

From: Rubin Salter, Jr. <rsjr3@aol.com>
To: wdh <wdh@umd.edu>; jrodriguez <jrodriguez@MALDEF.org>; lthompson <lthompson@proskauer.com>; shaheena.simons <shaheena.simons@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; deseg <deseg@tusd1.org>; tusd <tusd@rllaz.com>; Julie.Tolleson <Julie.Tolleson@tusd1.org>
Cc: rebeccarmontano <rebeccarmontano@aol.com>
Sent: Mon, Oct 19, 2015 5:18 pm
Subject: Re: Response to Proposed Magnet Stipulation

Special Master Hawley and counsel:

The Fisher Plaintiffs have reviewed the proposed stipulation and the SM's comments thereon and regretfully cannot enter into the proposed stipulation for all of the reasons communicated by Fisher counsel at the summit conference on the 5th and the 6th. The stipulation as proposed would carry the delay the clearly warranted withdrawal of magnet status beyond the date of the District's likely motion for unitary status. Clearly, such continuance would risk rendering the goals of the Unitary Status Plan (USP) moot.

Sincerely,

Rubin Salter, Jr.

October 17, 2015

To: Parties

From: Bill Hawley

Re: TUSD Proposed Stipulation re Magnet Status

The proposed stipulation commits additional but vaguely defined as resources to 11 schools that are vulnerable to the loss of magnet status. This proposal was triggered by my report in late September that five schools should lose magnet status-- but not most of their resources supported from 910 G funds.

When 40th day data were available, I suggested that Bonilla's might be removed from the initial list of schools but that Robison and Pueblo should be added.

At the October 5-6 meeting of the parties, the Mendoza plaintiffs added Holladay to the list of five schools I had initially identified not because Holladay faced loss of status by reason of integration but because of its academic difficulties. But Holladay is not the only magnet school that needs support if it is to meet the academic standards set by the Court for retaining magnet status—Borman, Booth-Fickett and and Mansfield are also in jeopardy.

So, 11 schools are at risk of losing magnet status in fall 2016. But only six are identified by name and only those schools have information describing their integration status. Viewed through the lens' of the public, parents and staff of the magnet schools, and the Court, the proposed stipulation seems to raise important questions. Are these six schools to have priority in allocation of resources and if so what is the rationale? What other five schools will be included in the District's effort to help them avoid loss of magnet status and what support will these schools receive? Why is some information provided for some schools and not others? The parties will know the answers to these questions and we don't need to go in them now.

The issues I've just raised are not new to the District. On October 8, I met with Martha Taylor and Sam Brown urging a comprehensive approach and after quickly looking at the draft I urged that all of the schools be identified and that either comparable and relevant data be provided for all schools or for none. Since the data presented have nothing to do with any consistent argument for giving schools additional time and resources to meet integration standards, I see

no reason for the district to provide such data. I am relatively confident that this would not be required by the Court and even more confident that an enterprising reporter will search for explanations for the data.

The TUSD community is already confused about why magnet status is at issue and many magnet school parents and staff believe that withdrawal of magnet status will result in the loss of unique and needed programs. It is not only important that ambiguity be eliminated for any stipulation sent to the court and thereby made public but that the submission of the stipulation be expedited. To these ends, I propose:

1. All 11 schools to be affected should be identified.
2. The data on enrollment be eliminated. The data are unrelated to the reasons for the choice of the six schools and not others. Parents and staff at Pueblo might argue that, "we are worse off than Bonillas so why are they singled out or given apparent priority? Borton parents might ask, "why is Holladay provided with support but we are not even mentioned".
3. The reasons for the vulnerability of the schools to loss of magnet status should be identified as falling into one or both of two categories--progress being made toward integration and levels of academic achievement.
4. Priorities for intervention should be identified and the rationale for these priorities specified, at least in general terms.
5. The criteria and timing specified by the Court for decisions about magnet status included and clearly set apart.

And, a minor matter. While Dr. Montano will be the primary member of the IC who monitors the implementation of the provisions of the stipulation and the magnet plans in general, other members of the IC may also be involved. I suggest that the reference to Dr. Montano be amended to "members of the Implementation Committee".

Thanks for considering these proposals.

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From: Willis D. Hawley <wdh@umd.edu>
To: Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Lois Thompson <lthompson@proskauer.com>; shaheena simons (shaheena.simons@usdoj.gov) <shaheena.simons@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; tusd <tusd@rlaz.com>; Tolleson, Julie <Julie.Tolleson@tusd1.org>
Cc: Monroe, Becky (CRT) (CRT) <Becky.Monroe@usdoj.gov>
Sent: Thu, Oct 15, 2015 2:13 pm
Subject: Magnet "Rescue Plan"

All,

Following the meeting last week, I sent you an email indicating that the proposal that was made by the Mendoza plaintiffs should be expanded to include all of the schools that are vulnerable to losing their magnet status either because of integration or achievement except for A schools. I indicated that I would not “go to the wall” if Borman, Mansfield and Booth-Fickett were not included. After my discussions with members of the board during which I tried to explain the logic behind the proposal being made, and after reviewing the new data again, I believe strongly that all of the vulnerable schools need to be included.

I met with Sam and Martha to explain my position on Thursday and indicated that if the schools were not included, I would recommend to the Court that the Mendoza proposal be approved contingent on the inclusion of the other schools.

As we know, there is no plan B for schools that would lose magnet status. How would one explain why some schools were included in an effort to strengthen them in hopes that they would meet the standards of the court and others in a similar position were not? At what standards of fairness apply here? Would the excluded vulnerable schools not be protesting next year that they too should be given another year?

As I explained to Sam and Martha, the same provisions for enhancement need not apply to every school since each school has different needs. In some cases, it may be impossible in the short run to fill vacant positions

with highly qualified teachers and it is, frankly, not likely that adding those positions-- while the right thing to do-- would be as effective as other strategies for enhancing student achievement.

In my meetings a week ago with District staff I was told that the urgency of moving forward at this point was such that it might not be possible to include other schools in the Mendoza plan but that might be possible, even likely, in the near future. I said I found that unacceptable.

I share these thoughts in writing so that all the parties will know what I have discussed with some of them. I did not send this notice earlier, because I expected that we would have a draft of the proposed plan and I was hopeful it that would include the provisions that I have been urging.

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

I have had a chance to talk with the Court, three staff members, and the Fisher and Mendoza plaintiffs. This does not mean they necessarily support what is below, only that it is informed by those discussions.

I think it is important that what is agreed upon in this “Collaborative Magnet Initiative” (or whatever it is called), be not simply a way to get out of the mess but is defensible educationally, coherent, forward looking, and fair to all of the magnet schools at risk –for either integration or academic reasons. It must be clear that the Court Order will be applied with attention to the specific measures and that there will be no extensions. I would like to see a provision that if magnet status is withdrawn the District will seek to continue support for excellent programs and will ensure that the needs of students who have fallen behind will be addressed. So, the provisions of the Initiative will be:

1. The Mendoza plan. Practically this means that Ochoa is now OK, and that unfilled positions will be filled at Cholla.
2. Pueblo and Robison will be added.
3. Magnet schools that are vulnerable to losing magnet status for academic reasons (they are C magnets) are Mansfield, Borton and Booth-Fickett.

