

**From:** Brown, Samuel [mailto:Samuel.Brown@tUSD1.org]

**Sent:** Thursday, November 12, 2015 11:27 PM

**To:** James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter Jr. <rsjr3@aol.com>; Shaheena Simons <shaheena.simons@usdoj.gov> <shaheena.simons@usdoj.gov>; Zoe Savitsky <zoe.savitsky@usdoj.gov>; Willis D. Hawley <wdh@umd.edu>

**Cc:** Tolleson, Julie <Julie.Tolleson@tUSD1.org>; Brammer@rllaz.com; TUSD <TUSD@rllaz.com>; Taylor, Martha <Martha.Taylor@tUSD1.org>; Desegregation <deseg@tUSD1.org>; Nodine, Bryant <Bryant.Nodine@tUSD1.org>; Patterson, Charlotte <Charlotte.Patterson@tUSD1.org>

**Subject:** Grade Reconfiguration Vote and Survey Results for Incentive Transportation + Express Busing

Dr. Hawley/Counsel: As you are likely aware, on Tuesday our Governing Board considered grade expansion proposals for study/action and approved all five proposals. Accordingly, the District is currently finalizing the requests to Dr. Hawley and the Court.

Upon receiving our request for an expedited briefing schedule, both the Fisher and Mendoza Plaintiffs' counsel indicated concern about needing the full 20 days to review the NARA/NARAs, and the Mendoza counsel indicated a willingness to respond in less than twenty days depending on the scope of new information. As you are also aware, the Fisher and Mendoza Plaintiffs have raised concerns about various projections related to our mitigation strategies. In particular, the Mendoza Plaintiffs have expressed a concern that the express busing / incentive transportation strategy would only have a negligible impact on integration. Mr. Nodine's initial projection for 26 additional students to Sabino, for example, was based on the current decisions of families using incentive transportation to get to Sabino. In response to the Mendoza and Fisher concerns, and to determine the accuracy of our initial projections, the District developed and communicated a survey to parents of 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> grade students (depending on the question) who would be eligible for USP incentive transportation to Sabino, Magee, Fruchthendler, or Collier (parents of non-Anglo students in RC boundaries). The surveys were conducted by phone through parentlink (a new feature), and offered parents the opportunity to respond immediately and complete the survey in a matter of minutes using their phone.

The results were quite interesting (see chart below, and attached survey results). 874 parents indicated interest in express busing to Sabino, and many more than expected indicated interest in Collier, Fruchthendler, and Magee. If even a fraction (10-20%) of these students enrolled in the proposal schools through incentive transportation, it would have significant, positive impacts on integration. The Spanish surveys also indicated a not-insignificant level of interest: 243 parents interested in Sabino through express busing; 58 interested in Magee, 51 in Fruchthendler, and 37 in Collier. Although we only used the results of the English survey (results below) to make initial, conservative projections (available in the revised DIAs), it is clear that the DIAs connected to the Sabino, Fruchthendler, and Collier proposals will change significantly in light of this information. Essentially, assuming that a tiny fraction (5-10%) of parents interested in express busing actually enrolled their children, the results would be to **improve** integration at Sabino, Magee, Fruchthendler, and Collier in significant ways (by more 4-5% or more for Anglo and Hispanic populations at each site).

As indicated in our communications re an expedited briefing schedule, we have been taking actions based on your feedback (such as these surveys) that have resulted in new information that have altered our analyses. Rather than wait a few days for you to see this information for the first time in the revised DIAs/NARAs, we are presenting it now to provide full transparency, and to give all parties a little extra time to analyze this new data. **We do not provide this information in any way to surprise you, to limit**

**your ability to analyze it, or to otherwise prejudice you. To the contrary, rather than presenting this information for the first time in the DIA/NARA, we are presenting it prior to the DIA/NARA submission so that you will have some additional time to review it.**

