | V.7 Data Dashboard (Flags and Policies)               | V.E.3                  |           |
| 5        | V.11 Targeted Academic Interventions and Supports     | V.E.7.a-c, & f; V.E.   |           |
| 5        | V.12 Quarterly Information Events                     | V.E.7.d, V.E.8.d       |           |
| 5        | V.13 Collaborate with Local Colleges and Universities | V.E.7.e, V.E.8.e       |           |
| 5        | V.14 AAAATF Recommendations                           | V.E.7.g & i            |           |
| 5        | V.15 Referrals, Evaluations, and Placements           | V.F.1                  |           |
| 6        | V.8 CRC and Student Engagement PD                     | V.E.4.c                |           |
| 6        | V.9 Multicultural Curriculum                          | V.E.6.a.i              |           |
| 6        | V.10 Culturally Relevant Courses                      | V.E.6.a.ii             |           |
| 6        | V.16 Supportive and Inclusive Environments            | V.F.2.a-c, V.F.3.V.    |           |

| Project# | Activity                                       | USP Section(s)              | Activity# |
|----------|--|-----------------------------|-----------|
| 7        | VI.1 Restorative Practices and PBIS (RPPSCs)   | VI.B.1, VI.C.1-2, VI.E.1    | 0601      |
| 7        | VI.2 GSRR                                      | VI.B.2.a-c, VI.D.1-2        | 0602      |
| 7        | VI.3 Student Discipline Training for Sites     | VI.E.2                      | 0603      |
| 7        | VI.4 Discipline Roles and Responsibilities     | VI.E.3 & 5                  | 0604      |
| 7        | VI.5 Discipline Data Monitoring                | VI.E.4, VI.F.1-2, 6         | 0605      |
| 7        | VI.6 Corrective Action Plans                   | VI.F.2 & 5                  | 0606      |
| 7        | VI.7 Successful Site-Based Strategies          | VI.F.3-4                    | 0607      |
| 7        | VIII.1 Extracurricular Equitable Access Plan   | VIII.A, III.A.2             | 0801      |
| 7        | VIII.2 Data Reporting System (Extracurricular) | VIII.B                      | 0802      |
| 8        | VII.1 Family Center Plan                       | VII.C.1.a, e-g, VIID.1      | 0701      |
| 8        | VII.2 Family Engagement Resources              | VII.C.1.d                   | 0702      |
| 8        | VII.3 Tracking Family Engagement               | VII.C.1.c                   | 0703      |
| 8        | VII.4 Translation and Interpretation Services  | VIID                        | 0704      |
| 9        | IX.1 Multi-Year Facilities Plan                | IX.A.1-3                    | 0901      |
| 10       | IX.2 Multi-Year Technology Plan                | IX.B.1-3                    | 0902      |
| 10       | IX.3 Technology PD for Classroom Staff         | IX.B.4                      | 0903      |
| 11       | I.1 Internal Compliance Monitoring             | All, X.D.1; X.B.6; II.I.1.b | 0101      |
| 11       | I.2 Annual Report                              | All                         | 0102      |
| 11       | I.3 Court Orders and Miscellaneous             | All                         | 0103      |
| 11       | X.3 Budget Process and Development             | X.B.1-5                     | 1003      |
| 11       | X.4 Budget Audit                               | X.B.7                       | 1004      |
| 11       | X.5 Notice and Request for Approval            | X.C                         | 1005      |
| 12       | IV.9 USP-Related PD and Support                | IV.B.3                      | 0409      |
| 12       | IV.10 First-Year Teacher Pilot Plan            | IV.E.6                      | 0410      |
| 12       | IV.11 Evaluation Instruments                   | IV.H.1                      | 0411      |
| 12       | IV.12 New Teacher Induction Program            | IV.I.1                      | 0412      |
| 12       | IV.13 Teacher Support Plan                     | IV.I.2, IV.J.4              | 0413      |
| 12       | IV.14 Aspiring Leaders Plan                    | IV.I.3                      | 0414      |
| 12       | IV.15 PLC Training                             | IV.I.4                      | 0415      |
| 12       | IV.16 USP Training Plan                        | IV.J.1-3                    | 0416      |
| 12       | IV.17 Ongoing PD on Hiring Process             | IV.J.5                      | 0417      |
| 12       | IV.18 Observations of Best Practices           | IV.J.6                      | 0418      |
| 13       | X.1 EBAS Implementation                        | X.A.1-2                     | 1001      |
| 13       | X.2 EBAS Training and Evaluation               | X.A.3-4                     | 1002      |
| 14       | OCR  |                             | 104       |



# USP Budget Recommendations and Changes

\*Recommendations in yellow were received after the District's June 18 Submission of the Final Draft Budget and Cover Letter

Subsequent to June 18, 2015, District staff held teleconferences with the Special Master, Fisher Plaintiffs, and Mendoza Plaintiffs to clarify any remaining issues, and to ensure mutual understanding of each party's final recommendations.

Based on the teleconference discussions, and based on subsequent communications, the District took additional steps to ensure that the final recommendations are accurate as presented to the Governing Board on July 14, 2015.



Budget is still under review and subject to revision

# USP Budget Recommendations and Changes

## I. DISTRICT-INITIATED CHANGES BETWEEN DRAFT 3 AND FINAL VERSION

COMPREHENSIVE BOUNDARY PLAN [USP Budget Code 201]

MORE PLAN [USP Budget Code 204]

ORR PLAN [USP Budget Codes 402]

TEACHER EVALUATION [USP Budget Codes 411]

ALE [USP Budget Code 501]

GENERAL / EBAS [USP Budget Codes 101 and 1001]



Budget is still under review and subject to revision



# USP Budget Recommendations and Changes

## II. SPECIAL MASTER AND PLAINTIFF RECOMMENDATIONS ACCEPTED BY THE DISTRICT

Recommendation 1 (Fisher and Mendoza Plaintiffs 3/26/15) – Implement Mandatory GATE Testing.

Recommendation 2 (Fisher Plaintiffs 3/26/15) – Eliminate 910(G) Funding for the UHS LSC/Recruiter.

Recommendation 3 (Mendozas 5/7/15) – Eliminate 910(G) Funding for Non-Theme-Related Music and Art Teachers in Magnet Schools.

Recommendation 4 (Mendozas 5/7/15 and 6/4/15) – Do Not Expand LSCs from 55.5 to 65.

Recommendation 5 (Mendoza 5/7/15; Special Master 5/19/15) – 910(G) Fine Arts Expenditures.

Recommendation 6 (Mendoza 5/17/15 ) – Reduce Funding for Transportation.

Recommendation 7 (DOJ 5/8/15) – Specify Funding for In-School Intervention / Life Skills Expansion (DPG Plan):

Recommendation 8 (Special Master 5/19/15) – Justify or Remove Funding for Deseg-Funded Preschools:

# USP Budget Recommendations and Changes

## III. SPECIAL MASTER AND PLAINTIFF RECOMMENDATIONS NOT ACCEPTED BY THE DISTRICT

Recommendation 1 (Mendoza 5/7/15) – Eliminate 910(G) Funding for Utterback Attendance Clerk.

Recommendation 2 (Mendoza 5/7/15)– Split Fund Family Engagement Director Between 910(G) and Title I.

### **Recommendation 3 (Fisher 6/25/15) – Place LSCs Back in Classrooms, Especially in Schools with an Achievement Gap for Minority Students**

Response: TUSD is in the process of evaluating LSC effectiveness and, based on the results of said evaluation, will determine whether to maintain LSCs at their current function, eliminate LSCs altogether, or modify the functions of LSCs.

# USP Budget Recommendations and Changes

## IV. PLAINTIFFS' FINAL RECOMMENDATIONS RECEIVED JULY 13, 2015

### Mendoza Plaintiffs

Align the budget entries to the 910(G) funding at the individual magnet schools

Provide additional funding for Holladay, Ochoa, Robison, and Utterback directed at enhancing achievement and improving integration

Allocate additional funding to expand dual language programs

Allocate additional funding for family engagement

Object to the use of 910(G) funds for consultants and related activities in anticipation of a "November 2016 bond" (in the absence of a showing that these expenditures directly support a portion of the facilities plan intended to ensure equal access to facilities at Racially Concentrated schools)

Reduce and/or justify OMA/Fine Arts/Multicultural allocations

# USP Budget Recommendations and Changes

## IV. PLAINTIFFS' FINAL RECOMMENDATIONS RECEIVED JULY 13, 2015

### Fisher Plaintiffs

The Director of Planning Services position should not be fully funded by desegregation funds

Separate UHS funding allocations to indicate the percentages that support the USP versus the percentages that support out-of-district students

Eliminate magnet coordinators at Ochoa, Cragin, Mansfeld, and Robison

Reduce the 910(G) funding level for GATE classes

Eliminate 910(G) funding for ISI/DAEP and convert it to funding for additional training related to disproportionate suspension

Eliminate 910(G) funding for the Pan Asian Studies Department

Questions?





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\*Recommendations in red were received after the District's June 18 Submission of the Final Draft Budget and Cover Letter (which included all recommendations below except those in red). Subsequent to June 18, 2015, District staff held teleconferences with the Special Master, Fisher Plaintiffs, and Mendoza Plaintiffs to clarify any remaining issues, and to ensure mutual understanding of each party's final recommendations. Based on the teleconference discussions, and based on subsequent communications, the District took additional steps to ensure that the final recommendations are accurate as presented to the Governing Board on July 14, 2015.

**I. SPECIAL MASTER AND PLAINTIFF RECOMMENDATIONS ACCEPTED BY THE DISTRICT**

Over the past few months, the District has received comments, concerns, questions, and understandings from the Special Master and Plaintiffs. The District hereby makes a good faith effort to identify the recommendations (either directly stated or implied) based on the communications received. On Monday June 22, 2015, we will discuss the following recommendations with the Plaintiffs and Special Master to ensure mutual understanding:

**Recommendation 1 (Fisher and Mendoza Plaintiffs 3/26/15) – Implement Mandatory GATE Testing.**

Response: The District has agreed to fund testing for all students in two grades for GATE participation for SY 2015-16 as part of Activity 501.

**Recommendation 2 (Fisher Plaintiffs 3/26/15) – Eliminate 910(G) Funding for the UHS LSC/Recruiter.**

Response: The District will not fund the UHS LSC/Recruiter with 910(G) funds for SY 2015-16.

**Recommendation 3 (Mendozas 5/7/15) – Eliminate 910(G) Funding for Non-Theme-Related Music and Art Teachers in Magnet Schools.**

Response: The District has transferred funding for non-theme-related band and orchestra teachers in magnet schools from 910(G) to other District funds.

**Recommendation 4 (Mendozas 5/7/15 and 6/4/15) – Do Not Expand LSCs from 55.5 to 65.**

Response: The District will not expand LSCs from 55.5 to 65 positions for SY 2015-16.

**Recommendation 5 (Mendoza 5/7/15; Special Master 5/19/15) – 910(G) Fine Arts Expenditures.**





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Response: The District “fine arts” expenditures are supported by M&O and other District funds. The District will continue to supplement fine arts by offering OMA with 910(G) funds.

**Recommendation 6 (Mendoza 5/17/15) – Reduce Funding for Transportation.**

Response: The District reduced 910(G) funding for bus passes were reduced by \$200,000 (\$100,000 each for activity codes 301 and 302). The District further reduced other 910(G) transportation costs by an additional \$270,000. In total, the District reduced approximately \$470,000 from the 910(G) transportation allocations.

**Recommendation 7 (DOJ 5/8/15) – Specify Funding for In-School Intervention / Life Skills Expansion (DPG Plan):**

Response: The District is funding approximately \$900,000 to support the In-School Intervention (ISI) program (see section titled “Positive Alternatives to Suspension”), and by adding approximately \$450,000 to expand the Life Skills Alternative to Suspension Program (renamed the District Educational Alternative Program “DAEP” at the high school level) beyond the description in the Dropout Prevention and Graduation Plan (see section titled “Positive Alternatives to Suspension”).

**Recommendation 8 (Special Master 5/19/15) – Justify or Remove Funding for Deseg-Funded Preschools:**

Response: The District eliminated these positions. In SY 2013-14, the Mendoza Plaintiffs brought attention to the limited funds allocated to increasing student access to early childhood programs. In response, the Special Master recommended that the District examine the feasibility of further expanding such programs. In response to the Special Master recommendation, the District created three preschools, located at elementary sites with relatively large Latino and/or African American student populations. In the wake of new objections, these positions are being eliminated. As a result of eliminating these positions, these programs have been discontinued.





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**III. SPECIAL MASTER AND PLAINTIFF RECOMMENDATIONS NOT ACCEPTED BY THE DISTRICT**

Recommendations provided to the District by the Special Master and Plaintiffs, but not accepted by the District, are listed below:

**Recommendation 1 (Mendoza 5/7/15) – Eliminate 910(G) Funding for Utterback Attendance Clerk.**

Response: The District funds a second attendance clerk at Utterback from M&O as it does at other schools, the 910(G)-funded clerk supplements funding provided by M&O. The Utterback has unique magnet-related needs justifying a 910(G)-funded attendance clerk (high mobility rate, high percentage of magnet students)

**Recommendation 2 (Mendoza 5/7/15) – Split Fund Family Engagement Director Between 910(G) and Title I.**

Response: In SY 2015-16, the District will fund this USP-mandated position with 910(G) funds.