It would be hard, based on new data, to not to include Pueblo and Robison. Anything else would be seen as a palliative and would surely lead to protests from those schools because I cannot think of a reason why I would urge support for Safford but not Robison or for Cholla but not Pueblo. Moreover, if Pueblo and Robison were not included, they would certainly be storming the Board next fall, if not before.

I remember no dissent during the day and a half of our meeting to the proposition that students in low achieving students in magnet schools deserve attention.

I will not go to the wall on point three, but if nothing is done, the District has effectively expressed confidence that they will succeed. Almost certainly, those schools would argue that one year is not enough to significantly change student achievement without extra effort (even then) and they would be right. And how would one justify putting Holladay in the plan given that it does meet the integration goal and not include other schools that are vulnerable for academic reasons?

Bill Hawley, October 8.

From: Willis D. Hawley <wdh@umd.edu>

To: Rubin Salter Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Lois Thompson <lthompson@proskauer.com>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; TUSD <TUSD@rlaz.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; shaheena.simons <shaheena.simons@usdoj.gov>

Sent: Thu, Oct 8, 2015 10:39 am

Subject: Magnet Issues

Please see attached proposal

From: Chavez, Kathryn <Kathryn.Chavez@tUSD1.org>
To: lthompson <lthompson@proskauer.com>; rsjr3 <rsjr3@aol.com>; jrodriguez <jrodriguez@maldef.org>; tsaenz <tsaenz@maldef.org>; Governing Board <Board@tUSD1.org>
Sent: Tue, Oct 6, 2015 4:48 pm
Subject: Safford K-8 Magnet, an IB World School

To Whom It May Concern:

My name is Kathryn Chavez. I reside at 3830 W. Ironwood Hill Drive in the Tucson Unified School District. I am also employed by the district. My current position is at Safford K-8 Magnet, an IB World School, where I serve as a curriculum facilitator and literacy specialist. Prior to this year, I served as literacy specialist at the district office for close to 5 years and prior to that taught at Morgan Maxwell & Alice Vail Middle Schools. Prior to that I was employed in a classified CTE position at Cholla High School and from time to time was recruited to work at the district CTE office. Concurrently, I have attended classes at the University of Arizona where I received a Master's degree in Teaching and Teacher Education, completed both an ELD and a reading endorsement, an Educational Specialist's Degree in Language, Reading and Culture, and now in the final stages of completing my PhD in the LRC. My institutional knowledge is rich as is my personal and cultural knowledge of the city I was born in.

Safford K-8 Magnet chose me. I did not choose it. While serving on a district leadership team that frequently visited Safford I became familiar with the International Baccalaureate Programme. IB is steeped in Paulo Freire's perspective and offers students from kindergarten to 8th grade opportunities to read the word and the world, not just cursorily skipping through state standards. Through exploration and meaningful learning experiences students learn about themselves, other cultures and global issues. Inquiry based learning opportunities also provide motivating and engaging literacy experiences for students. In fact, one specific teacher at Safford became the focus of a literacy research project of mine. The data I collected at Safford was then used in a book which a university professor and I co-authored and published last year titled *Reading and Representing in the Content Areas: A Classroom Guide*.

But this was not enough. I wanted to experience Safford K-8 Magnet School on a daily basis. The fact that students are offered an advanced learning experience at a site which does not insist upon an entrance exam was intriguing to me. I set my sites on moving full time to the site in order to obtain more firsthand knowledge. The experience has been like no other. In my mind I liken Safford K-8 Magnet to the Statue of Liberty—providing light to all who pass through its door. But trying to provide a quality education to all who enter is not without challenges...especially in terms of literacy. We accept students who are interested in cross-cultural studies and intercultural perspectives; acceptance is not based upon reading or writing abilities. In order to create a literacy rich environment to support an international curriculum this year we have formed a literacy leadership committee, which in turn has established literacy goals and an action plan for attaining the desired goals. Currently we are involving students in branding our literacy initiative. Just as IB provides access to superior learning experiences, our literacy initiative will guarantee students superior instructional strategies.

The problem is a legal battle that began in the 1970's jeopardizes the work at hand. I realize the magnet program in TUSD is not without flaws; each magnet school has its own unique focus and obstacles. But what I do not understand is that everything this court case stands for is what Safford K-8 Magnet program in the past four years has made great strides toward providing—quality education for all. The upheaval set forth by the Special Master's recommendation made shortly before 40th day of school has taken focus away from instruction and learning and instead created a chaotic setting in which students are trying to make

sense of a situation taken out of context. It feels very much like a school closure to me—something I experienced at Maxwell. It is a feeling that still haunts me and those who likewise have experienced such a “turn around” or closure firsthand. More so it feels as if decisions have been made without truly understanding what Safford K-8 Magnet is or stands for. I know no one has come to talk with a university educated literacy specialist to inquire about the action steps we have initiated for school wide success. I implore the community and Board members, plaintiffs in the case, the lawyers, and the Special Master come and find out in person what we stand for. It is certainly more than what the criteria for success has been condensed down to—two pillars that supposedly stand for what quality education is: a letter grade and an unobtainable ratio. Instead, Safford K-8 offers to *ALL* the opportunity to understand the word and the world. Thank you for your attention to this matter.

Sincerely,

Kathryn J. Chavez

From: Billeci, Nancy <Nancy.Billeci@tusd1.org>
To: rsjr3 <rsjr3@aol.com>
Sent: Sun, Oct 4, 2015 9:30 pm
Subject: Safford K-8 Magnet IB World School

Dear Mr. Salter,

I am a teacher at Safford K-8 Magnet International Baccalaureate World School. I teach PSPE, Personal Social Physical Education in the Primary Years Program for grades K-5. My course is directly related to the IB program, our magnet theme. I chose to come to Safford K-8 4 years ago to teach this program. It has proven to be my dream job. It is rare to have a school in TUSD have elementary Physical Education, and this program also teaches about identity and interaction. My students are exposed to many activities, such as golf and tennis. These are traditionally middle class sports, and I am proud that I have given opportunities like these to our low socioeconomic students. I also am the coach for the cross country program for grades K-5, as part of TUSD. I have 41 students signed up to participate at Reid Park on Monday. I am the Wellness Coordinator and put on a Turkey Trot for boys and girls in grades K-5 right before Thanksgiving.

I am telling you all of this so you have a bit more knowledge of what programs the students at Safford K-8 are receiving and what they would be missing if we were to lose our magnet status.

I have experienced an overhaul of a school before, when I worked at Maxwell Middle School for 16 years. It is devastating to those involved. I don't think you know how it affects the people who have to look for another job, not know if you're going to find one, then what will you do instead, start again at a new school, where it takes time to acclimate, have students and community get to know you, ... I am already starting to budget and make cuts in my expenses in case I lose my job.

I am very sad for myself and my students that my program will be cut if we lose magnet status. We are 60 minutes from the border, so, of course, we are going to have a higher percentage of Mexican students. I love my job and my students.