Respondents	Statements / Questions	Yes	No
Parents of 6th and 7th graders who live in the attendance areas of Racially Concentrated middle schools, and who would be eligible for incentive transportation to Sabino (non-Anglo students).	Sabino High School is a National Blue Ribbon School with an A-rating on the northeast side of town.		
	1. Would you be interested in enrolling your child at Sabino if TUSD offered a free one-hour bus ride to Sabino from the vicinity of Pueblo Magnet High School?	<b>349</b>	460
	2. Would you be interested in enrolling your child at Sabino if TUSD offered a free one-hour bus ride to Sabino from the vicinity of Cholla Magnet High School?	<b>266</b>	475
	3. Would you be interested in enrolling your child at Sabino if TUSD offered a free 45-minute bus ride to Sabino from the vicinity of Tucson High Magnet School?	<b>259</b>	420
	<b>Total Sabino</b>	<b>874</b>	

Parents of 5th graders who live in the attendance areas of Racially Concentrated middle schools, and who would be eligible for incentive transportation to Magee, Collier, or Fruchthendler (non-Anglo students).	1. Magee Middle School is an eastside school with strong academics and an outstanding Odyssey of the Mind competition group. Would you be interested in free transportation to Magee Middle School?	<b>140</b>	240
	2. Fruchthendler is a highly performing school on the eastside of Tucson. Would you be interested in free transportation to Fruchthendler Elementary School if sixth grade were added?	<b>99</b>	246
	3. Collier is a tight-knit community of learners on the northeast side of Tucson. Would you be interested in free transportation to Collier if sixth grade were added?	<b>82</b>	244
	<b>Total 5<sup>th</sup> Graders</b>	<b>321</b>	

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

To: Brown, Samuel <Samuel.Brown@tUSD1.org>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter Jr. <rsjr3@aol.com>; Shaheena Simons (shaheena.simons@usdoj.gov) <shaheena.simons@usdoj.gov>; Zoe Savitsky <zoe.savitsky@usdoj.gov>

Cc: Tolleson, Julie <Julie.Tolleson@tUSD1.org>; Brammer <Brammer@rlaz.com>; TUSD <TUSD@rlaz.com>; Taylor, Martha <Martha.Taylor@tUSD1.org>; Desegregation <deseg@tUSD1.org>; Nodine, Bryant <Bryant.Nodine@tUSD1.org>; Patterson, Charlotte <Charlotte.Patterson@tUSD1.org>

Sent: Mon, Nov 23, 2015 8:53 am

Subject: RE: Grade Reconfiguration Vote and Survey Results for Incentive Transportation + Express Busing

All.

The survey of parents/families was obviously intended to investigate concerns that implementing a middle school at Sabino or a sixth grade at Collier and Fruchthendler would have adverse effects on integration. Conducting a survey for these reasons makes sense—but the questions seem ill-suited for the purpose.

The questions about transportation to Sabino are irrelevant. I assume that the inference to be drawn from the response is that if respondents would choose Sabino HS, they would choose Sabino MS. This does not follow. As a parent, I saw middle school and high school as very different places and felt differently about my children's social development as they progressed through adolescence. Why didn't the survey focus on Sabino MS?

The Magee question asserts that Magee has a strong academic program. Maybe, but why is it a C school? If parents looked into it and they learned that Magee's student performance warranted a C rating, would their answers to the survey be the same?

And why not ask a specific question that is relevant to the situation? Something like:

*"If you were offered the opportunity for your student to attend a middle school on the Sabino high school campus (Sabino HS is a National Blue Ribbon school with an A rating) or Magee MS (Magee has an outstanding Odyssey of the Mind competition group and has a C rating), which—if either—would you choose? Consider that you would have free transportation provided by TUSD to both Magee MS and Sabino MS with the Magee bus ride taking about 45 minutes and the Sabino bus ride taking about an hour.*

*1. We would be interested in enrolling our student at Sabino Middle School*

*Yes No Don't Know*

*2. We would be interested in enrolling our student at Magee Middle School*

*Yes No Don't Know*

The wording needs work. But, the point is that offering the Magee option without accurately comparing it to Sabino MS option, misstates the issue we are considering.