**Recommendation 3 (Fisher 6/25/15) – Place LSCs Back in Classrooms, Especially in Schools with an Achievement Gap for Minority Students**

Response: TUSD is in the process of evaluating LSC effectiveness and, based on the results of said evaluation, will determine whether to maintain LSCs at their current function, eliminate LSCs altogether, or modify the functions of LSCs.



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**IV. PLAINTIFFS' FINAL RECOMMENDATIONS RECEIVED JULY 13, 2015**

**Mendoza Plaintiffs**

- 1. Align the budget entries to the 910(G) funding at the individual magnet schools**
- 2. Provide additional funding for Holladay, Ochoa, Robison, and Utterback directed at enhancing achievement and improving integration**
- 3. Allocate additional funding to expand dual language programs**
- 4. Allocate additional funding for family engagement**
- 5. Object to the use of 910(G) funds for consultants and related activities in anticipation of a "November 2016 bond" (in the absence of a showing that these expenditures directly support a portion of the facilities plan intended to ensure equal access to facilities at Racially Concentrated schools)**
- 6. Reduce and/or justify OMA/Fine Arts/Multicultural allocations**

**Fisher Plaintiffs**

- 7. The Director of Planning Services position should not be fully funded by desegregation funds**
- 8. Separate UHS funding allocations to indicate the percentages that support the USP versus the percentages that support out-of-district students**
- 9. Eliminate magnet coordinators at Ochoa, Cragin, Mansfeld, and Robison**
- 10. Reduce the 910(G) funding level for GATE classes**
- 11. Eliminate 910(G) funding for ISI/DAEP and convert it to funding for additional training related to disproportionate suspension**
- 12. Eliminate 910(G) funding for the Pan Asian Studies Department**

# **ЕХНІВІТ 3**

**DECLARATION OF ANNA MAIDEN  
IN SUPPORT OF TUSD’S RESPONSE TO PLAINTIFFS’ OBJECTIONS  
AND SPECIALS MASER’S RECOMMENDATIONS RE THE 2015-16 USP  
BUDGET**

I, Anna Maiden, declare under penalty of perjury that the following statements are true:

1. I have served as the Chief Human Resources Officer (CHRO) for Defendant Tucson Unified School District No. One (“TUSD”) since January 2014. I have personal knowledge of the facts stated herein.

2. The District did not institute a “hiring freeze” of USP positions during the 20-14-15 school year. As I explained in the District’s May 29, 2015 response to Mr. Salter’s request for information,

*In August, Administration made the decision since school had already started, it was more important we maintain classroom teachers with students and that any out of classroom positions that most likely would be filled by a teacher, should be put on hold... In order to support the schools, we did bring back a number of retired administrators and told staff these positions would be reposted in the spring so teachers could compete for them.*

**See Exhibit A, District 5/29/15 Response to Fisher 5/14/15 Request for Information.**

3. In August, District Administration made the decision that it was vital that the District maintain classroom teachers (as many classrooms had long-term substitutes due to teacher shortages), and that any out-of-classroom positions that most likely would be filled by an existing classroom teacher should be put on hold. This did not mean that the District stopped hiring for USP positions, only that existing classroom teachers could not apply for these positions for a temporary period of time.

4. In order to support the schools, and the work of the USP, the District worked diligently to invite back a number of retired administrators, and communicated to existing classroom teachers that these positions would be reposted in the spring so teachers could compete for them.

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

DATED this 1<sup>st</sup> day of September, 2015.

A handwritten signature in black ink, appearing to read 'Anna Maiden', written over a horizontal line.

Anna Maiden

# **EXHIBIT A**

**Submitted by:** Anna Maiden, HR

**Submission Date:** 05/29/2015

-----Information above this line is to be completed by District Staff -----

## Request for Information Form

Information Request  Please Expedite

|                      |                                  |
|----------------------|----------------------------------|
| <b>Submitted by:</b> | Rubin Salter, Jr.                |
| <b>Date:</b>         | May 14, 2015                     |
| <b>Related to:</b>   | TUSD Hiring Freeze TUSD RFI #152 |

### Request #1: Hiring Freeze

(A) Has the District instituted a hiring freeze?

TUSD Response: No.

(B) If so, what date did the hiring freeze begin?

TUSD Response: There is no freeze

(C) What date does the District anticipate the freeze to end?

TUSD Response: There was no freeze

(D) Does this hiring freeze apply to all personnel, or only specific departments or individuals?

TUSD Response: No

(E) If the hiring freeze does not apply to all personnel, which department or departments are not covered by the hiring freeze?

TUSD Response: There is no hiring freeze

In August, Administration made the decision since school had already started, it was more important we maintain classroom teachers with students and that any out of classroom positions that most likely would be filled by a teacher, should be put on hold.



A short e-mail was sent to the HR staff (a copy of it is below) I am not aware of any other written communication on this matter.

In order to support the schools, we did bring back a number of retired administrators and told staff these positions would be reposted in the spring so teachers could compete for them.

Listed below are some of the individuals hired to fill these types of vacancies:

Joe Hermann – Warren  
Tony Quijada – Lawrence  
Marcia Volpe – Pistor  
Andrew Kent – Erickson  
Dr. Lorraine Richardson – Dietz  
Theresa Sonnleitner – Marshall  
Don Calhoun – Utterback  
Herbert Springs – Utterback  
Yolanda Torres – Utterback  
Jeanette Fackler – Utterback  
Shelly Duran – Grijalva  
Amy Horton – Davidson  
Frank Moraga – Pueblo, THMS, Palo Verde  
Christianne Henning – Fruchthendler  
Ruth Ottley -- Grijalva

(See copy of 8/11/14 email to HR staff, attached)

**Sent:** Monday, August 11, 2014 7:59 AM

**Subject:** Message from Anna Maiden - Out of Classroom Positions

**Importance:** High

HR Staff,

Effective today, all “out of classroom” positions have been put on hold. The types of positions will include:

Counselors  
LSC  
Teacher Mentor  
Teacher Coach  
Librarian  
Magnet Coordinator  
Interventionist

I am sure I have missed some so if you have any questions, please let me know. If you have screened any of these positions, please let applicants know the position has been put on hold until later in the semester or after the first of the year.

Janet Rico-Uhrig will write a short letter advising these applicants that once the positions are reposted they will need to reapply because we are converting to a new applications system and information in the old system will not be maintained. Janet will ensure the letter is in SIGMA with your help so you can all use the same letter.

I apologize for not letting you know sooner, I thought this information was provided to you.

Anna

Anna Maiden | Chief Human Resources Officer  
Tucson Unified School District - Human Resources  
1010 E 10th Street, Tucson, AZ 85719  
(520) 225-6035 - Human Resources Customer Service  
(520) 225-6029 Direct | (520) 798-8683 – FAX

# **EXHIBIT 4**

**DECLARATION OF VICTORIA CALLISON  
IN SUPPORT OF TUSD’S RESPONSE TO PLAINTIFFS’ OBJECTIONS  
AND SPECIALS MASER’S RECOMMENDATIONS RE THE 2015-16 USP  
BUDGET**

I, Victoria Callison, declare under penalty of perjury that the following statements are true:

1. I have served as the Director of Magnet Schools and Programs for Defendant Tucson Unified School District No. One (“TUSD”) since approved by the Governing Board May 8, 2012. I have personal knowledge of the facts stated herein.

2. The District’s initial Magnet Plan for 2013-15 included proposals for three new dual-magnet programs at Catalina High School, Dietz K-8 School, and Kellond or Hudlow Elementary School. The District’s proposal included an eastside pipeline that would work in conjunction with a westside pipeline to ultimately enroll all dual-language students at Catalina High School – an integrated school with a high refugee population and a confluence of spoken languages. **See Exhibit A, Magnet Plan 2013-15, page 12 and Appendices “E” and “F”**

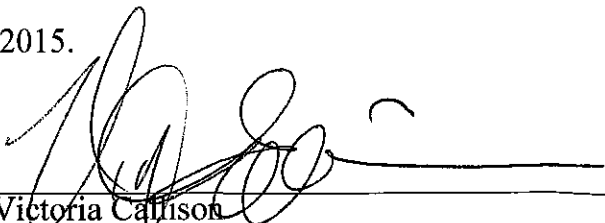
3. Though the District developed the proposal with dual USP-related goals of adding three additional dual-language programs, and offering hundreds of additional students an opportunity to attend an integrated school at Catalina High School, the Mendoza Plaintiffs objected to the new dual-language programs because of their placement at schools that were already integrated. **See Exhibit B, Mendoza Objections to Draft Magnet Plan 2013-15, September 2013 (see highlights on pages 4, 7-9).**

4. In response to the Mendoza objections, joined by the Special Master, the District abandoned its efforts to build a dual-language pipeline that would have added three additional dual-language magnet programs, and would have likely resulted in hundreds of additional students attending an integrated school at Catalina High School.

5. In working with the District to develop the CMP, the Special Master recommended that for “schools at risk of losing magnet status because they are C or D schools, funding should prepare them to engage in continuous school improvement (CSI)....” The District has done exactly that. **See Exhibit C, Dr. Hawley Memo on Suggestions for CMP (see highlights on page 1).**

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

DATED this 1<sup>st</sup> day of September, 2015.

  
Victoria Callison

# **EXHIBIT A**



# MAGNET PLAN

Delivering Excellence In Education Everyday

Tucson Unified Magnet Office



# 2013-2015

“The District shall, to the extent practicable, implement elements of the Plan in the 2013-2014 school year, and shall fully implement the Plan in the 2014-2015 school year.”

**USP Section II(E)(4)**



## D. Specific Strategies for Consideration for 2015-16 and Beyond

The following strategies are included for consideration only. If adopted, the strategies may be initiated during SY 2013-14 in order to give adequate time to phase in programs to be in place by SY 2015-16. These strategies are, at this stage, only ideas that require more research, development, and community dialogue. These strategies will be more fully developed, eliminated, or changed in the Comprehensive Magnet Plan. (See Attachment E: Chart of Magnet Additions). The following sites scored high on the four-criteria assessment (See Section III.B.1):

| North East Quadrant       | South East Quadrant                            | North West Quadrant                      |
|---------------------------|--|--|
| Kellond ES<br>Catalina HS | Dietz K8<br>Roberts Naylor K8<br>Santa Rita HS | Cragin ES<br>Mansfeld MS<br>Roskruge K-8 |

### 1. Add/Replicate an Int'l Business and Dual Language (IBDL) Studies Magnet at Catalina High School

Catalina Magnet High is currently phasing out its former magnet strands: Aviation, Health Care and, to a lesser extent, the Terra Firma program as a magnet theme (because it was never Governing Board approved). International and Dual Language magnets have proven success in other districts and should be replicated in TUSD. Catalina was selected because of its integrated population which includes TUSD's highest concentration of refugee students (including an incredibly diverse and multilingual student population), its location in the north-central quadrant of TUSD, and facility capacity. Because magnet schools offer students the added incentives of free transportation and admissions priority, creating a new magnet at a centrally-located, already-integrated school is a key strategy to ensure that students of all races and ethnicities from across TUSD have increased opportunities to attend an integrated school.

### 2. Add/Replicate Expeditionary Learning and Dual Language at Kellond Elementary

Kellond has capacity, and could serve as an integrated magnet that could eventually feed into Dietz or Roskruge and, ultimately, into Catalina's IBDL program. Kellond is not currently integrated but has the potential to become integrated as a magnet school.

### 3. Add/Replicate Global Enterprise and Dual Language at Dietz K8

Dietz K-8 could serve as a receiver for Kellond, and a feeder into Catalina's IBDL program (see III.C.3, above). Dietz is approximately 5 miles from the center of the District (about a 16 minute drive), and approximately 11 miles from south-central Tucson (about a 23 minute drive). Dietz is at the far eastern edge of where the District would seek to place any elementary, K-8, or middle school magnets (our research shows that parents of elementary and middle school students prefer not to send their students more than 22-28 minutes away from their home location). Also, Dietz is the only non-magnet school serving grades 6-8 that has capacity -to become a dual-language magnet on the eastside (within the preferred geographic area) to serve students in grades 6-8 in the Dual Language Pipeline into Catalina.