Please consider having Safford K-8 Magnet International Baccalaureate World School keep our Magnet status.

Respectfully,

Nancy Billeci

From: Sylvia Campoy <yopmac1@msn.com>
To: rsjr3 <rsjr3@aol.com>
Sent: Wed, Sep 30, 2015 7:30 am
Subject: TUSD Magnet Schools- Desegregation Update

Rubin, I emailed the following desegregation update earlier this week to my server list, which is now pretty widely distributed. I thought you might find this update of interest. Regards, *Sylvia*

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Dear Friends and Colleagues:

As we enter the fall season, I hope this finds you well and finally cooling down from our hot summer. It has been “hot” in several realms, including in the area of the TUSD desegregation case- with no immediate sign of a “cool-down.” The work involved in the case has been constant and more challenging than ever.

This desegregation update addresses TUSD’s magnet schools and provides:

The compliance status of 5 magnet schools relative to its integration efforts - as determined by the court-appointed Special Master & his clarification/recommendation on the needed and continued funding support for the 5 schools; basic information about the requirements under the desegregation court order; disturbing recent TUSD events and actions (TUSD’s reaction to the Special Master’s determination and an attack on the Mendoza Plaintiffs); the actual FACTS of the matter; and background information with key points pertaining to the magnet.

I have made effort to bring clarity to some issues that have become unnecessarily complicated, thus, the need for the use of many words- which I anticipate will provide clarity and truth. Your time and interest in reading this update is greatly appreciated.

Compliance Status of 5 Magnet Schools and their Recommended Continued Funding

Many of you have learned through recent news coverage that the Special Master is recommending that 5 TUSD magnet schools lose their magnet status. The magnet schools are: Elementary schools –Bonillas and Ochoa; Safford K-8, Utterback Middle School and Cholla High School. In a communication to the Governing Board from the Special Master, he states: *“The court order related to the CMP and the resultant magnet plan are quite clear. To maintain magnet status, magnet schools and programs must both be integrated and reach specified achievement goals. In their plans, which were approved by the Board, each school set specific goals for integration for this fall and for the next school year. They were not asked to completely integrate their schools by 2016, but only to integrate their entry classes at a level which would allow them reach the 70% target by next fall. All of the*

schools set specific targets. Not one of the five schools that I have identified achieved its goal (not one of the goals was close to 70%).” The communication also explicitly states: “In my memo to the parties, I proposed a strategy for maintaining significant support from “deseg funds” for the five schools for the foreseeable future in order to ensure that excellent programs are sustained and the needs of students who are struggling are met.”

Basic Information about the Desegregation Court Order

~Desegregation funding (910(g) money) is available only because TUSD is subject to a court order requiring desegregation.

~Desegregation money must be used only for activities required or permitted by that order.

~The order requires that magnet schools be integrated. TUSD agreed to the terms of that order. They are set forth in a consent decree signed by the District -- the Unitary Status Plan, which has been in place since February 2013.

Disturbing TUSD Recent Events and Actions

On Tuesday, September 15th, a meeting was held at Ochoa Elementary Magnet School with parents and community members. Approximately 25-30 individuals were in attendance with about 15-20 individuals comprised of parents/community members and the remainder (approximately 6-10) comprised of TUSD administrators, including TUSD legal counsel, which is an 80:20 ratio for a school meeting, which is extraordinary. I have received several accounts of the meeting, inclusive of the attendance information just noted and all have consistently described the meeting and specifically the following points:

-Dr. Sanchez explained that he is forty-one years old, which is as old as the desegregation case. Dr. Sanchez stated that a lot has changed in the 41 year period and that the Mendoza Plaintiffs have been with the case for 41 years; that ‘the Mendoza Plaintiffs no longer have children in the District- nor does Sylvia Campoy, the Plaintiffs’ Representative; that those before him have children at Ochoa now and that the Mendoza Plaintiffs and their Representative are ‘outdated.’

-Dr. Sanchez went onto say that it is current parents that know what is happening and that it should be current parents who are the Plaintiffs along with their Representative. He encouraged everyone to call MALDEF and request that the Plaintiffs and their Representative be replaced with ‘current’ individuals.

-Dr. Sanchez said that as Chicanos we should not be given the message that we cannot learn unless we are sitting next to a white person and that this is what is coming out of the plaintiffs and SM right now.

-At some point a parent asked why the Reggio Studio staffing positions had not been filled or funded. Dr. Sanchez said that he has to ask for permission for all desegregation expenditures and essentially blamed the Special Master and the plaintiffs for having expressly turned down such an expenditure.

-Someone asked what was planned for the next step and Julio Moreno, the Ochoa Principal, responded that the Site Council was putting together a "talking points" sheet that could be used in outlining what

Dr. Sanchez had talked about and that the talking points would soon be provided. 'We all want to make sure everyone is on the same page,' he said.

On Wednesday, September 16th parent/teacher conferences were held at Ochoa. Again, I have received consistent descriptions of what took place. During the conference, parents were presented with two documents and one petition to sign (attached for your reference). Parents were asked to review the documents and to follow-up, as requested. Parents were also asked to sign the petition which was placed before them during the parent/teacher conference, which requests the Mexican American Legal Defense and Education Fund (MALDEF) provide legal representation to parents (the petitions remain in circulation). I also have been told that during the parent/teacher conference some parents asked their child's teacher to explain the petition and were told, 'to support Ochoa' and 'to keep Ochoa's money' and that they had been asked by the administration to present the documents and the petition to the parents.

The Actual Facts of the Matter

The documents which were distributed at the Ochoa meeting each contain incorrect information, thus, Ochoa parents are being asked to become involved in a TUSD driven campaign based on inaccurate, incomplete, and misleading information. The following facts counter some of the misinformation: a.) the fact that the Special Master has not recommended that any of the 5 above noted magnet school be "stripped" of their desegregation funding (as indicated in the above quote from his September 11, 2015 communication to the Governing Board); b.) the fact that it is TUSD property owners (not Pima County property owners) whose taxes are levied and then funneled through the State to TUSD as **desegregation** dollars and that the law permitting that levy says may only be used to comply with a court order of desegregation; c.) the fact that MALDEF represents Latino TUSD students (under the desegregation class action suit), which, of course, includes equal access issues; and d.) the fact that the Mendoza Plaintiffs' legal counsel have supported the magnet schools both historically and presently – including arguing in legal papers now before the Court that the District has not adequately funded magnet schools.

Misinformation in this particular situation does nothing more than confuse and infuse anger in parents (and community members). One has to question whether it is at all appropriate to impose this type of lobbying, much less, during a teacher/parent conference- where the time should be dedicated to a dialogue about the student. In more general terms, one has to question why parents are being intentionally misinformed.