The wording of the November 12 email related to the surveys says that the parents surveyed were those whose students are already eligible for free transportation to Magee (and the other schools mentioned). Maybe some of them already plan to do enroll at Magee. How many students now attending Magee get to school via incentive transportation? Why would the number increase if Sabino MS were an option?

A similar point related to Collier and Fruchthendler applies. What proportion of students at each school now use free TUSD provided transportation?

How many students from the Pueblo HS area now attend Sabino HS?

How long does it take to travel from Pueblo to Sabino?

I look forward to the District's response to the questions I posed so that the results of the survey can be put in perspective.

Thanks,  
BH

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Sent: Mon, Nov 23, 2015 4:52 pm

Dear Mr. Brammer:

Fisher Plaintiffs, like the Mendoza Plaintiffs, share the same concerns as to the meets and bounds of the Governing Board's meeting and acceptance of the NARA Reconfiguration Proposal. We therefore request a single document that encompasses the District's scenarios and actual recommendations that are not supported in the NARA as to the Board's approval. While the Board discussed some recommendations, there appears to be no evidence those discussions were part of the motion for acceptance of the proposed NARA. Therefore, we would request a clarification and, if necessary, a revote by the Board to include the scenarios and recommendations.

Rubin

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**From:** Thompson, Lois D. [mailto:lthompson@proskauer.com]

**Sent:** Monday, November 23, 2015 11:45 AM

**To:** Brammer@rlaz.com

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**Subject:** TUSD NARA re: Grade Reconfigurations

Dear Bill,

We now have had an opportunity to review the District's most recent NARA filing and to listen to the Board vote on the proposed grade reconfigurations.

The District's filing states that the grade reconfigurations are accompanied by District commitments to take certain other actions. For example, that " a scenario within the proposal [to add grades to Borman] [is] to add the Advancement Via Individual Determination (AVID) program to improve the attractiveness of nearby Roberts-Naylor K-8 School...." (NARA Request at page 10). But none of the proposed "scenarios" or "recommendations" were included in the Board vote. Rather, as reflected in Nodine Exhibit 8-F (the Governing Board November 10, 2015 agenda with approved actions in red) and the audio of the Governing Board meeting, notwithstanding that there was Board discussion of some of the recommendations, the only actions that were voted on and approved by the Governing Board were the proposed changes in grade reconfiguration standing on their own.

We are concerned that there is no document that sets forth in a single place all of the commitments the District says accompany the proposed grade reconfigurations and no evidence that the Governing Board actually adopted those commitments as an integral part of the grade reconfiguration approvals. For the sake of clarity and a common understanding of what has been promised going forward and to be certain that the District has indeed committed to the conditions/recommendations that staff and the SAC presented along with the grade configuration proposals, we ask that this omission be addressed.

Lois

From: Brown, Samuel <Samuel.Brown@tUSD1.org>  
To: 'Thompson, Lois D.' <lthompson@proskauer.com>; Brammer <Brammer@rllaz.com>  
Cc: wdH <wdh@umd.edu>; Tolleson, Julie <Julie.Tolleson@tUSD1.org>; Juan Rodriguez (jrodriguez@MALDEF.org) <jrodriguez@MALDEF.org>; rsjr3 <rsjr3@aol.com>; shaheena.simons <shaheena.simons@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov) (CRT) (Zoe.Savitsky@usdoj.gov) <Zoe.Savitsky@usdoj.gov>; TUSD (TUSD@rllaz.com) <TUSD@rllaz.com>; Desegregation <deseg@tUSD1.org>  
Sent: Tue, Nov 24, 2015 10:38 am  
Subject: RE: TUSD NARA re: Grade Reconfigurations

Lois/Rubin: thank you for your emails. Lois, though it is unclear what you mean my “addressing the omission” we do our best here to provide clarification – as we do not believe adoption of these commitments was “omitted” from the materials presented to the Governing Board and filed with the Court.