## **ATTACHMENT E**

### **MAGNET ADDITIONS FOR SCHOOL YEARS 2013-14 AND 2014-15**

#### **Magnet Additions 2014-15**

- **Cragin Performing Arts Magnet (Planning Year)**
- **Mansfeld Middle STEM Magnet (Planning Year)**

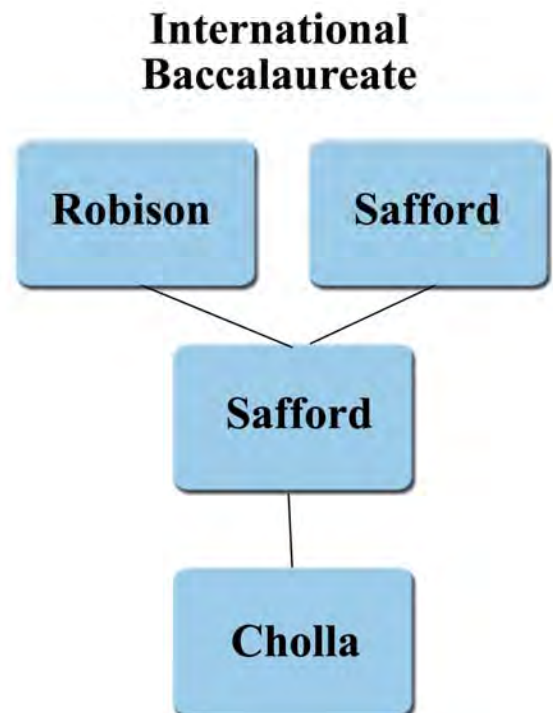
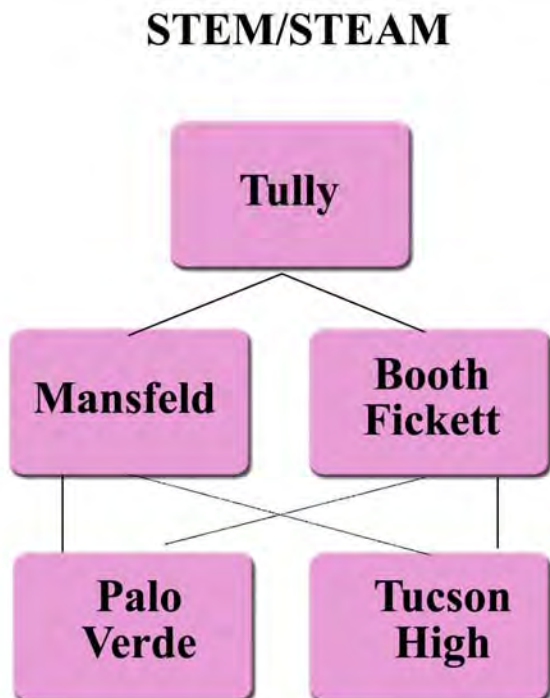
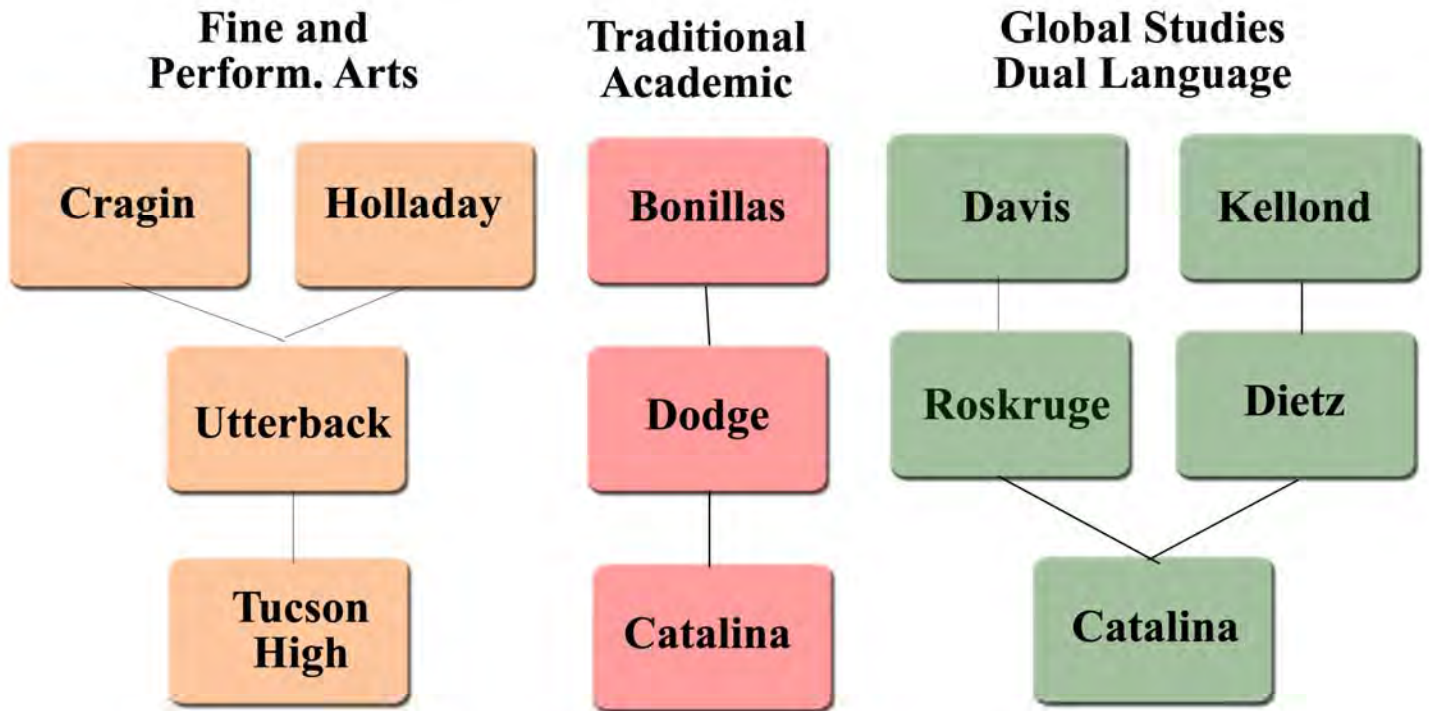
#### **Magnet Additions 2015-16**

- **Kellond -TBD**
- **Dietz K-8 Global Business and Dual Language**
- **Catalina International Business and Dual Language**
- **Santa Rita Early College/Medical Sciences (Planning)**
- **Roberts-Naylor Integrative Technology (Planning)**

#### **Magnet Additions 2016-17**

- **Santa Rita Early College/Medical Sciences**
- **Roberts-Naylor Integrative Technology**

**ATTACHMENT F: CHART OF POTENTIAL PIPELINES 2013-15**



# **EXHIBIT B**

Mendoza Plaintiffs' Comments on Draft Magnet Plan 2013-15

Questions and Document Requests

Document Requests:

We are constrained to repeat a past set of requests that remain outstanding.

In his memo dated June 11, 2013, Dr. Hawley wrote of the need for information disaggregated by race about the movement of students out of and into the existing and proposed magnet schools for the last three years. In our memo of June 19, 2013, we seconded that request (and repeated it in our subsequent memo of June 27, 2013). We also explained why such information was essential.<sup>1</sup> Unfortunately, that information has not been provided. We again request it and also adopt and support Dr. Hawley's statement in his most recent

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<sup>1</sup> Essentially, the plan asserts that a magnet school has met the goal of integration if its enrollment meets the definition of integration in the USP. It then goes on to conclude that six schools or programs have met that goal and are "successful" magnets in this respect. However, it never addresses the critical issue of whether those schools and programs are integrated **because** they are magnet schools or whether they happen to be integrated because they are located in neighborhoods in which by virtue of the residential living patterns they would be expected to be integrated schools/programs regardless of whether they were magnet schools or had magnet programs. **To address this question, it is essential to have and to analyze the demographic data that Dr. Hawley requested in his memo of June 11. In particular, one needs to see the race and ethnicity data for the relevant attendance zone of each school and then compare that data to the race and ethnicity data for the students who are coming to the school from outside the attendance zone.** If those students who are attending the magnet school or program from outside the attendance zone are NOT making the school more racially and ethnically diverse than it would have been if only neighborhood children attended, then that magnet school/program is not promoting integration. A refinement of this will be to compare the race and ethnicity data for the students from the attendance zone who actually attend the school/program with the race and ethnicity data for the students coming to the school from outside the attendance zone.

All of this is critically important information to have as we all assess both the effectiveness of the magnet schools/programs to advance integration and as the District considers where magnet schools might be eliminated. If a magnet program in school X does not serve as a true magnet to further integrate that school there is a real question about whether it is the correct location on which to spend what are limited magnet school resources.

**We request the District to provide the data and engage in the analysis we have set forth above as it continues to work on the magnet plan.**

memo of August 17, 2003, in which he notes that in the absence of such information, meaningful evaluation of the draft plan is made that much more difficult.

Further, as will become apparent in the comments of the Mendoza Plaintiffs on the 2013-2015 Magnet Plan (“August Plan”), Mendoza Plaintiffs are constrained to object to portions of that plan because in the absence of this essential data they cannot adequately assess certain of the statements and conclusions expressed in the plan.

In its Order filed June 7, 2013, the Court stated that it “shall approve a lump sum budget proposal for the District’s Magnet Plan, contingent on agreed revisions, made during the May 14 meeting with Professor Gary Orfield, the Special Master, and the District, which will affect the level and purpose of expenditures for individual schools, and contingent on subsequent expedited review by the Plaintiffs with Board approval to follow of individual school level expenditures for the Magnet Plan to be made later this summer.” (6/7/13 Order, Docket No. 1477, at 6:1-7.) While the District has provided a line item Project 3–Magnets budget itemization by school, it has failed to delineate how changes to the magnet schools and programs set forth in the August Plan impact the funding levels for the affected magnet schools and programs. Accordingly, Mendoza Plaintiffs request that the District delineate all changes in program offerings, staff allocations, and budget allocations for all magnet schools and programs with respect to which modifications (additions, reductions, changes) are to occur during the 2013-14 school budget year under the August Plan in a format that permits meaningful comparisons to the 2012-13 budgets for these schools.<sup>2</sup>

Questions:

The USP states that the District employee responsible for developing and implementing a comprehensive magnet school and program strategy for the District to enhance the integrative and educational quality of magnet schools and programs “shall consult with magnet school experts, to be identified by the Parties and the Special Master....” (USP, II, C, 2.)

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<sup>2</sup> Mendoza Plaintiffs further note that they have yet to receive responses to the questions they posed regarding the budget allocations for magnet schools that were set forth in their June 27, 2013 memo at pages 11-12.

Both the Mendoza Plaintiffs and the Special Master identified such experts as contemplated by the USP. (*Id.*) Have such experts been consulted? If so, who has been consulted and in what regard? If experts were consulted, how and to what extent were their recommendations included in the August Plan? If experts were consulted, did they provide recommendations that the District elected not to include in the August Plan? If so, what was that advice and why was it rejected? If experts were consulted, how and to what extent were their recommendations included in the August Plan? If experts were consulted, did they provide recommendations that the District elected not to include in the August Plan? If so, what was that advice and why was it rejected?

In their comments of June 27, 2013, the Mendoza Plaintiffs expressed their belief that the District could specifically benefit from additional expertise with respect to the issues of determining if magnet schools should have a preference zone and how students will be admitted to oversubscribed magnet schools and programs. Has the District consulted with any experts on these issues in the course of its work on the magnet plan? If so, who has been consulted and what advice was provided?

On page 8 the following language appears: "A successful magnet is one in which the composition of students enrolling in the program or school meets the definition of Integration, or in which the student population meets the definition of Integration..." We are unclear as to what is intended by this statement. Is the reference to "the composition of students enrolling in the program or school" intended to refer to the portion of the student body that is attending the school or program from outside the school's neighborhood preference zone or neighborhood boundary, as those terms are used elsewhere in the plan? Is this saying that if only 25% of a school's total enrollment is coming from outside the school's neighborhood preference zone or neighborhood boundary, IF that 25% meets the USP definition of integrated, the school will be considered "successful" even if the remaining 75% of the school's enrollment and therefore the total enrollment of the school does NOT meet the USP definition of integrated? If so, the Mendoza Plaintiffs question the appropriateness of this definition of "success" under the USP and **object** to it.



On page 9, the August Plan states that “[t]he new magnets proposed will be phased in as other magnets are eliminated or phased out through the evaluation process.” This seems to assume that the total number of magnets will never exceed the number that the District currently has. Is that the thinking behind the quoted statement and, if so, why?

What is the District’s justification for placing new magnet programs in already integrated schools like Cragin, Catalina, and Hudlow? Please note that concern about the District’s approach was expressed by the Mendoza Plaintiffs in their June 27, 2013 comments on the earlier draft of the magnet plan<sup>3</sup>. Regrettably, notwithstanding the full explanation by the Mendoza Plaintiffs of the reasons for their concern, while the District has provided some additional information about the questioned schools in the August Plan, the District has not provided its justification or overall rationale for placing new magnet programs in schools that currently are integrated. Mendoza Plaintiffs note Dr. Hawley’s comments on this issue in his August 17, 2013 memo and join in his suggestion that the District should conduct a number of simulations with varying assumptions to estimate the strategies most likely to increase the number of students who attend integrated schools.

Re: Attachment J. For what purpose did the District use this information in creating the August Plan? Are we correct that it shows that with the exception of Ochoa, the magnet elementary schools experienced fewer transfers than the District average? If we are incorrect in our reading of this attachment, could an explanation please be provided? What use was made of this data in the development of the August Plan? Will it be used to inform marketing, recruiting and related activity for the magnet schools and programs? If so, how? Has this data been broken down by race and ethnicity? If so, we ask that it be provided. If not, we ask that this be done and then provided.