It continues to be of concern and great disappointment that desegregation is being portrayed in such a distorted, divisive and resentful fashion by Superintendent Sanchez and other TUSD officials. He says that *'as Chicanos we are being given the message that we cannot learn unless we sit next to someone white.'* This mindset contradicts the philosophical, cultural, and legal reasons for desegregation. It has never been espoused by any desegregation educational or legal expert that one has to sit next to someone of a certain skin color to learn. To frame desegregation in such terms not only perverts its

purpose, it incites racial/ethnic resentment. For Dr. Sanchez to publically denounce desegregation through the use of such a simplistic and misconstrued condemnation is damaging to the purpose and implementation of TUSD's Desegregation Unitary Status Plan. **Research shows that for students who experience desegregated education there is a positive effect on their academic outcomes.** If this fundamental premise is rejected by TUSD, a multitude of questions surface, including why the institution has so willingly accepted and expended over a billion dollars in desegregation dollars over the life of the court order- of which approximately \$130 million have been allocated since the inception of the current court order/Unitary Status Plan. Is the District now publically challenging integration and promoting the doctrine of separate but equal and, if so, shouldn't this be formally noticed to the Court?

It is very troubling that, based on other reports I have received, the TUSD message-campaign which was conveyed at Ochoa along with the petition, is making its way to other schools.

As referenced above, on September 11, 2015 the TUSD Governing Board received a communication from the Special Master which clarified why he is recommending that the 5 schools, above referenced, lose their magnet status but **which also states that he has proposed a strategy for maintaining significant support from desegregation dollars for the 5 schools by supporting those programs in the schools that underpin enhanced achievement by Latino and African American students.** However, even with this very pointed clarification, it appears that the District has continued to tell parents that their schools are being "stripped" of funding per the Special Master.

In court filings to this point, the Mendoza Plaintiffs, through their attorneys have informed the Court that they believe that **additional funding for the magnet schools** is needed and that ample time and support for the magnet schools have not been provided. Ochoa has been specifically named by the Mendoza Plaintiffs as one of the magnet schools needing additional funding and resources. It is disconcerting that the parents have not been informed about this critical fact since they are being encouraged to request MALDEF for legal counsel to make this very same argument.

TUSD stringently argued against the Mendoza Plaintiffs' position for additional funding for Ochoa and other magnet schools in its September 1, 2015 Brief- Document 1840- Combined Response to Plaintiffs' Objections and Special Master Recommendations Re: 2015-16 School Budget, which states: *"Despite that the District has increased funding to magnet schools from approximately \$8M in 2014-15, to approximately \$11M in 2015-16, **the Mendozas feel four schools (Holladay, Ochoa, Robison, and Utterback) have been allocated insufficient funds and therefore have inadequate plans. However, the Special Master has 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."** **The District disagreed with the Mendoza Plaintiffs and even argued that the Mendoza Plaintiffs did not have the right to make the argument.** Of course, the Mendoza Plaintiffs believe that they have every right, on behalf of Latino students, to make the argument. It is more than disingenuous for TUSD to now solicit Latino parents to make the very same argument that they claim*

that the Mendoza Plaintiffs do not have the right to make to the Court. Exactly which of these two very extreme positions is TUSD actually adopting or is one position for the Court and the other for parents?

TUSD is the wrong-doer/the guilty party in the desegregation case. TUSD has failed to show that it has uprooted the vestiges of discrimination which have harmed Latino and African American students during the shameful span of 41 years. Instead of suggesting that it is the Plaintiffs and their Representatives or the Special Master who are at fault when the District fails to comply with provisions or meet goals to which it explicitly agreed, it is this fact should be accented while addressing the more than 4 decades that TUSD has remained under the supervision of the federal Court, which is based on its documented failings (both by the US Federal Court and by the Ninth Circuit Court of Appeals). What would drive a guilty respondent to take it upon themselves to recruit parents to seek to join a lawsuit **against it** in which to date the plaintiffs have so soundly prevailed? **The act itself telegraphs that what it really is seeking is to eliminate or weaken the parties who have most consistently and successfully called them out for failing to comply with court orders and the USP.**

Dr. Sanchez has referred to the Mendoza Plaintiffs and their Representative (me) as being “outdated” and has alleged that the data used by the Plaintiffs (all plaintiffs) and the Special Master is outdated. Of course, all of the parties in the case utilize the most updated data made available by the District. TUSD is the data source and what has been provided has been current data. Obviously, TUSD is aware of this. As for the Plaintiffs and Representative being “outdated”- it is not clear exactly what assumptions Dr. Sanchez is making in this regard. Those involved in the Mendoza case are current on case law and research/best practices pertaining to public education. Were this not the reality of the situation, it would hardly be the situation that the Mendoza Plaintiffs’ legal record in this case is as stellar as it is. Might this fact be at the real crux of the efforts being made to undermine the Mendoza Plaintiffs and their Representative?

For months we have heard about the importance of stability and continuity in maintaining the current superintendent. Why then is stability and continuity so easily dismissed as it pertains to the Mendoza Plaintiffs and their Representative? The Mendoza Plaintiffs and I, as their representative, along with their legal counsel possess historical and current knowledge and expertise about the desegregation case and TUSD that greatly enhances the work in representing Mexican-American/Latino TUSD students- the largest population within the District.

When parents ask about vacant positions which have not been filled at their child’s school such as was done at the Ochoa meeting, a response such as was given is simply a “cop out.” The filling of vacancies at the magnet schools is the administrative responsibility of the TUSD administration. Accountability for leaving positions vacant at magnet schools falls solely on the administration.

Magnet Plan Background & Key Points

The District has proposed a number of drafted magnet plans (3 in total- with several iterations of each). **The first proposed magnet plan** surfaced during the summer of 2013. It was authored by the TUSD administration. It had numerous problems with it and was basically rejected on all fronts, including by the TUSD Governing Board. The plan called for demagnetizing several magnet schools while opening new ones. Prior desegregation updates covered the 2013 magnet plan as well as the current administration's efforts to place blame on the Special Master and Plaintiffs for the integration requirements referenced in the magnet plan (requirements which the District had already agreed to through the joint desegregation stipulation- the USP).

Subsequently, the administration appointed a magnet school planning committee to guide the magnet plan rework that followed on **the 2nd series of drafted plans**. The committee did not include any involvement from the Mendoza Plaintiffs, although TUSD's reported account of the committee states that it did include plaintiffs' representation. The plan that surfaced from this process included the addition of two designated magnet schools (a carry-over component of the 2013 plan) and five identified "pillars" by which to evaluate the success of a magnet school. The Governing Board approved the plan on July 14, 2014 without serious or perhaps any consideration of the feedback provided from the private plaintiffs- Fisher and Mendoza- as well as the Special Master. Objections to the plan were filed by both Fisher and Mendoza Plaintiffs, who also requested that the Special Master issue a Report and Recommendation (R&R) on the plan. The District disputed the objections and the Special Master's R &R. **On January 16, 2015 the Court issued an order which rejected, almost in full, TUSD's "Comprehensive Magnet Plan."** It is attached for your reference.