The purpose of the board agenda item on Nov 10 was to “...**present recommendations for grade configuration changes** to the Governing Board...” See Nodine Ex 8-F page 2 (1869-9 at 75). On page 76, you will see that “Ex A – Summaries and Recommendations” (filed with the Court as Nodine Ex 8-E) was presented to the Board for approval, and each recommendation included specific commitments as integral components of the proposal through the use of the language “Recommend approval with...”. The Board had the authority to, but did not, elect to remove any of the specific commitments which were part and parcel of the recommendations themselves. Obviously, the commitments are conditioned upon approval of the relevant proposal.

Please see the list below outlining the specific commitments which were included in the materials presented to the Governing Board as part of the each recommendation for approval through the use of the language applied to each commitment, “Recommend approval with...” (see yellow highlights in Nodine Dec Ex 8-E, attached):

1. **AVID at Roberts-Naylor.** See 1869-9 at 65
2. **Express bus** to Drachman. See 1869-9 at 66
3. **Express buses** to Collier, Fruchthendler, Magee and Sabino (depending on “verified ridership”). See 1869-9 at 69, 70, 71 #2
4. **Marketing Magee MS and Sabino 7-12 to students in RC school areas.** See 1869-9 at 71 #s 1-2.
5. **Pre-AP/dual-credit programs at Magee; marketing to enhance recruitment.** See 1869-9 at 72 #3
6. **Fund current staffing levels at Magee for 2-3 years.** See 1869-9 at 72 #4
7. **Phase the Sabino option in with a 7<sup>th</sup> grade starting in SY 2017-18.** See 1869-9 at 72 #5
8. **Evaluate the Cavett-Catalina option** “...evaluate the [Cavett-Catalina option] and present it for consideration, by all parties, in the second semester of SY15-16.” \*Though not part of a proposal, this is a publicly-stated commitment reiterated in our publicly-filed NARA. See 1869-9 at 73

We hope this helps clarify any misunderstanding about the import of the Governing Board’s vote. Sam

From: Thompson, Lois D. [<mailto:lthompson@proskauer.com>]

Sent: Tuesday, November 24, 2015 12:32 PM

To: Brown, Samuel

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Subject: Re: TUSD NARA re: Grade Reconfigurations

Sam

The difficulty I am having is that so far as I can tell from the Board vote and so far as is stated in the red letter statements of the Board action on the annotated agenda that is attached to Mr. Nodine's declaration, all that the Governing Board appears to have voted on was to change grade configurations and there was no vote to approve those grade configurations AND also adopt the recommendations of staff with respect to the grade configurations. I understand what was recommended but the vote and the report of the vote do not appear to incorporate those recommendations.

Lois

From: Brown, Samuel <Samuel.Brown@tusd1.org>

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Sent: Wed, Nov 25, 2015 12:19 pm

Subject: RE: TUSD NARA re: Grade Reconfigurations

Lois/Rubin: for the sake of clarity and a common understanding of what has been promised going forward, and to be certain that the District has indeed committed to the conditions/recommendations that staff and the SAC presented along with the grade configuration proposals, the District has (through the Governing Board's vote, and through its email of Nov 24), and does now again (through this communication), commit to undertaking the commitments listed below subject to Court approval of the proposals to which they relate:

The Borman Proposal includes the District's commitment to implement AVID at Roberts-Naylor.

The Drachman Proposal includes the District's commitment to run an express bus to Drachman.

The Collier/Fruchthendler Proposals include the District's commitment to run express buses to Collier and/or to Fruchthendler (depending on "verified ridership")

The Sabino Proposal includes the District's commitment to undertake the following measures:

1. Running express buses (depending on "verified ridership") to Magee and Sabino
2. Conducting targeted marketing to students in RC school areas for Magee MS and Sabino 7-12
3. Implementing Pre-AP/Dual-Credit programs at Magee and marketing those program(s) to enhance recruitment.
4. Funding current staffing levels at Magee for 2-3 years.
5. Phasing the Sabino option in with a 7th grade starting in SY 2017-18.

Please don't hesitate to contact us with any questions or concerns. Thanks, Sam