## Objections and Comments

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<sup>3</sup> See discussion at pages 3-4 of Mendoza Plaintiffs’ June 27, 2013 comments.

Mendoza Plaintiffs **object** to the omission of University High School from the August Plan. Mendoza Plaintiffs refer to their memo of June 27, 2013 (at pages 10-11) for further discussion of this issue.

Mendoza Plaintiffs **object** to the proposal to eliminate magnet status for Carrillo, Davis, and Roskruge.

Mendoza Plaintiffs discussed their objection to this proposal at length in their June 27, 2013 memo (at pages 8 – 10). They do not repeat that discussion here but refer the District to that memo and add the following:

Carrillo and Davis both were recognized by District administration this year as two of six schools worthy of particular commendation because they had made continuous progress in improving their ADE scores over the last three years. (See [www.tusd.k12.az.us/contents/events-lettergrades.html](http://www.tusd.k12.az.us/contents/events-lettergrades.html).) (Carrillo progressed in those three years from a C to a B to an A grade, and Davis moved from a D to a C to a B.) Yet, even as “how...the school [is] doing academically compared to other TUSD schools” is one of the four factors determining if a school will *become* a magnet (see August Plan at 8), that important factor apparently was not even taken into account in determining to eliminate magnet status. (See August Plan at page 13 which stated that considerations included “past record of integrating and future potential for integration, duplication with other magnets, or non-existent or nonviable themes or programs.”) Mendoza Plaintiffs **object** to that omission.

The August Plan provides no discussion of the future potential for integration (and as noted above in connection with the Mendoza Plaintiffs’ information request, data to inform an assessment of the pertinent demographics has not been provided).<sup>4</sup> Nor is there any

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<sup>4</sup> The absence of this discussion is of particular concern because Carrillo, Davis and Roskruge all are “inner-city” schools, located in historical neighborhoods (some of Tucson’s oldest “barrios”) and in very close proximity to Tucson’s downtown area, which is under re-vitalization under the planning of the City of Tucson. The downtown area already has seen growth in housing and business development with an influx of families that might well be attracted to robust magnet programs in schools like Carrillo, Davis and Roskruge. To simultaneously disregard the desires of the families whose children currently attend these three magnet schools and who are strongly committed to them while ignoring the potential for increased integration as a consequence of downtown

discussion or analysis of what the impact of academic success might now be (especially with effective marketing and recruitment) on the schools' "draw."

The only explanation that is provided for the proposed elimination of magnet status for Carrillo is "magnet undefined." That categorization, even if accurate<sup>5</sup>, hardly warranted a decision to eliminate magnet status for Carrillo while continuing it for Bonillas, which, according to the August Plan, is "in need of total revision, starting with theme...." (August Plan at 12.) Nor does it distinguish Carrillo from Tully which is adopting a completely new theme (STEM) because the Opening Minds through the Arts program ("OMA") that it had claimed as a theme was far from unique: approximately 20 other schools in TUSD also were implementing that program. (See 2011 Review at 31-32 and Attachment A to August Plan at 4: "Tully will revision the magnet and implement STEM theme.")

Carrillo's magnet status should not be eliminated.

The only explanation that is provided for the proposed elimination of magnet status for Davis is "Spanish immersion." The issue seems to be that while the school's signage and District catalog narratives refer to the school as having a dual language program, it in fact offers a Spanish immersion program. That program received high marks in the 2011 magnet review. (2011 Review at 9 -10 of School Summary Information addendum.) In particular, the review noted that the "school's unique reputation of success over 20 years has resulted in waiting lists at every grade level." (*Id.* at 9.) Mendoza Plaintiffs believe that in the particular circumstance of Davis, the District cannot be permitted to eliminate the school's magnet status without first designating it a school without an attendance boundary, aggressively recruiting for the school

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revitalization, which might well attract a diverse mix of new families to those schools, especially when combined with the enhanced support and outreach mandated by the USP, in the view of the Mendoza Plaintiffs simply makes no sense.

<sup>5</sup> Significantly, the 2011 Comprehensive Magnet Program Review ("2011 Review") did not find the theme "undefined." It noted the existence of two themes, suggested the need for higher level magnet experiences, and added that Carrillo could then become a science feeder for Booth/Fickett/Tucson and a performing arts feeder for Utterback/Tucson. (2011 review at 8 of School Summary Information addendum.)

throughout the District, and then managing the admissions process, with its emphasis on the admission of students who will enhance the integration of the receiving school (see Attachment B to the August Plan expressly referencing priorities for “enhancing integration”) to attain a higher level of integration at Davis than currently exists.

Davis’ magnet status should not be eliminated.

Roskruge’s performance also improved this year. It is now one of only three K-8 schools (of a total of 11) with a score of B or better.

The August Plan seems to be inconsistent in its treatment of Roskruge. At page 13 it is listed under the heading of “elimination of magnet status” with no explanation other than “bilingual.” Similarly, Attachment A to the August Plan says at page 5: “Roskruge’s magnet status will be eliminated in SY 2014-15”. Yet, on page 10, when the August Plan is discussing strategies for consideration in 2015-16 and beyond, it says “add/replicate international business and dual language (IBDL) studies at Roskruge K8.” It then goes on to say: “Roskruge’s current status, teacher capability, and reputation as a destination bilingual magnet program, in addition to its proximity to the University of Arizona, are positive attributes that should be explored. An IBDL program at Roskruge could serve as a feeder for the IBDL program at Catalina High School.”

This suggests to the Mendoza Plaintiffs that what the District should be stating is what is occurring at other existing magnet schools: magnet status should be confirmed while the magnet theme is enhanced. If the District continues to treat Roskruge as a school whose magnet status is to be eliminated, it may well undercut the very strengths it has identified and will certainly cause current parents and students much distress.

The District should move Roskruge from the “eliminate” category and should start working immediately to augment its successful dual language magnet theme with the proposed IBDL studies.

Mendoza Plaintiffs **object** to the District’s overall plan for adding magnet schools and programs described at various locations in the August Plan, particularly at pages 7 – 12, because it does not appear likely to lead to increased integration of the District’s schools as required by the USP. (See, in particular, USP, II, E, 2.)

According to Attachment H to the August Plan, in 2012-13, only 12 of the District’s 47 non magnet elementary schools met the USP definition of an integrated school. **Rather than identify some number of the 35 non integrated non magnet elementary schools as potential candidates to become integrated through the strategy of a powerful magnet program, the District has stated that three of the 12 already integrated non magnet elementary schools (Cragin, Hudlow, and Dietz) should become magnets<sup>6</sup>.** Mendoza Plaintiffs have a similar concern with the suggestion that if the Utterback program does not become more integrated after efforts are made to improve it, the program will be moved to an already integrated school (Vail). **Finally, they have that same concern about the proposal to create new magnet programs at already integrated Catalina High School. Such a tactic is not consistent with the concept that magnet schools are intended to bring about increased integration, not simply permit the District to provide the parties, the Special Master and the court with a list of magnet schools that meet the USP definition of integration because the magnet programs were placed in already integrated schools.<sup>7</sup>**

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<sup>6</sup> It asserts that the schools “scored high on the four-criteria assessment” set out in the August Plan at Section III.B.1. However, it provides no data on the racial and ethnic composition of students residing in the school attendance zone (as contrasted with the information on Attachment H concerning the racial and ethnic composition of students actually attending the school) and certainly no information to permit an assessment of whether the location is indeed geographically accessible to students outside the attendance zone who are of “racially/ethnically diverse backgrounds.” (August Plan at 8.) Mendoza Plaintiffs question the basis for a conclusion that schools located as far east in the District as Hudlow and Dietz are optimally located to attract significant numbers of Latino students living well west of those schools. They also question how the District did its analysis of the academic standing of the schools compared to others in the District given that both Cragin and Dietz received grades of D in 2010-11 and were rated C in each of the last two years.

<sup>7</sup> **Mendoza Plaintiffs’ fear that the District is seeking in its decisions relating to the placement of new magnet programs to “game” its reporting on number of magnet schools that meet the USP definition of integration is**

Mendoza Plaintiffs **object** to the definition the District has proposed for what constitutes a successful magnet school and to its proposed application of that status to Borton, Holladay, Booth-Fickett, Dodge, and Palo Verde.

The Mendoza Plaintiffs questioned the definition the District proposes to use in their memo of June 27, 2013 and refer the District to pages 6-7 of that memo rather than repeat that discussion here. As previously noted, as well, Mendoza Plaintiffs **object** to a designation of any magnet school as successfully integrated in the absence of data that will indicate if the school meets the USP definition of integrated because the attendance zone in which it is located meets that definition or whether it is attracting students from outside the school's attendance zone who meet that definition.

The schools that the District has designated as "successful magnets" fail to meet the woefully insufficient standard posed by the District.

Borton is a strong school that meets the definition of integrated under the USP but it cannot be categorized as successful absent data to indicate to what extent it is integrated as a consequence of the enrollment of students from outside its attendance zone as compared to the racial and ethnic makeup of students attending from within the school's attendance zone. Further, although it remains a relatively strong school with its "B" grade from the ADE this year, inquiry should be made to understand what explains the drop from last year's "A". Mendoza Plaintiffs question whether a school that does not receive an "A" rating, particularly if that is the only measure of achievement that the District is using (an approach with which Mendoza Plaintiffs disagree), should be rated "successful." (Mendoza Plaintiffs also understand that

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heightened by its treatment of the elementary school level performing arts program. Rather than keep that program at Carrillo (which currently is racially concentrated) and work to both enhance the program and recruit a more diverse student body, the District proposes to move that performing arts program to already integrated Cragin. At the very least, its proposals with respect to Carrillo and Cragin, like its proposal about Roskrue, reflect a desire to seek the easy way rather than to engage in the hard work of recruiting a more diverse student body to these schools.

issues have been raised concerning Systems Thinking as a magnet theme. Query whether a school can be categorized as “successful” when its theme is being assessed?)

Holladay meets the definition of integrated under the USP but the same issue with respect to that categorization exists for it as exists for Borton. It received grades of “C” from the ADE for the last two years, having dropped from a grade of “B” in 2010-11. Mendoza Plaintiffs question whether a school that is receiving grades of “C” from the ADE should be rated “successful.”

Booth-Fickett does not meet the definition of integrated under the USP. It received grades of “C” from the ADE for each of the last three years. Mendoza Plaintiffs question whether a school that has received grades of “C” from the ADE for the last three years should be rated “successful.”

Dodge meets the definition of integrated under the USP but the same issue with respect to that categorization exists for it as exists for Borton and Holladay. It received grades of “A” from the ADE for the last three years. Mendoza Plaintiffs recognize its achievement and understand the urge to call it “successful” but do not believe this can occur unless the referenced demographic analysis supports such a conclusion. (Further, they understand the concerns that have been raised with respect to the school’s magnet theme and the possibility that it will become a “KIPP” school. Query whether a magnet can be “successful” if its theme is in transition?)

Data to support designating the Palo Verde magnet program as “successful” does not exist. Until this year, TUSD did not require students within the Palo Verde (or any high school’s) attendance zone to apply for the magnet program in that school. Therefore, as noted in the 2011 Magnet Review (School Summary Information at 42) it was (and is) impossible to determine the racial and ethnic composition or the academic achievement of that cohort of Palo Verde students who were in the magnet program. Therefore, although Palo Verde taken as a whole school meets the USP definition of integrated, there is no way of knowing whether the magnet program met that definition (and the District has not provided whatever data it



may have on the race and ethnicity of the non neighborhood Palo Verde students who were in its magnet program – or their achievement scores). Absent this information, and the comparable information for Palo Verde “neighborhood” students in the magnet program, it is impossible to determine if the Palo Verde magnet program was “successful.” As a consequence, the District’s labeling of that program as “successful” in the August Plan makes no sense. (Further, Palo Verde apparently has revised its theme to “STEAM” and is working with the Magnet Office to develop engineering arts curriculum. Query whether a magnet school that is revising its theme and developing curriculum can be considered “successful.”)

#### Additional Comments

As noted by the Mendoza Plaintiffs in their June 27, 2013 memo and as remains the case in the August Plan, there is insufficient assessment of transportation distances and burdens in the plan. Yet, in its Order dated February 6, 2013, the Court expressly directs the District to “take into account the transportation burdens being incurred by the students, including the distance and time spent traveling to and from school.” (Order dated 2/6/13 at 23.) Mendoza Plaintiffs refer the District to their June 27, 2013 memo at 7-8.



# EXHIBIT C

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**From:** Willis D. Hawley [<mailto:wdh@umd.edu>]  
**Sent:** Tuesday, March 31, 2015 7:27 AM  
**To:** Taylor, Martha; Holmes, Steven; Callison, Victoria  
**Cc:** Becky  
**Subject:** CMP Revision

**Please see attached. The PPT is Attachment A referred to in the memo. Bill**

## Revising Magnet Plans March 31, 2015 Hawley Suggestions

### General

For schools at risk of losing magnet status because they are C or D schools, funding should prepare them to engage in continuous school improvement (CSI). Attachment A provides a model of the essential elements of CSI. Among the things that must be in place for CSI to be effectively implemented over time are:

Extended periods of time (at least two hours a week) for educators to meet and engage in evidence-based problem-solving. This in turn requires additional staffing.