The Court noted that much of what had been submitted by TUSD in its filing to the Court was disjointed and was absent critical elements. In other words it was anything but "comprehensive." The Court agreed with the Special Master and Fisher and Mendoza Plaintiffs on the position that achievement and integration should be the two critical elements (pillars) driving the development of the magnet plan. (This was basically at the 2 year mark into TUSD's implementation of the USP.) The Court directed the District to address the deficiencies and provided some specific timeframes by which work on the plan was due. Work on its **3rd rendition** of a comprehensive magnet plan was initiated following the January 2015 court order. There is great irony in the fact that the January 2015 court order was not generally shared, if at all, with parents or magnet school administrators, since the District now is going through such activity to report (inaccurately and incompletely) about the Special Master's recommendations and circulating its petition but omitting any reference to the clear directives that were issued to the District in that order, much less the reporting requirements directed to the Special Master. The provision of information is most selective and therefore, limited.

Through the various iterations of the 3rd series of drafted plans, the Mendoza Plaintiffs presented numerous comments/inquiries. TUSD submitted its newly proposed comprehensive magnet plan on May 15, 2015 to the Court. The plan was then amended with the final submittal taking place on June 19, 2015. Of the 20 individual school magnet plans that were included in the submittals, 18 of the magnet schools showed **a desegregation budget decrease totaling in excess of \$972,000 from the May**

to June submittal. Ochoa, was cut nearly \$54,000. In its July 7, 2015 filing (Doc. 1824 at 6), the District explains that the early magnet plan budget numbers were “extremely early figures and they had not yet been vetted in connection with the final 2015-16 budget.” Yet, TUSD makes the claim that the Special Master is “stripping” five of the magnet schools of their funding, which is untrue. The decreased budgets for the schools was pointed out to the Special Master and the Court **by the Mendoza Plaintiffs**. The budget reductions made by the District did not seem to have the involvement of the schools. **Any stripping of funds to date has actually only occurred at the hand of TUSD.**

Many of the Mendoza Plaintiffs’ comments which were submitted to TUSD for their consideration in the development of the magnet plan, were simply ignored, as were many inquiries that were made of the District. The most recent magnet plan is now before the Court. The Mendoza Plaintiffs filed objections and comments to the individual magnet school plans and, as noted above, also repeatedly stressed the need for the District to provide more funding and more support to the magnet schools so that they could succeed.

When Mendoza Plaintiffs refer to the absence of adequate support for the magnet schools they have the following examples in mind. At the beginning of this school year five positions remained open at Ochoa; there are now three. Holladay began the school year absent five positions and has since added one, for a total of six vacancies. These schools are both relatively small, with the vacant positions accounting for almost half of the school’s staff. The vacancies give indication of the lack of attention and support that the schools are receiving. Last year Utterback had 14 teacher vacancies for the entire school year. Long-term substitutes (most of whom are not highly qualified teachers) became part of the fabric of the school and this school year the school has 16-18 new teachers. The situation for the magnet schools has been grim and it is felt by the principals, the teachers, students and parents, yet, rather than acknowledge the lack of central administrative support for the schools, that administration has reached out to blame the Special Master and Mendoza Plaintiffs (as well as the desegregation court order).

The Respondent/Guilty Party- TUSD, the plaintiffs and the Special Master have filed several briefs with the Court pertaining to the TUSD magnet plan. The Mendoza Plaintiffs have been unwaveringly consistent in their legal briefs, arguing that TUSD magnet schools have been grossly neglected for decades, inclusive of the time period under the current jointly stipulated February 2013 Unitary Status Plan. Manifestations of the neglect have been seen in lack of budgetary support & staffing (inclusive of freezing USP related positions), failing to fill positions for extensive periods of time, deficient programmatic development and support (academic, thematic and afterschool programs) , inattention to integration requirements and/or resistance to such requirements, inappropriate use of desegregation funds, such as supplanting rather than supplementing magnet schools/programs, as well as many other areas. TUSD also added two magnet schools during the “planning process” which further distracted from the work, attention and resources that have been and continue to be very much needed at its pre-2013 magnet schools.

In its legal filings to the Court, the Mendoza Plaintiffs have stringently argued for additional funding to enable the magnet schools to address and strengthen their school/programs/themes, improve academic achievement as well as the recruitment and retention of students to accomplish and/or maintain integration. Another very critical component in supporting the success of the magnet schools is the regular external monitoring of their progress, which is the responsibility of the Special Master through the court-ordered USP. In this capacity, he becomes the bearer of either good or bad news. Efforts to shoot the bearer of the news is nothing more than misplaced and misdirected blame. As I have said many times, **information is power**. My reference, naturally, has always been about **FACTUAL information**. May this information empower you to share and discuss the issues presented with others.

For those of you who are new to the list, I hope you find this of interest. Please do not hesitate to let me know if you do not want to receive desegregation updates in the future.

Thank you for your continued interest and support.

My best,

Sylvia Campoy

From: Tolleson, Julie <Julie.Tolleson@tusd1.org>
To: Thompson, Lois D. <lthompson@proskauer.com>; Brown, Samuel <Samuel.Brown@tusd1.org>;
wbrammer <wbrammer@rllaz.com>
Cc: wdh <wdh@umd.edu>; Juan Rodriguez (jrodriguez@MALDEF.org) <jrodriguez@MALDEF.org>; rsjr3
<rsjr3@aol.com>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; Eichner, James (CRT)
(James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>;
'shaheena.simons@usdoj.gov' <shaheena.simons@usdoj.gov>; TUSD (TUSD@rllaz.com)
<TUSD@rllaz.com>; Desegregation <deseg@tusd1.org>
Sent: Wed, Sep 23, 2015 3:54 pm
Subject: RE: Data for Meetings on October 5, 6

No problem. We've just been looking at that very thing. Here's a couple of useful .pdfs.

I'll check with our student information system folks to ensure when clean 40th day data is available. I think the 40th day is Oct. 1. Because that is the "money count" for the state, I know it also is scrubbed to some degree (actually, I don't really claim to know what I'm talking about but I know there is SOME process right there after the 40th day for ensuring accuracy) but it is a high-tech world so I can't imagine we won't be able to have 40th day actuals to guide our conversation. I'll try to find out.

For unfilled teaching positions, the good news is that we have fewer vacancies than we have in years. Pay bumps two years in a row have strengthened our recruiting hand. At Utterback we only have three vacancies, which is a universe of difference. But you are right; we don't have none! Let me see what I can chase down from HR. We are just now finishing the annual report so it may take a few days to come up for air.

From: Thompson, Lois D. <lthompson@proskauer.com>
To: julie.tolleson <julie.tolleson@tusd1.org>; 'Brown, Samuel' <Samuel.Brown@tusd1.org>; wbrammer <wbrammer@rlaz.com>
Cc: wdh <wdh@umd.edu>; Juan Rodriguez (jrodriguez@MALDEF.org) <jrodriguez@MALDEF.org>; rsjr3 <rsjr3@aol.com>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; 'shaheena.simons@usdoj.gov' <shaheena.simons@usdoj.gov>; TUSD (TUSD@rlaz.com) <TUSD@rlaz.com>; Desegregation <deseg@tusd1.org>
Sent: Wed, Sep 23, 2015 3:48 pm
Subject: Data for Meetings on October 5, 6

Dear Julie, Sam, and Bill B,

In anticipation of the discussion we will be having about the magnet schools when we are in Tucson, we believe it would be useful if all in attendance had the most up to date information possible on the enrollments at the magnet schools, particularly in their entering classes. Therefore, in light of the scheduled date of our meeting, we write now to request that such information be provided before or, at the very least, at the October 5, 6 meetings based on October 1, 2015 enrollments (which I understand from Sam's email of September 10 on the subject of magnet school status will be the 40th instructional day of the TUSD school year) notwithstanding that the schedule for TUSD providing information (Doc. 1781) states that such data is to be provided to the plaintiffs and the Special Master "no later than the 50th day of the school year." We believe that it will detract from the usefulness of our meeting and discussions if essential enrollment information is not provided until the 50th day of the school year.

Of concern both with respect to the magnet schools and many other schools in the District is information we have been receiving about the number of unfilled positions in the schools. We therefore also request that data be provided at our meetings to show each as yet unfilled by a full time teacher (as distinct from a substitute in the class room) position for each school in the District by school as of October 1, 2015. We assume that the District is monitoring this information closely. Therefore, providing such information should not pose a burden.

Thanks in advance for advancing our discussions by providing the requested information.

Lois D. Thompson

Partner

From: Willis D. Hawley <wdh@umd.edu>

To: Julie Tolleson (Julie.Tolleson@tusd1.org) <Julie.Tolleson@tusd1.org>

Cc: Rubin Salter, Jr. <rsjr3@aol.com>; jrodriguez <jrodriguez@MALDEF.org>; lthompson <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; TUSD <TUSD@rllaz.com>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>

Sent: Fri, Sep 11, 2015 11:58 am

Subject: RE: Repot to the Governing Board

Please note that I made an error in my note to the Board. I meant to say that Roskruge was taken off the list, not Drachman. Drachman was not on the list. Sorry about that. Bill

From: Willis D. Hawley <wdh@umd.edu>
To: Julie Tolleson (Julie.Tolleson@tUSD1.org) <Julie.Tolleson@tUSD1.org>
Cc: Rubin Salter, Jr. <rsjr3@aol.com>; jrodriguez <jrodriguez@MALDEF.org>; lthompson <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; TUSD <TUSD@rlaz.com>; Desegregation (deseg@tUSD1.org) <deseg@tUSD1.org>
Sent: Fri, Sep 11, 2015 8:40 am
Subject: Repot to the Governing Board

Julie,

Please transmit the attached to all of the members of the Governing Board as soon it is possible to do so. Thanks, Bill

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

September 11, 2015

To. Members of the TUSD Governing Board

From: Bill Hawley, Special Master

Re: Withdrawal of Magnet Status

I watched the Board meeting on September 8 and have seen some follow up from the District staff.

I will not argue the merits of withdrawal of magnet status from the five schools involved. And, I certainly respect your right to reject any proposal I might make. But, I think there are some factual matters that I think you should know.

The court order related to the CMP and the resultant magnet plan are quite clear. To maintain magnet status, magnet schools and programs must both be integrated and reach specified achievement goals. In their plans, which were approved by the Board, each school set specific goals for integration for this fall and for the next school year. They were not asked to completely integrate their schools by 2016, but only to integrate their entry classes at a level which would allow them reach the 70% target by next fall. All of the school set specific targets. Not one of the five schools that I have identified achieved its goal (not one of the goals was close to 70%).

At about 10:00 (MT) on Tuesday, before the meeting of the Board, I pulled Pueblo off the list because I misinterpreted the data. On Wednesday, I took Drachman off the list because, while it did not meet its goal, it is a dual language school and warrants funding as proposed (I made this observation on a memo I shared with the Superintendent on the previous weekend).

In my memo to the parties (which I encourage you to request from the Superintendent or your counsel—the press had it), I proposed a strategy for maintaining significant support from “deseg funds” for the five schools for the foreseeable future in order to ensure that excellent programs are sustained and the needs students who are struggling are met.

You should also know that I will not make my recommendations to the Court until after the parties meet on October 5-6.

Sincerely,

From: Brown, Samuel <Samuel.Brown@tUSD1.org>

To: 'Willis D. Hawley' <wdh@umd.edu>; William Brammer <WBrammer@rllaz.com>; Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; Desegregation <deseg@tUSD1.org>; TUSD <TUSD@rllaz.com>

Cc: Becky <rebeccarmontano@aol.com>; Vicki Balentine <vicki.balentine@gmail.com>; Tolleson, Julie <Julie.Tolleson@tUSD1.org>

Sent: Thu, Sep 10, 2015 10:18 am

Subject: RE: Magnet School Status

Dr Hawley/Counsel – might I offer a suggestion: why not follow the process outlined in the CMP and provide the recommendations (if any) after an analysis of 40th day data? The 40th day is October 1, we are meeting shortly thereafter, and the data will be available by mid-October. This provides a great opportunity for us to have a discussion at the October meeting that might inform the recommendation(s).

From: Tolleson, Julie <Julie.Tolleson@tusd1.org>
To: Willis D. Hawley <wdh@umd.edu>; William Brammer <WBrammer@rllaz.com>; Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; Desegregation <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>
Cc: Becky <rebeccarmontano@aol.com>; Vicki Balentine <vicki.balentine@gmail.com>
Sent: Thu, Sep 10, 2015 9:17 am
Subject: RE: Magnet School Status

Dr. Hawley --

Bill raised the issue of "no District position yet" at my request. I'm out of town and was not at Tuesday's board meeting. No doubt staff, including the site principals, have strong opinions about preserving students and programs. But positions we take in a more formal sense require direction from the board in either a "legal advice and direction to counsel" executive session or via formal vote in open session. There was no executive session on this issue (because I'm out of town). I have no doubt that the information presentation conveyed many thoughts and opinions, of course. But my suggestion was in response to your sense that the District had announced a position it was taking in litigation.

Anyway, I just hated to see a rush to a court filing being premised on an impasse on which we have not yet had the opportunity to consult with the board. Ideally, I'd hope that this topic -- and what agreements might be possible with regard to any particular programs -- would be a good one for our gathering in early October.

Like you, I strongly suspect that the court will have to resolve **some** aspects of this issue but I think we've got time for that to happen. The main way the withdrawal of magnet status will affect 2016-17 is in funding and in staffing/scheduling. We're at least six months from starting meaningful work in both of those areas. While there's a possibility that it would be an issue for lottery admissions, even that is several months away and very few schools are oversubscribed so the interplay is fairly modest. In terms of timeline, am I missing something?

I just hate to see a rush to the courthouse premised on a position on which we've not yet been able to confer with the governing board and the parties have not had the opportunity to brainstorm together. I hope that helps put Bill's note in context.