Easy access to relevant evidence and examples related to student performance.

Access to expertise to facilitate problem-solving and the implementation of the practices that need to be improved. This requires school principals who can support CSI as well as instructional coaches. Smaller schools can share coaches but in most cases coaches should be at least half time in a given school.

Stipends for teacher leaders who will facilitate group problem-solving. These professionals should be chosen because they can foster collaboration and because they have expertise with respect to the problem on which the teams are working. These stipends go with the role not with the individual and do not become part of the salary.

There are course, other elements of CSI that I would need development (job-embedded PD, capabilities to do "gap analysis", etc.) but I emphasize these because they have short-term implications for funding.

While not an essential element of CSI, targeted reductions of class-size in grades 1 to 3 that have a disproportionate number of students with exceptional needs would be worthy of investment.

Among the proposals for funding being made by magnet schools and programs that would appear to have little chance of making much of a difference with respect to student performance are:

Magnet coordinators

Training for a small number of hours without ongoing support (PD should be much more focused on addressing the needs of groups of teachers or individual teachers)

The use of substitutes to provide teachers with the release time-- this will actually undermine student achievement.

Teaching assistants, especially those paid at levels being proposed.

If the school were to lose magnet status in the fall, the money they are now investing in recruitment should be repurposed or lost.

In general, the A and B schools should receive the funding they have had.

### Comments on Individual Elementary Schools

I'm going to focus on those proposals that I think should be seriously questioned.

*Cragin*

The \$3800 investment aimed at improving the achievement of the bottom 25% seems unproductive.

*Tully*

If Tully is to become a GATE school, virtually all of its investment should be aimed at achieving that goal. This would include the CSI elements identified earlier.

*Drachman*

Delete music specialist?

*Holladay*

This entire plan should be scrubbed and the CSI model implemented.

*Davis*

This plan seems sensible except I do not see how the librarian can do lesson plans. Perhaps Ms. Cueto's office should be staffed to provide of this support to many schools.

*Carillo*

The goal here should be to sustain not to add. Since Davis and Carillo are racially isolated will they be receiving technology and leveled reading, right? Since Carillo is likely to lose magnet status, its role as a hub for improvement might be anticipated by additional funding for that purpose.

*Robison*

Robison's capabilities to engage in CSI should be the focus of funding. See standard plan above.

*Bonillas*

Bonillas should receive the CSI package. The back-to-school PD and sending teachers to workshops that are not focused on solving particular problems that come from the gap analyses that we would expect to come from the implementation of the CSI model will yield little. The continuing use of Open Court math curriculum in the face of common core standards makes no sense and is likely to put students at a disadvantage when they take common core related assessments.

*Borton*

I would delete the TA's and replace them with teachers allowing for professional learning or smaller class sizes, \$7500 for the course, the technology specialist unless they already have this position, the supplies being requested, and the \$4000 for the team to drop interventions. I continue to believe that this theme of systems thinking is not a theme (don't we want all students to think systemically and systematically?). Systems thinking is, however, something teachers should be doing in the context of the CSI model.

Individual Middle Schools

I have not yet looked in detail at these schools but note that both Utterback and Safford should be moved toward the development of the capability for Continuous School Improvement.

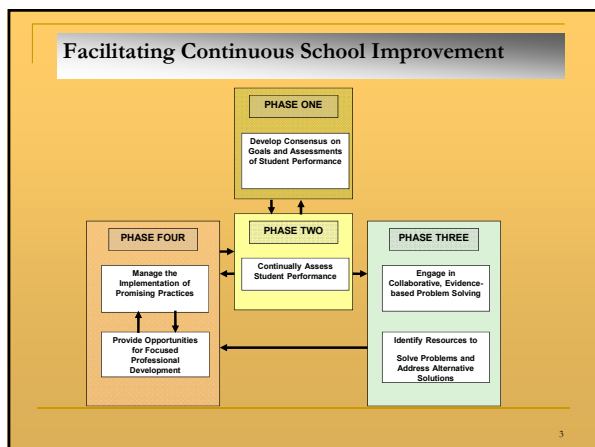


## Continuous School Improvement

Willis D. Hawley  
Professor of Education and Public Policy  
University of Maryland, College Park

Continuous school improvement is more than a slogan or a goal. It is a product of a particular set of processes and the conditions that support those processes. These processes involve a learning /problem solving/action cycle:

1. Clarify and develop consensus on priority goals
2. Assess student performance
3. Engage in evidence-based collaborative problem solving
4. Identify and enhance essential resources
5. Invest in enhancing professional expertise
6. Implement and evaluate new initiatives and revise as needed



### Research on School Improvement “Timeline”

- Significant change often takes 3-5 years.
- Improvement is usually not linear
  - Implementation dip
  - Changes in students, personnel, and environment
  - Stages are of uneven duration
- Short-run “first-order” changes do not necessarily lead to the capacity for continuous improvement.

### Why Productive and Sustained Change is more Difficult in Schools that Most Organizations

- School goals are multiple, changing, and diffuse.
- It is very difficult to measure some outcomes, especially those that define higher levels of learning and capability.
- The core technology, i.e., teaching, is “intensive” and not effectively routinized.
- Sustaining improvement is particularly difficult in schools.
- Significant influences on student achievement (the fundamental measure of school quality) are largely beyond the control of schools and educational policy.

### Do Short-Run, “First Order” Changes Create Conditions Needed for Continuous Improvement?

High stakes accountability + short timeline + inadequate support = limited and limiting strategies

Possible explanations for short-term improvement

- Extraordinary leadership for teachers and administrators
- Establishing order, routinizing teaching, and aligning goals and assessments
- Contractual relationships with families
- Narrow focus, increase time on task
- Test preparation

### Do Short-Run, "First Order" Changes Create Conditions Needed for Continuous Improvement?

continued...

First order changes do not lead, necessarily, to capabilities for continuous improvement

Students most in need of effective teaching and higher order learning that result from the conditions of continuous improvement are students with special needs

7

### School Capacity for Continuous Improvement

- Clear and ambitious goals for students' learning.
- Data on student learning that provides an accurate picture of student progress over time, including student subgroups.
- The opportunity and capacity of personnel to engage in collaborative, evidence-based, problem solving and targeted professional development.
- Human and financial resources to identify and implement promising practices.
- Time and support to implement promising practices, assess their effects, and modify initial efforts.

8

### Framing the problem shaped improvement options:

- Need for improved teaching
- Alignment of instructional guidance
- Coherence and focus
- Collaborative culture
- Cognitive demand
- Resource adequacy and mobilization
- Social capital
- ????

9

### Deciding among options:

- Evidence of effectiveness—be skeptical
- Feasibility
  - consensus of efficacy
  - needed expertise
  - opposition/ internal-external
  - district policy and support
  - need to restructure?
  - support from families and community orgs
  - student readiness

10

### The Change Conundrum

Moving from Regulation to Trust and Support While Ensuring Accountability for the Achievement of All Students

11

# **EXHIBIT 5**

**DECLARATION OF MARK ALVAREZ  
IN SUPPORT OF TUSD'S RESPONSE TO PLAINTIFFS' OBJECTIONS  
AND SPECIALS MASER'S RECOMMENDATIONS RE THE 2015-16 USP  
BUDGET**

I, Mark Alvarez, declare under penalty of perjury that the following statements are true:

1. I have served as the Director of Language Acquisition for Defendant Tucson Unified School. In that capacity, I have responsibility for programs including our Dual Language programs as well as a variety of responsibilities associated with our English Language Learners. I have personal knowledge of the following facts.

2. There are several factors external to our Dual Language programming that have had a significant impact on enrollment. The first is overall declining enrollment for the District. Within the context of overall declining enrollment, the data reflects that dual language participation rates have held steady at approximately 5% of our student population as follows:

**Seven Years of TUSD Dual Language**

| <b>Year</b> | <b># of Students</b> | <b># of Classes</b> | <b>Total # of TUSD student enrollment</b> | <b>Percentage of TUSD students in Dual Language Programs</b> |
|-------------|----------------------|---------------------|---|--|
| 2008-09     | 2158                 | 281                 | 57281                                     | .037 or 4%   |
| 2009-10     | 2455                 | 204                 | 55694                                     | .044 or 4%   |
| 2010-11     | 2919                 | 304                 | 53602                                     | .054 or 5%   |
| 2011-12     | 2782                 | 299                 | 52131                                     | .053 or 5%   |
| 2012-13     | 2587                 | 383                 | 51542                                     | .050 or 5%   |
| 2013-14     | 2286                 | 216                 | 49847                                     | .045 or 5%   |
| 2014-15     | 2163                 | 202                 | 48945                                     | .044 or 4%   |

3. Next, historically both current and former (reclassified) English Language Learners (ELLs) have represented more than 10% of our dual language participants.

However, our ELL population has had a significant drop over the last five years. Although the precise cause for the decline is unknown, based on the information and circumstances known to me I believe that the passage of SB1070 played a role in the departure of a significant number of Spanish-speaking immigrant families. ELL (and reclassified ELL) trends in dual language participation have been as follows:

| <b>Composition of the TUSD Dual Language Program over the Last Three Years<br/>(40th day enrollment)</b> |                    |              |            |              |                    |              |              |
|--|--------------------|--------------|------------|--------------|--------------------|--------------|--------------|
|  | <b>(Never ELL)</b> |              | <b>ELL</b> |              | <b>Reclass ELL</b> |              | <b>Total</b> |
| <b>Year</b>  | <b>N</b>           | <b>%</b>     | <b>N</b>   | <b>%</b>     | <b>N</b>           | <b>%</b>     | <b>N</b>     |
| <b>09-10</b>   | <b>1304</b>        | <b>53.1%</b> | <b>486</b> | <b>19.8%</b> | <b>667</b>         | <b>27.1%</b> | <b>2457</b>  |
| <b>10-11</b>   | <b>1679</b>        | <b>57.5%</b> | <b>461</b> | <b>15.8%</b> | <b>780</b>         | <b>26.7%</b> | <b>2920</b>  |
| <b>11-12</b>   | <b>1604</b>        | <b>57.6%</b> | <b>383</b> | <b>13.7%</b> | <b>800</b>         | <b>28.7%</b> | <b>2787</b>  |
| <b>12-13</b>   | <b>1553</b>        | <b>59.9%</b> | <b>296</b> | <b>11.4%</b> | <b>742</b>         | <b>28.6%</b> | <b>2591</b>  |
| <b>13-14</b>   | <b>1441</b>        | <b>63.0%</b> | <b>356</b> | <b>15.6%</b> | <b>489</b>         | <b>21.4%</b> | <b>2286</b>  |
| <b>14-15</b>   | <b>1388</b>        | <b>64.2%</b> | <b>280</b> | <b>12.9%</b> | <b>495</b>         | <b>22.9%</b> | <b>2163</b>  |

4. One of the reasons I have not recommended the start up of entirely new Dual Language programs is because we want to fortify and strengthen current programs in the new TWDL Program Model where Kindergarten students receive 90% instruction in Spanish with 10% instruction in English. Continuing students receive instruction where the two languages gradually receive 50% Spanish and 50% English by fourth grade. The extended goal is for students to demonstrate grade-level literacy and fluency in both languages. We want to make sure the program is duplicated at the optimum level. Our current DL schools in implementation Cycle I (grades K-2nd/6th/9<sup>th</sup>) and Cycle II (grades 3rd/7th/10<sup>th</sup>) re Davis Bilingual Magnet, Grijalva, Hollinger, McCorkle, Mission View, Roskruge Bilingual Magnet, Van Buskirk, White, Pistor , and Pueblo.