Julie C. Tolleson
General Counsel
Tucson Unified School District No. 1

From: Willis D. Hawley [wdh@umd.edu]

Sent: Thursday, September 10, 2015 9:05 AM

To: William Brammer; Rubin Salter, Jr.; Juan Rodriguez; Thompson, Lois D.; Bhargava, Anurima (CRT); Savitsky, Zoe (CRT); James.Eichner@usdoj.gov; Desegregation; TUSD

Cc: Becky; Vicki Balentine; Tolleson, Julie

Subject: RE: Magnet School Status

Surely, you jest. I viewed the Board meeting. The Superintendent asserted that the minute I filed with the Court, he would ask the Board to appeal. At least three of the Board members fell on their swords (though they might not have had they had the same information I provided the parties). HT mobilized the school principals—who had my memo suggesting that most of their magnet funds should be retained and he put the principal of Pueblo on the stand, so to speak, though I did not recommend that Pueblo be included (though on Friday, Pueblo was on the list, by Tuesday it was not). The principals knew that I was not urging that they would not lose all their funds but they implied they would (coached?). All, by the way, said that they worked very hard to recruit students for integration purposes. Nonetheless, they were not successful in meeting their own goals.

I have monitored enrollment all along. Yes, I acted before the 40th day—not a single staff member suggested that things would change in the next few days. My hope was to avoid the debacle that did not need to have happened. All the more reason to get this matter to the Court asap. If the District want me to wait until the 40th day, I can do that. But this would further contribute to the uncertainty. What I had hoped was that the District would take some leadership in trying to mitigate the consequences of my following the Court order and acting on my responsibility to facilitate the implementation of the USP.

Bill

From: William Brammer <WBrammer@rllaz.com>
To: Willis D. Hawley <wdh@umd.edu>; Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; Desegregation <deseg@tUSD1.org>; TUSD <TUSD@rllaz.com>
Cc: Becky <rebeccarmontano@aol.com>; Vicki Balentine <vicki.balentine@gmail.com>; Julie Tolleson <Julie.Tolleson@tUSD1.org>
Sent: Wed, Sep 9, 2015 5:15 pm
Subject: RE: Magnet School Status

Dr. Hawley – I have asked the district what decision was made and by whom that informs your statement that “the District has decided to fight the withdrawal of magnet status from the six schools.” The district has advised me that neither the Governing Board nor the administration has taken any formal action in response to the memo you circulated to the parties yesterday, although the board was advised of your memo as an information item at last night’s meeting. We would appreciate it very much if you would please let us know to what decision you refer, when it was made and by whom.

And, I see now that you may have modified yesterday’s memo by email today, copy attached, suggesting you now would not recommend withdrawing magnet status from Roskruge.

Because there is no particular rush for this item to be the subject of immediate court review via some condensed briefing schedule - the magnet issues on the table will affect SY16-17 - we were thinking it would be the subject of discussion at the parties’ meeting in October. All parties have differing views on various portions of your memo, and discussing the proposals seems appropriate as we have some time – building next year’s budget and schedules are months in the future, and magnet lotteries begin the first of next year. If the collaborative effort is to be meaningful, it might best occur without lines already having been drawn by court filings.

The court in its January 16, 2015 order (ECF 1753) provided the parties “30 days from the filing date of any recommendation that magnet status be withdrawn to file a Response.” I ask that you not request this schedule be expedited. You have not yet filed a formal recommendation, the governing board will not meet for two weeks, and as you admitted earlier today you were “underwater” with many other pending items, as is the district with those same items. My suggestion is that the parties be permitted the time to

deal with these issues rationally and orderly, without the additional pressures of an expedited briefing schedule.

Thank you for your consideration.

Bill

J. William Brammer, Jr.
Rusing Lopez & Lizardi, P.L.L.C.
6363 North Swan Road, Suite 151
Tucson, Arizona 85718
Tel: 520.792.4800
Fax: 520.529.4262
Brammer@rllaz.com
www.rllaz.com

From: Willis D. Hawley <wdh@umd.edu>

To: Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez (jrodriguez@MALDEF.org)
<jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT)
(CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>;
James.Eichner <James.Eichner@usdoj.gov>; Desegregation <deseg@tusd1.org>; TUSD
<TUSD@rlaz.com>

Sent: Wed, Sep 9, 2015 3:30 pm

Subject: Magnet Status

I am working on my recommendation to the Court. In my note to you on withdrawing magnet status, I noted that I would recommend that Roskruge retain its funding because of its role as a dual language school. Rather than confuse the issue, I will not recommend withdrawing magnet status from Roskruge. This means that it will almost certainly lose magnet status at the end of the 2016-17 school year but this gives the District time to develop a transition plan and eliminate ambiguity about tis near future.

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

From: Willis D. Hawley

Sent: Wednesday, September 09, 2015 1:37 PM

To: Rubin Salter, Jr. <rsjr3@aol.com>; 'Juan Rodriguez' <jrodriguez@MALDEF.org>; 'Thompson, Lois D.' <lthompson@proskauer.com>; Bhargava, Anurima (CRT) <Anurima.Bhargava@usdoj.gov>; 'Savitsky, Zoe (CRT)' <Zoe.Savitsky@usdoj.gov>; 'James.Eichner@usdoj.gov' <James.Eichner@usdoj.gov>; 'Desegregation' <deseg@tusd1.org>; 'TUSD' <TUSD@rlaz.com>

Cc: 'Becky' <rebeccarmontano@aol.com>; Vicki Balentine <vicki.balentine@gmail.com>

Subject: RE: Magnet School Status

Apparently, the District has decided to fight the withdrawal of magnet status from the six schools. So that the uncertainty involved can be resolved quickly for both staff and families—though the maintenance of quality could have been dealt with as I proposed--I will be preparing a recommendation to the Court in the next two days with a proposed expedited briefing schedule. In order to maintain the focus on the actual enrollment data and the goals for integration, it may be necessary to add other schools to the list that did not meet goals. Bill

September 8, 2015

To: Parties

From : Bill Hawley

Re: Withdrawing Magnet Status

In January 2015, the Court established a set of criteria for determining whether magnet schools should retain their magnet status and said that all magnet schools should be integrated and meet the academic criteria at the end of the 2016-17 school year. That order authorized the special master to make recommendations to the Court relating to each set of criteria—magnet and academic.

The District developed magnet plans for each school and program that set goals for meeting the requirements of the Court.

I examined recent enrollment data to determine whether the racially concentrated magnet schools had made reasonable progress toward achieving no more than 70% Latino in their entering classes—kindergarten, sixth and ninth. Davis, Carillo and Drachman had entering classes of less and 70% Latino. Robison got close to that goal and Hooladay made substantial progress from the previous year so I decided, with the advice of Dr. Montano, to postpone any decision about each of these schools—both of which are challenged to meet their academic goals at the end of this academic year.

Magnet schools that did not meet their integration goals are: Bonillas, Cholla, Ochoa, Roskruge, Safford, and Utterback.

Last week Dr. Montano and I visited 10 of the magnet schools and explained the process to the principal and, in most cases, the magnet coordinator. I will recommend to the court that the seven schools identified lose their magnet status this fall. See the Table at the end of this memo for relevant data. You will note an empty cell for out of boundary enrollment for Cholla. The data are unclear but the number of whites and African Americans is very small.