5. I have not approached this work with the view that building programs is all about student enrollment numbers. For the past few years, the District has worked closely with the Literacy Squared at the University of Colorado to build and expand its dual language programs through the development of the “Two-Way Dual Language” (TWDL) model. Literacy Squared Consultants include: Dr. Kathy Escamilla-Principal Researcher, Dr. Manuel Escamilla, Dr. Jackie Hernandez, Dr. Edil Cano, Ms. Olivia Ruiz-Figueroa, and additional team members who contribute depending on availability. The professional development goal is to provide research-based training for K-12 teachers specific to biliteracy and bilingual literacy development in Spanish and English which is relevant to the implementation of the TWDL model. In collaboration with Literacy Squared consultants, the District has designed all professional development in this area to align and support the District’s goal of increasing student opportunities to biliteracy and the benefits of bilingual student achievement. **See Exhibit A, Literacy Squared Description and Bibliography.**

6. The Language Acquisition Department’s Two-Way Dual Language Institute offers designated dual language teachers a summer professional development opportunity that addresses the Literacy Squared Framework. In SY 2014-15, Cycle I teachers (K, 1st, 2nd, 6th, and 9th grades) received full-day quarterly training in addition to in-class coaching/support. In SY 2015-16, Cycle II teachers (3rd, 7th, and 10th) will receive full-day quarterly training in addition to in-class coaching/support. Cycle I teachers will be invited to attend after school professional development to continue the biliteracy/bilingual instructional dialogue. The Cycle format is to ensure that all dual language teachers receive the continuity and consistency of professional development with the goal of strengthening TWDL program implementation K-12. **See Exhibit B, TWDL Institute Summer 2015 Agenda.**

7. On May 6, 2014, the District held a “Two-Way Dual Language Symposium” which included participation from the following guests: Dr. Kathy

Escamilla (Univ. Colorado-Boulder); Dr. Leonard Basurto (retired; former Bilingual director); Dr. Conrado Gomez (Arizona State University), Dr. Julio Cruz (National Association of Bilingual Educators); and Mariella Herold (Northern Arizona University). **See Exhibit C, TWDL Symposium Brochure May 6, 2014.**

8. In addition to working with nationally-renowned experts from the University of Colorado (Drs. Kathy and Manuel Escamilla) on the details of the TWDL model development, implementation, and professional development, the District has consulted with Dr. Julio Cruz on developing the District's seal of biliteracy as a mechanism to promote dual-language programs and to encourage more students to enroll in these programs. A seal of biliteracy is an award given by a school or school district to students who have studied and attained proficiency in two or more languages by high school graduation. It often takes the form of a gold seal that appears on the transcript or diploma of the graduating senior and is a statement of accomplishment for future employers and for college admissions.

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

DATED this 1<sup>st</sup> day of September, 2015.

  
\_\_\_\_\_  
Mark Alvarez  
Director of Language Acquisition



# **EXHIBIT A**



## Literacy Squared®: Building Trajectories toward Biliteracy

*"The roots of the term education imply drawing out children's potential, making them MORE than they were; however, when children come to school fluent in their primary language, and they leave school essentially monolingual in English, then our schools have negated the meaning of the term education, because they have made children LESS than they were" (Cummins, 1989).*

### What is Literacy Squared?

In its entirety, Literacy Squared® is a comprehensive biliteracy program that has been designed to accelerate the development of biliteracy in Spanish-English speaking children attending schools in the U.S. The Literacy Squared model is both research-based and research-tested. Its conceptual framework draws on research positing that a dire need exists for a new theory about literacy instruction for bilingual children (Bernhardt, 2003; Grant & Wong, 2003), and that second language literacy acquisition is greatly enhanced if learners are literate in their first language (August & Shanahan, 2006).

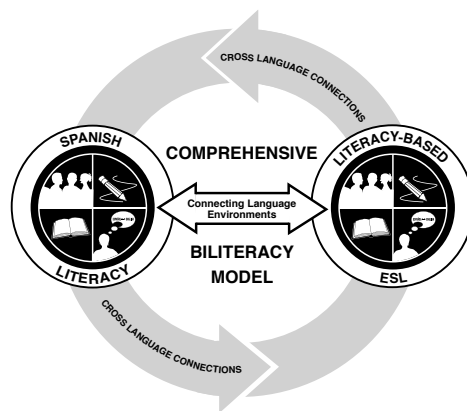
The framework is based on three research-based concepts suggesting that the improvement of schooling for emerging bilingual children can be accomplished via programs that develop biliteracy through conducting literacy instruction in Spanish as well as English, attending to the quality of instruction, and planning instruction to include direct and explicit attention to cross-language connections. This means that the language of instruction for literacy includes both Spanish and English, and that instruction in these two languages is planned in purposeful and intentional ways to create trajectories toward biliteracy. The Literacy Squared model includes authentic instructional approaches in Spanish and English that respect and focus on the internal structures of each of the languages, emphasizing direct, explicit, and collaborative instructional approaches that have proven to be beneficial for emerging bilingual children. Instruction is planned to include direct and explicit attention to cross-language connections, which enables children to learn how to use both of their languages in strategic ways to enhance their biliteracy development.

### Components of Literacy Squared

**Research.** Literacy Squared is a school-based research project that challenges practitioners to rethink how they design and deliver biliteracy instruction to best capitalize on students' multiple linguistic resources. The model considers research in the field that calls for a more holistic, long-term look at the development of biliteracy (García, 2009; Grosjean, 2008). Each year, researchers on the Literacy Squared team collect data regarding the reading and writing development of students in Spanish and English. The analyses of these data have resulted in several completed longitudinal studies on the impact of student growth in biliteracy (See Technical Reports at [www.literacysquared.org](http://www.literacysquared.org)).

**Assessment.** The second component of the Literacy Squared project is biliterate assessment, which includes assessment in reading and writing in Spanish and English, and the reinterpretation of reading and writing assessments to better understand how the development of biliteracy is different from the development of either Spanish or English as monoliteracy. The Literacy Squared model posits that biliteracy is a higher form of literacy than monoliteracy. Biliterate assessment is unique to this project in that it acknowledges children’s developing skills in Spanish and English as systems that are parallel and connected rather than as separate linguistic systems. Only through bilingual assessments is it possible to approximate an accurate understanding of emerging bilingual students’ trajectories toward biliteracy.

**Professional Development.** The third component of Literacy Squared is the on-going and extensive professional development required to enact the Comprehensive Biliteracy Model. This component is sub-divided into two parts: (1) professional development for leadership (principals, literacy coaches, and school site coordinators); and (2) professional development for teachers delivering the Literacy Squared instructional model. The Literacy Squared instructional model contains several significant differences from more traditional bilingual/dual language programs. Differences include: paired literacy instruction beginning in kindergarten, literacy-based ESL, and an expanded view of literacy instruction in two languages including greater emphasis on oracy, writing, metalinguistic awareness, and cross-language connections. All of these components make the role of professional development critical to the successful implementation of the instructional model.



**Comprehensive Biliteracy Model.** The fourth component of Literacy Squared is the integration and coordinated delivery of the three fundamental instructional components: Spanish literacy, literacy-based ESL, and cross-language connections. Embedded in each of these instructional components are the four core elements of the comprehensive biliteracy instructional program: (1) oracy, (2) reading, (3) writing, and (4) metalanguage.

**Oracy.** In Literacy Squared, oracy is defined as an aspect of oral language, but it includes a *more specific subset* of skills and strategies within oral language that more closely relates to literacy objectives in academic settings. Oracy is yet another way that the Comprehensive Biliteracy Model is

unique. While there are numerous definitions of oracy, the Literacy Squared model suggests that teachers include three types of oracy components in their lessons. These include: *language structures*, *vocabulary*, and *dialogue*. Including oracy objectives daily in both Spanish literacy and literacy-based ESL Literacy Squared lessons is crucial.

**Reading.** The Literacy Squared Comprehensive Biliteracy Model includes reading instruction in Spanish and English, beginning in kindergarten and continuing through fifth grade. Research support for reading instruction as defined in Literacy Squared includes the need for authentic reading instruction in Spanish as well as the need to consider the ways in which learning to read in English as a second language differs from learning to read in English as a first language. Currently in the U.S., Spanish literacy instruction often mirrors English literacy instruction and commercially produced materials in Spanish are often translations of existing English materials. In Literacy Squared classrooms, teachers are encouraged to use methods to teach Spanish reading that are authentic to the Spanish language.

**Writing.** Writing instruction is a cornerstone in the Literacy Squared Comprehensive Biliteracy Model. It is as important as attention to oracy, reading, and metalanguage. Focused attention to teaching children the art and craft of writing in two languages enhances overall literacy achievement.

**Metalanguage.** Just as metacognition is thinking about thinking, metalanguage is thinking and talking about language; and, in the case of biliteracy, understanding relationships between and within languages. In Literacy Squared classrooms, metalinguistic awareness is developed in Spanish, in English, and across languages where children are explicitly taught how to make cross-language connections. In Literacy Squared, the development of metalinguistic awareness across languages is called cross-language connections. This conceptual construct was included in the Comprehensive Biliteracy Model to ensure that teachers use direct and explicit attention to support children in developing metalinguistic awareness about how Spanish and English are similar and different.

## **Strategies**

In addition to utilizing explicit and direct literacy approaches such as modeled, shared, and collaborative reading and writing instruction, Literacy Squared has created unique strategies to accelerate biliteracy development.

**Lotta Lara.** Lotta Lara, a Literacy Squared innovation, focuses on developing students' oral language skills through explicitly planning oracy instruction while also increasing reading fluency and comprehension through repeated reading. In Literacy Squared, the Lotta Lara strategy is used in Spanish literacy in grades 1-3, and in literacy-based ESL from grades 1-5. One book or text is used three times in one week and is read by the students a total of nine times. While students read to increase their reading fluency and comprehension, equal emphasis is placed in oracy on the use of connected discourse and the rehearsal of pre-planned language structures.

**The Dictado.** *The Dictado* is a cross-language strategy that can be used in both Spanish literacy and literacy-based ESL. It is an adaptation of a methodology from Mexico and Central/South America. The Dictado is used within Literacy Squared to refine language arts skills in both Spanish and English, and it can be used to teach spelling, conventions, and grammar. More importantly, it can be used to teach the skill of self-correction and metalanguage. A unique quality of this strategy involves teaching children how Spanish and English are similar and different.

**Así Se Dice.** *Así se dice* (That's how you say it) is a cross-language strategy that validates translation as a constructive and worthwhile endeavor and engages students in a complex, sophisticated scrutiny of language that emphasizes the subtleties and nuances of communicating messages across cultures and languages. It is a strategy that is recommended in the intermediate grades.

### **Research Team** (University of Colorado Boulder)

**Kathy Escamilla, PhD**, Professor of Education

**Susan Hopewell, PhD**, Assistant Professor, Educational Equity and Cultural Diversity

**Sandra Butvilofsky, PhD**, Research Associate

**Wendy Sparrow, PhD**, Research Associate

**Lucinda Soltero-Gonzalez, PhD**, Assistant Professor, Educational Equity and Cultural Diversity

**Manuel Escamilla, PhD**, BUENO Center Assistant Director

**Olivia Ruiz-Figueroa**, Educational Consultant

**Edilberto Cano**, Doctoral Student

**Jaclyn Hernández**, Doctoral Student

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Grant, R., & Wong, S. (2003). Barriers to literacy for language minority learners: An argument for change in the literacy education profession. *Journal of Adolescent & Adult Literacy*, 46, 386-394.

Grosjean, F. (2008). *Studying bilinguals*. New York: Oxford University Press.

**Literacy Squared® Annotated Bibliography**  
**University of Colorado, Boulder**

**Book**

Escamilla, K., Hopewell, S., Butvilofsky, S., Sparrow, W., Soltero-González, L., Ruiz-Figueroa, O. & Escamilla, M. (2013). *Biliteracy from the Start: Literacy Squared in Action*. Philadelphia, PA: Caslon Publishing

*Biliteracy from the Start: Literacy Squared in Action* shows bilingual education teachers, administrators, and leadership teams how to plan, implement, monitor, and strengthen biliteracy instruction that builds on students' linguistic resources in two languages, beginning in kindergarten. Authors present a holistic biliteracy framework that is at the heart of their action-oriented Literacy Squared school-based project. Teachers learn to develop holistic biliteracy units of instruction, lesson plans, and assessments that place Spanish and English side by side. Educators also learn to teach to students' potential within empirically based, scaffolded biliteracy zones and to support emerging bilinguals' trajectories toward biliteracy.

**Book Chapters**

**Butvilofsky, S. (2012). "What I Know About Spanish is That I Don't Talk it Much": Fifth Grade Students' Perceptions of Bilingualism. In J. C. Fingon & S. Ulanoff (Eds.), *Learning from culturally and linguistically diverse K-12 Classrooms: Using Inquiry to Inform Practice* (pp. 124-141). New York: Teacher's College Press.**

This chapter explores the perceived functions of bilingualism and the relationship between Spanish and English as identified by Latino fifth grade students learning to read and write simultaneously in two languages. It provides a different perspective of the functions of bilingualism, as the perspectives come directly from students, and it also provides educators, researchers, and policy makers with a unique opportunity to learn first hand how children who participate in bilingual education programs feel about their experiences learning two languages. Acknowledging and understanding the importance of bilingual students' perceptions of bilingualism and their experiences within bilingual programs might influence the degree to which children value, develop, and maintain their bilingualism.

**Escamilla, K., & Hopewell, S. (2009). *Transitions to biliteracy: Creating positive***

**academic trajectories for emerging bilinguals in the United States. In J. Petrovic (Ed.), *International perspectives on bilingual Educational: Policy, practice, and controversy*. Charlotte, NC: Information Age Publishing Series.**

Bilingual education programs and policies are often based on paradigms that no longer apply to the current U.S. growing population of emerging bilingual students and are often primarily concerned with the language of instruction. This chapter discusses how such paradigms must begin to shift in order to implement effective bilingual education programs that focus on quality instructional practices. Authors identify specific problematic assumptions and preferred paradigms, elaborating particularly on how the Literacy Squared model and research address such issues. The chapter concludes with suggestions and implications for program development and practice.

**Escamilla, K., Geisler, D., Hopewell, S., Sparrow, W., & Butvilofsky, S. (2009). *Using writing to make cross-language connections from Spanish to English*. In C. Rodriguez (Ed.), *Achieving literacy success with English language learners*, (pp. 141-156). Columbus, OH: Reading Recovery Council of North America.**

This chapter emphasizes the importance of understanding how biliteracy development differs from literacy development in one language, highlighting the valuable cross-linguistic connections that afford academic benefits for emerging bilingual students. It defines and provides examples of instructional cross-language methods and strategies that build on cross-linguistic transfer by bringing attention to similarities and differences across languages.

**Escamilla, K., & Hopewell, S. (2011). *When Learners Speak Two or More Languages*. In D. Lapp & D. Fisher (Eds.), *Handbook of Research on Teaching the English Language Arts* (pp. 17-21). New York, NY: Routledge**

This chapter discusses the implementation of effective research-based instructional practices for students who speak more than one language. It provides a better understanding of bilingualism, particularly defining the growth and current bilingual population in the U.S. and the specific issues that entail the schooling of emerging bilingual students. It emphasizes the great need to implement quality, comprehensive and long-term programs for learners who speak more than one language that consider their unique strengths and needs.

**Soltero-González, L., Escamilla, K., & Hopewell, S. (2010). *A bilingual perspective on writing assessment: Implications for teachers of emerging bilingual***



**writers. In G. Li & P. A. Edwards (Eds.), *Best practices in ELL instruction* (pp. 222-243). New York, NY: The Guilford Press.**

This chapter provides a rationale for the need to change the prevailing paradigm about emerging bilinguals from parallel monolingualism to a holistic bilingual perspective, particularly in writing. It also illustrates how a holistic bilingual framework can yield more robust information about the writing strengths and needs of emerging bilingual students. This shift in paradigms can also positively change teachers' perceptions about emerging bilingual students' biliteracy development and result in enhanced instruction.

**Sparrow, W., Butvilofsky, S., & Escamilla, K. (2012). The evolution of Biliterate writing through simultaneous bilingual literacy instruction. In E. Bauer & M. Gort (Eds.), *Early biliteracy development: Exploring young learners' use of their linguistic resource* (pp. 157-181). New York, NY: Routledge.**

This chapter examines the longitudinal biliterate writing development of emerging bilingual children receiving instruction through a paired literacy approach. Authors emphasize the need to use a bilingual perspective that pays close attention to the positive bidirectional cross-language transfer strategies and behaviors students demonstrate and aid in their biliteracy development. The detailed examples portray students' biliterate writing development and in-depth analysis of how students employ such strategies.

### **Peer-reviewed/Refereed Articles**

**Butvilofsky, S., & Sparrow, W. (2012). Training teachers to evaluate emerging bilingual students' biliterate writing. *Language and Education, 1*, 1-21.**

The purpose of this mixed methods study was to explore and identify issues related to training teachers to use a bilingual writing rubric designed to examine emerging bilingual students' biliterate writing. Findings indicate the need to provide clarifications on the rubric rating criteria and the need to pay attention to the differences between Spanish and English rhetoric, as levels of consensus were lower when teachers rated Spanish content. This study is significant to the advancement of this biliteracy model and to the education of emerging bilingual students. It is also important to develop a shared vision of what it means to be bilingual and to understand how biliteracy develops using a holistic lens.

**Hopewell, S., & Escamilla, K. (2013). Struggling Reader or Emerging Biliterate Student? Reevaluating the Criteria for Labeling Emerging Bilingual Students as Low Achieving. *Journal of Literacy Research*, 1086296X13504869.**

This paper examines the effects of inadequate reading assessment practices of emerging bilingual students that use monolingual language frameworks. The authors apply two competing ideologies (parallel monolingualism and holistic bilingualism) to interpret one set of data of third grade students. Their findings demonstrate that the same set of scores tells an entirely different story depending on the frames of reference and that these differences are statistically significant. The impact can result in the misplacement, negative labels and unnecessary interventions for emerging bilingual students who are on a positive biliteracy trajectory. Authors provide suggestions and implications for school districts.

**Hopewell, S., (2011): Leveraging bilingualism to accelerate English reading comprehension, *International Journal of Bilingual Educational and Bilingualism*, DOI:10.1080/13670050.2011.564274**

The purpose of this study was to examine how fourth-grade Spanish/English speaking bilingual students in the USA participated differently in English-as-a-second-language (ESL) literature groups when they were invited to use all of their linguistic resources vs. when they were restricted to communicate in English only. The theoretical underpinning was that a student's learning burden is lessened when text comprehension is facilitated by access to all previous knowledge regardless of the language of acquisition. Findings include the understanding that the opportunity to teach and learn is stifled when educators insist on strict separation of languages, and there is a strong interaction between language of recall and the topic of the reading.

**Hopewell, S. (2013). Strengthening bi-literacy through translanguaging pedagogies. Dunston, P.J., Fullerton, S.K., Bates, C.C., Stecker, P.M., Cole, M. W., Hall, A.H., Herro, D., & Headley, K. N. (Eds.) 62<sup>nd</sup> *Literacy Research Association Yearbook*.**

This study examined the ways in which Spanish-English emerging bilingual students participated differently when using all of their linguistic resources to process English language text, and to explore how classroom language policy limited or enhanced students' engagement and ability to negotiate text meaning. Bilingual students used all of their linguistic repertoire when processing text, and that their translanguaging processes aid in communication and comprehension of an English language text. Students' use of

Spanish differed in substantive ways when employed in the bilingual condition as compared to the English-only.

**Soltero-González, L., Escamilla, K., & Hopewell, S. (2011). Changing teachers' perceptions about the writing abilities of emerging bilingual students: Towards a holistic bilingual perspective on writing assessment. *International Journal of Bilingual Educational and Bilingualism*, 1-24, iFirst article DOI:10.1080/13670050.2011.604712**

This study explored the application of a holistic bilingual view to assess the writing of emerging bilingual children. Teachers evaluated student writing samples using a writing rubric with a bilingual perspective and were trained to evaluate students' Spanish and English language writing samples in a manner that allowed for cross-language comparison and analysis. Findings from this study suggest the need to train teachers to evaluate the writing of emerging bilingual children in ways that both challenge and expand on their current frames of reference. This paper posits that the utilization of a holistic bilingual lens to evaluate the writing of Spanish/English emerging bilingual children is a more robust and valid means of understanding language and biliteracy development in these children.

**Sparrow, W. (2013). Unconventional Word Segmentation in Emerging Bilingual Students' Writing: A Longitudinal Analysis. *Applied Linguistics* 1-21, doi: 10.1093/applin/amt012.**

This study explores cross-language and longitudinal patterns in unconventional word segmentation in 25 emerging bilingual students' (Spanish/English) writing from first through third grade. Spanish and English writing samples were collected annually and analyzed for two basic types of unconventional word segmentation: hyposegmentation, in which at least two graphic words are written without conventional spaces, and hypersegmentation, in which blank spaces are deposited within one graphic word. Hyposegmentation was more common in both languages and students had more instances of hypersegmentation in their Spanish writing. Findings illustrate the importance of understanding writing development from a bilingual perspective and indicate that teachers in the primary grades must explicitly teach word boundaries and assist children in learning the conventional concept of words and word boundaries.

**Sparrow, W., Butvilofsky, S., Escamilla, K., Hopewell, S., & Tolento, T. (Accepted for publication). Examining the longitudinal biliterate trajectory of emerging bilingual learners in a paired literacy instructional model. *Bilingual Research Journal*.**

This longitudinal study examines the biliteracy results of Spanish-English emerging bilingual students who participated in a K-5 paired literacy model in a large school district in Oregon. Spanish and English reading and writing data show longitudinal gains in students' biliterate development, demonstrating the potential of the model in developing students' biliterate trajectories. In addition, participating students outperformed their peers on the state mandated assessment. Findings have implications for instruction and support the research that providing students with paired literacy instruction allows students to develop on a biliterate trajectory without hindering their literacy development in either language.

### **Technical Reports**

**Butvilofsky, S. & Escamilla, K. (2011). *Literacy Squared® Phase II: Colorado Case Study Technical Report Year One, 2009-2010*. BUENO Center for Multicultural Education, University of Colorado-Boulder.**

This report presents the results of year one of Phase II in Colorado, which continues to examine academic outcomes, but also intends to refine the instructional model and better study fidelity of implementation. Phase II was designed to enable the project to do more in-depth case studies that were not possible to do in Phase I. Specific purposes for the case-study inquiry in Colorado include fidelity of implementation, professional development, biliteracy outcomes and well-qualified teachers, and longitudinal biliteracy achievement.

**Butvilofsky, S. & Escamilla, K. (2012). *Literacy Squared® Phase II: Colorado Case Study Technical Report Year Two, 2010-2011*. BUENO Center for Multicultural Education, University of Colorado-Boulder.**

This technical report presents the results of the second year of Phase II in Colorado. There were several purposes for the case study inquiry in Colorado including the relationship between fidelity of implementation and student biliteracy achievement, student achievement of experienced teachers who are high implementers of Literacy Squared, professional development, and longitudinal biliteracy achievement.

**Butvilofsky, S. & Escamilla, K. (2013). *Literacy Squared® Phase II: Colorado Case Study Technical Report Year Three, 2011-2012*. BUENO Center for Multicultural Education, University of Colorado-Boulder.**

This technical report represents the third year of Phase II in Colorado, the final year of the Case Study research project and it provides a summary of the successes and challenges for researchers, practitioners, and school sites as they endeavored to implement all components of the Literacy Squared research project.

**Butvilofsky, S. & Escamilla, K. (2013). *Literacy Squared® at Godsman Elementary: Technical Report 2012-2013*. BUENO Center for Multicultural Education, University of Colorado-Boulder.**

This technical report represents a report of all professional activities and research results for Year 1, 2012-2013, of a five-year (2012-2017) research partnership between the U.S. Department of Education: Title III National Professional Development Program, Literacy Squared at the BUENO Center at the University of Colorado Boulder, and Godsman Elementary in the Denver Public School District.

**Escamilla, K., Ruiz-Figueroa, O., Hopewell, S., Butvilofsky, S., & Sparrow, W. (2010). *Transitions to Biliteracy: Literacy Squared 2004 - 2009 Final Technical Report*. BUENO Center for Multicultural Education, University of Colorado-Boulder.**

This report outlines the creation of the conceptual framework that was developed for Literacy Squared as well as its evolution from a conceptual framework to a formal intervention to a research project. Research results for each of the five years are discussed in the report encompassing the four components of research, assessment, professional development and instructional intervention.

**Sparrow, W. & Escamilla, K. (2012). *Literacy Squared® Phase II: Oregon Replication Study Technical Report 2009-2012*. BUENO Center for Multicultural Education, University of Colorado-Boulder.**

This report presents the results and findings of the three-year partnership to implement Literacy Squared in thirteen bilingual schools in the Salem-Keizer School District in Oregon. This report describes the collaborative work between the district and the Literacy Squared research team to implement the four main components of Literacy Squared: research, assessment in two languages, professional development for leadership and teachers, and the Comprehensive Biliteracy Model instructional components.

**Sparrow, W., & Escamilla, K. (2013). *Literacy Squared® Phase II: Salem-Keizer, Oregon Replication Study Technical Report: Year Four, 2012-2013*.**

**BUENO**                      **Center for Multicultural Education, University of  
Colorado-Boulder.**

This report represents data from the research partnership between the University of Colorado and the Salem-Keizer School District in Salem, Oregon designed to foster and examine biliteracy development in Spanish and English. Research results reported herein include a cross sectional analysis of student outcomes from the fourth year of the partnership (2012-13 school year) and a longitudinal analysis of student outcomes from the entire length of the project (2009- 2013). A brief description of the collaborative work between the school district and the Literacy Squared research team is also provided.

### **Public Press**

**Escamilla, K., Geisler, D., Hopewell, S. (2007, January/February). Transitions to Biliteracy: A pilot Study and a Promising Program. NABE News, 30, 5-7.**

This article offers a rationale and description of the conceptualization and early beginnings of Literacy Squared as it developed from a pilot study to a full research project. It includes an overview of Literacy Squared and mostly focuses on the research results of the pilot year, which offer promising instructional features and findings that support biliteracy development.

**Hopewell, S., & Escamilla, K. (2010). The Promise of Paired Literacy. Illinois Resource Center Newsletter. Spring, Issue 6.**

The focus of this paper is the holistic approach and promising method of paired literacy, which is the simultaneous literacy instruction in two languages. Authors discuss and provide examples of how paired literacy affords emerging bilingual students academic benefits and an accelerated trajectory towards biliteracy. Areas of careful attention to effectively implement paired literacy are also discussed, such as planning and instruction.

**Soltero- González, L., & Butvilofsky, S. (2012). Connecting Spanish and English literacy instruction in kindergarten (pp. 8-9, 14-15). *Soleado Newsletter. Promising practices from the field.* A Publication of the Dual Language Education of New Mexico.**

This article descriptively showcases a kindergarten lesson that portrays the Comprehensive Biliteracy Model developed by the Literacy Squared research project.