Pueblo is a special problem. The school is 90 percent Latino; the freshman class is 86 percent Latino. The Communication Arts Magnet freshman class is 70 percent Latino and would not be a candidate for withdrawal on that basis. It attracted only 54 students, including 3 whites, 2 African Americans and 10 Native Americans. The staff says that its equipment is very

outdated yet I estimate the cost per student to be close to \$2,500 per student (this assumes that the entry class cohort follows through to graduation).

This decision to withdraw status from six schools is quite straightforward. The schools did not meet their goals and none are likely to reach the 70% Latino target next year. All together, 21 white students and 27 African American students enrolled in the entry level grade in the six schools. Let me emphasize, this enrollment is for the seven schools combined. I informed each of the schools of my intent. None were surprised—they know their data and the history of their schools

How this is dealt with is critically important because it could be seen as cataclysmic further undermining confidence in the District perhaps leading to flight, especially among middle income families including those families in other magnet schools.

Combined, the schools have about \$3.5 million in 910 G funds. While these schools will lose magnet status, I believe that all of the schools should retain some funding beyond the regular funding formula for these reasons.

First, in almost all of the schools most of the magnet funds are being used to hire teachers. These teachers are often teaching courses that would have to be taught if the 910gG funded positions were eliminated in order to provide students with a full curriculum. The courses replacing magnet funded courses might have more students but a substantial number of teachers would still have to be hired. In other words, a significant amount of the money invested in these magnet schools appears to be supplanting M&O funds.

Second, in some of the schools, a significant number of students are underperforming and it will be essential to invest in improving their performance.

Third, the dual language program at Roskrige, which is extraordinarily popular among Latino families, is a high USP priority and virtually all of the substantial funding (\$687,000) for that magnet would have to be sustained. An issue here is whether transportation would be provided to Latino students. I suspect that if dual language programs are to prosper, transportation will be an issue in any new startup

Fourth, there are numerous programs at these schools that should be sustained because they keep students in the District or attract them, even though the consequence is not integration. Of course, these programs would contribute somewhat to

desegregation when the students enrolling enhance the integration in the school. Enrollment in both Pueblo and Cholla has increased this year. At Cholla, for example, one might justify 910g funding because they offer a number of ALE programs from which Latino and African American students benefit (an IB program that could be streamlined and its cost reduced, AVID, AP, and a unique Arabic studies program that enrolls 170 students). Note that IB programs are extraordinarily expensive and it seems possible to offer this opportunity to the smaller number of students at Cholla and Safford at lower cost (only four percent of Cholla's IB students receive an IB diploma).

Other USP-relevant initiatives could be funded at other schools losing magnet status.

It may be possible for the District to reduce the angst that will come from withdrawal of magnet status from seven schools, and even come out ahead if it announces, simultaneously with the withdrawal of status, a new initiative (as Re-invention Initiative, for example), that builds on the success of some of these programs, ensures a commitment to students who need extra resources to succeed, and highlights in ways masked by the magnet programs some exceptional programs being offered at some of the schools.

Some of the funds now invested in these magnet schools should be used to strengthen existing magnets and perhaps add another magnet program (e.g., a health sciences program connected to the medical centers in Tucson). Much as it pains me to say this, I am not optimistic that a significant investment in new magnet schools would bring about substantial integration. For example, while Carillo and Drachman met their goals, only a small number of white and African American students enrolled in these schools even though both are A school with good physical facilities.

It is very important that action be taken quickly because the word is now out. And, families deserve to know what will be going on in the seven schools involved. At the same time, how this matter is dealt with and what is done with the resources involved are incredibly important and I believe these matters require significant discussion and a sensible transition plan to be developed by the District. So, while my initial instinct was to push this forward in the next two weeks, it may be that how the District should move forward might be an issue for discussion at the meetings in the beginning of October. I'm not suggesting that we would postpone withdrawal of magnet status for these programs for another year because there is no reasonable way to argue that the criteria set by the Court do not apply.

In the efforts to revise school level plans, little, if any attention was given to what would happen when the schools lost magnet status. There does not appear to be any plans in place to reallocate funds or to develop a new magnet site. It is hard to imagine that a new site could be developed for the next school year given that enrollment in magnets begins this fall. Moreover, as noted above, the funds available for new initiatives from the withdrawals needs clarification. During the budget negotiations, I asserted and the District agreed that magnet school funding will be subject to the formula plus rule. It will take some study to know the implications of this commitment,

This situation cannot be a surprise to anyone paying attention. The Court order handed down eight months ago was unambiguous. Throughout the development of the magnet plans this spring, most, if not all, of these schools were identified as being vulnerable to losing their magnet status. Steve Holmes met with leaders in the schools involved. The principals we talked to knew what was at stake though one or two may have hoped that their schools would be given a pass. It may be that had things been different in the past, more integration would have occurred. But all these schools made considerable efforts to recruit students. There is nothing different they could do in this year to dramatically change the challenges they face.

MAGNET SCHOOL ENROLLMENT

| SCHOOL | 2015-16 RACE SCHOOL | | | | FALL 2015 ENTRY GRADE | | | | 2015 GOAL % LATINO | OUT OF BOUNDARY | | | 2014 GRADE | MAGNET FUNDING | |
|-----------|---------------------|-----------|-----------|-----------|-----------------------|-------------------|--------------------|---------------------------|--------------------|------------------|--------------------|-------------------|-----------------------------|----------------|-----------|
| | | W | AA | L | W | AA | L | W | | AA | L | | | | |
| Bonillas | N % | 57 43 | 17 4 | 322 76 | N % | 11 17 | 4 6.1 | 50 76 | 74 | N % | 2 7 | 1 4 | 231 85 | C | \$341,000 |
| Ochoa | N % | 95 2 | 1 1 | 181 85 | N % | 14 2 | 7 1 | 82 | 77 | N % | 0 0 | 0 0 | 95 70 | B | \$229,000 |
| Roskruge | N % | 46 7 | 16 2 | 578 81 | N % N % | 6 12 8 5 | 1 2 11 7 | 38K 75 126(6) 77 | 78 | N % N % | 3 9 5 3.5 | 0 0 10 7 | 27(K) 82 121(6) 82 | B | \$687,000 |
| Safford | N % | 42 5 | 40 5.1 | 621 79 | N % N % | 3 8 4 5 | | 25K 74 103(6) 77 | 72 | N % N % | 3 13 4 5 | 3 13 7 9 | 14(K) 64 55(6) 73 | C | \$829,000 |
| Utterback | N % | 20 3.8 | 35 6.6 | 437 83 | N % | 5 3 | 10 6 | 133 80 | 74 | N % | 0 0 | 1 4 | 18 72 | D | \$450,000 |
| Cholla | IB LAW | | | | N % N % | 3 4 1 59 | 5 6.4 0 0 | 66 85 17 85 | 74 | * | | | | B | \$991,000 |
| TOTAL | N | 138 | 89 | 1495 | | | | | | | | | | | |
| CHOLLA | % | 7.3 | 4.7 | 80 | | | | | | | | | | | |

From: Willis D. Hawley <wdh@umd.edu>

To: Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; Desegregation <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>

Sent: Tue, Sep 8, 2015 10:42 am

Subject: Magnet School Status

Please see the attached report. Bill

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center