The Comprehensive Biliteracy Model approaches literacy instruction in Spanish and English in a coordinated manner in which both literacies and languages are developed in reciprocal and mutually supportive ways. Each component of the model is discussed in the context of the kindergarten biliteracy unit presented, which incorporates the use of direct and interactive instructional methods, a gradual release of responsibility, personally and culturally relevant materials, and opportunities to learn and utilize both languages for meaningful, purposeful reasons.



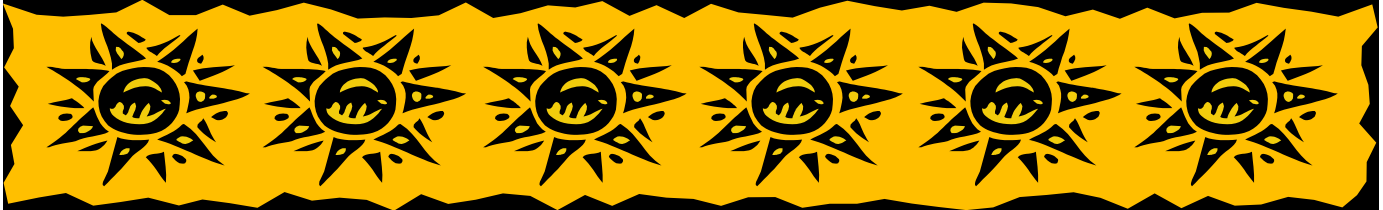
# **EXHIBIT B**

**CURRICULUM, INSTRUCTION & PROFESSIONAL DEVELOPMENT**  
**Language Acquisition Department**

*2014 Two-Way Dual Language (TWDL) Summer Institute*

Monday, July 14, 2014/ 8:30 a.m.-3:30 p.m.

Van Buskirk Multi-Purpose Room



● **Introduction & Welcome**

TUSD's New Two-Way Dual Language Program

● **Agenda for the Week**



● **Literacy Squared Overview**

- Literacy Squared Components & Holistic Biliteracy Framework

● **DESCANSO**

● **Unique Components of the Holistic Biliteracy Framework**

- Oracy & Metalinguistic Development
- Oralidad/Oracy: An Overview
- Lotta Lara: Strategy for Reading, Writing & Oracy Development

● **LUNCH**

● **Oralidad/Oracy Demonstrations**

- Upper Grades

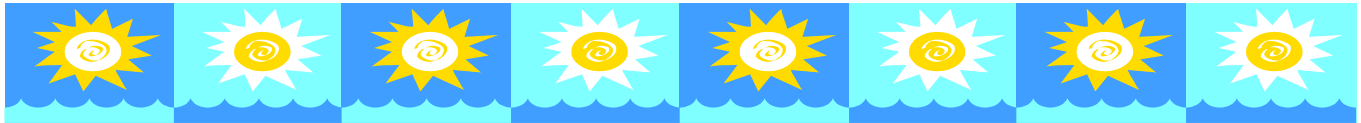
● **DESCANSO**

● **Grade Level Meetings-“Getting to Know You”**

- K-2
- 3-5
- Middle School/High School

CURRICULUM, INSTRUCTION & PROFESSIONAL DEVELOPMENT  
Language Acquisition Department

*2014 Two-Way Dual Language Summer Institute*  
Tuesday, July 15, 2014/ 8:30 a.m.-3:30 p.m.  
Van Buskirk Multi-Purpose Room



■ Welcome

■ Unique Components of Literacy Squared

- Metalinguistic Awareness & Cross-Language Connections

■ DESCANSO

■ Applying Metalinguistic Awareness & Cross-Language Connections

- Bilingual Books to Connect Environments

*Primary*

- Así se dice

*3<sup>rd</sup> Grade & Up*

■ LUNCH

■ Lecto-escritura en español

- Lección: El cancionero

*Primary*

- Lección: Elaborar un cartel informativo a partir de textos expositivos

*Intermediate*

- Lección: Leer y escribir poemas

*Secondary*

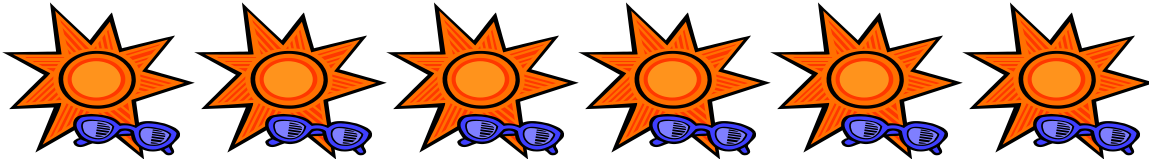
■ DESCANSO

- Next Steps...How do we move from learning about strategies to implementing them with support?

Suggested Reading: Escamilla, K., Hopewell, S., Butvilofsky, S., Sparrow, W., Soltero-Gonzalez, L., Ruiz-Figueroa, O., & Escamilla, M. (2014). *Biliteracy from the Start: Literacy Squared in Action*. Philadelphia: Caslon Pub.

**CURRICULUM, INSTRUCTION & PROFESSIONAL DEVELOPMENT**  
Language Acquisition Department

*2014 Two-Way Dual Language Summer Institute*  
Wednesday, July 16, 2014/ 8:30 a.m.-3:30 p.m.  
Van Buskirk Multi-Purpose Room



➡ **Welcome**

➡ **Agenda**

➡ **AM Session-Group 1**

➤ **LAS Links Español/ Computer Lab**

Introduction & Agenda Review

LAS Links Español Introduction

LAS Links Online Overview

How is LAS Links Online Accessed?

- Student Access
- District/Staff Access

Administration Procedures

Student Test Experience Demonstration

Overview of Test Administration System Workstation & Tasks

Test Administration System Tasks Practice

- Scheduling Test Sessions
- Adding Students

Reports

Next Steps

➡ **AM Session-Group 2**

➤ **Certificate of Biliteracy & Pathway to Biliteracy Awards**

**Multi-Purpose Room**

Overview of Forms-Brochure, Application, Pathway Criteria,

Teacher Management System

➤ **Grade Level Activity**

➡ **LUNCH**

➡ **PM Session: Group 1**

➤ **Certificate of Biliteracy & Pathway to Biliteracy Awards**

**Multi-Purpose Room**

➡ **PM Session: Group 2**

➤ **LAS Links Español/ Computer Lab**

➡ **Closure-**

**CURRICULUM, INSTRUCTION & PROFESSIONAL DEVELOPMENT**  
**Language Acquisition Department**

***2014 Two-Way Dual Language Summer Institute***

**K-2<sup>nd</sup> Grade**

**Thursday, July 17, 2014/ 8:30 a.m.-3:30 p.m.**

**Van Buskirk Multi-Purpose Room**



🌀 **Welcome**

🌀 **Agenda**

🌀 **Imagine Learning Español**

- ✓ **Class Roster**
- ✓ **Program Components**
  - ✚ **Scope and Sequence**
- ✓ **Implementation Plan**
  - ✚ **Whole Group**
  - ✚ **Small Group**
  - ✚ **Independent**
- ✓ **Assessments**
  - ✚ **Usage**
  - ✚ **Individual Detailed Report**
- ✓ **Support Plan**
  - ✚ **Schedule-Whole Group, Small Group, Independent**

🌀 **LUNCH-**

🌀 **K-2<sup>nd</sup> TWDL Model**

- ❖ **Minutes of Instruction**
- ❖ **Materials**

🌀 **K-2 Common Core en Español**

- ❖ **Examine Document by Grade Level**
- ❖ **Implications for Instruction**
- ❖ **Monitoring Progress/Assessments**

🌀 **Process and Share Out Feed-back by Grade Level**

🌀 **Closure-**

**CURRICULUM, INSTRUCTION & PROFESSIONAL DEVELOPMENT**

**Language Acquisition Department**

***2014 Two-Way Dual Language Summer Institute***

**K-2<sup>nd</sup> Grade**

**Friday, July 18, 2014/ 8:30 a.m.-3:30 p.m.**

**Van Buskirk Multi-Purpose Room OR Roskruge Bilingual Magnet**



◆ **Welcome/Agenda**

◆ **Grade Level Processing**

**Expert Groups-Be prepared to share out your products to your colleagues**

**1. Literacy Squared**

- Show evidence of Literacy Squared Components in Daily Schedule
- Show evidence of Literacy Squared Components within the Balanced Literacy Framework
- Develop a Literacy Squared Preview/Review Mini-Lesson

**2. Certificate of Biliteracy**

- Complete the following graphic organizer:

| <b>Certificate of Biliteracy Activity</b> |  |  |   |
|---|--|--|---|
| <b><u>Pathway Outcome</u></b>             | <b><u>What activities will you incorporate into your schedule to reach this outcome?</u></b> | <b><u>What instructional resources will you use?</u></b> | <b><u>What assessment measures will you use to provide evidence that this outcome was achieved?</u></b> |
|   |  |  |   |

**3. Imagine Learning Español**

- Select a component from the lesson framework and be prepared to deliver your presentation as if presenting to a group of students (include Preview/Review-English and “Before”/”During”/”After”)

**4. Common Core en Español**

- Show evidence of Common Core en Español in Daily Schedule
- Indicate what strategies/ resources will be used to instruct elements of Spanish (Ex. The Dictado, National Geographic Grammar Handbooks, research resources-web sites)

◆ **LUNCH-**

◆ **TWDL Assessments**

◆ **Grade Level Planning**

◆ **Closure-**

# EXHIBIT C



Special Thanks To...

**GUESTS**

Dr. Kathy Escamilla, Dr. Leonard Basurto  
Dr. Conrado Gomez, Dr. Adrian Vega  
Steven Holmes, Mark Alvarez, Linda Molina,  
Dr. Julio Cruz- NABE Vice President, Mariella Herold

**Panel Members**

Sam Brown, Dr. Kathy Escamilla, Janice Granillo Gil, Julian  
Herrera, Alma Montemayor and Jesús Orduño

**SCHOOL PERFORMANCES**

Hollinger K-8, White Elementary,  
Van Buskirk Elementary,  
Davis Bilingual Magnet, Roskruge Bilingual Magnet,  
Mariachi Aztlán de Pueblo High School

**CONTRIBUTORS**

Artist, C. Diane Alvarez  
Los Viejos Amigos  
The League of Mexican American Women  
United Way of Tucson & Southern Arizona

**PARTICIPATING SCHOOLS**

Davis Bilingual Magnet, Grijalva Elementary, Hollinger Ele-  
mentary, McCorkle Elementary, Mission View Elementary,  
Van Buskirk Elementary, White Elementary, Pistor Middle  
School, Roskruge Bilingual Magnet and Pueblo Magnet  
High School

**TUSD**

[www.tusd1.org](http://www.tusd1.org)  
520-225-4600

*Two-Way Dual Language  
(TWDL) Symposium*

*Simposio de Lenguaje Dual de Doble Vía*



*Tuesday, May 6, 2014*

*4:30 - 7:00 p.m.  
Pueblo Magnet High  
3500 S. 12th Ave.*

**Tucson Unified School District**  
*Language Acquisition Department*



WELCOME

EVENT SCHEDULE

*On behalf of the Tucson Unified School District learning community, we welcome you to the 2014 Two-Way Dual Language (TWDL) Symposium. Today's event will serve as an opportunity to premiere the district's new direction for bilingual education. This Advanced Learning Experience (ALE) will foster the goal of developing bilingual/biliteracy skills and increase academic achievement for all participating students.*

*In addition, we want to celebrate the past accomplishments of our programs and spread the critical message of the importance of cultivating and maintaining two or more languages for future generations. We hope you enjoy this groundbreaking event.*

*Thank you for joining us and contributing to the success of this day and to the future of bilingual education.*



**Student Entertainment**

~ Hollinger K-8 ~ Mariachi  
~ White Elementary ~ Mariachi & Folklorico Group

**Welcome**

Superintendent ~ Dr. H. T. Sánchez  
Master of Ceremonies ~ Ignacio Ruiz  
Director of Language Acquisition  
Deputy Superintendent ~ Dr. Adrian Vega

**Keynote Presentation**

*Common Core & Dual Language*  
Dr. Kathy Escamilla,  
Director BUENO Center for Multicultural Education

**Student Entertainment**

~ Van Buskirk Elementary ~ OMA Performing Group  
~ Davis Bilingual Magnet ~ Las Aguilitas Mariachi

**Special Recognition ~ Esteemed Guests  
Presentation of the TWDL Model for TUSD**

Director of Language Acquisition ~ Ignacio Ruiz  
University of Arizona Mexican American Studies  
College of Social & Behavioral Science  
~ Dr. Richard Ruiz  
NABE Vice President ~ Dr. Julio Cruz

**TUSD Bilingual Education Success Stories**

Moderator ~ Dr. Conrado Gomez

**Guest Panel** ~ Sam Brown, Dr. Kathy Escamilla, Janice Granillo-Gil, Julian Herrera, Alma Montemayor, and Jesús Orduño

**Reception/Student Entertainment**

~ Roskrige Bilingual Magnet ~ Mariachi Pumas  
~ Mariachi Aztlán de Pueblo High School

**Cake and Punch in the Foyer**