

MENDOZA PLAINTIFFS' COMMENTS REGARDING TUSD'S 2016-17 MAGNET SCHOOL IMPROVEMENT PLANS

June 23, 2016

On January 16, 2015, the Court issued its Order regarding the District's Comprehensive Magnet Plan that was then before the Court. In it, the Court explained that "[i]ntegration and student achievement are linked together because the goal of a magnet school is by definition 'to attract a racially diverse student body by creating a school so distinctive and appealing – so magnetic – that it will draw a diverse range of families from throughout the community eager to enroll their children...'" (Order re Comprehensive Magnet Plan (Doc. 1753) ("CMP Order") at 10 (quoting TUSD's 2011 Magnet Study (Doc. 1738) at 3).) The Court further explained that at the time "[o]nly two schools in the Magnet Plan meet the definition of a magnet school or magnet program by way of having strong academic standards and having integrated student bodies." (*Id.* at 11.) It further stated that "Improvement Plans must be prepared to identify the specific measures necessary to address each deficiency precluding the school or program from being a magnet, and must include a time line, with annual benchmarks, for attaining magnet status." (*Id.* at 17.)

Following the Plaintiff review and comment period,¹ the District filed its Magnet School Improvement Plans (generally, "Improvement Plans") for the 2015-16 school year on June 19, 2015 (Doc. 1816). On July 7, 2015, in response to Mendoza Plaintiffs' objections, the District filed revised Improvement Plans for Davis, Ochoa, Cholla, Roskrige and Tucson High "to ensure that the academic goals were at least as high as the current school measures of academic performance." (Doc. 1824-1 at 2.)

On May 6, 2016, TUSD provided the Plaintiffs and Special Master with the first drafts of its 2016-17 Improvement Plans.² Mendoza Plaintiffs now provide their comments to these plans.

The District's 2016-17 Improvement Plans Provide No Indication That They Are Premised on Any Assessment of the Effectiveness of Any Achievement and/or Integration Strategies Employed in 2015-16; Instead They Eliminate Goals and Data, Making It More Difficult to Determine How the Effectiveness of Implementation will be Assessed

Mendoza Plaintiffs have recited significant portions of the CMP Order to remind the District of the purpose of magnet Improvement Plans and to highlight the gravity of the District's apparent failure to have assessed the efficacy of any aspects of the 2015-16 Improvement Plans in developing the 2016-17 Improvement Plans. The 2016-17 draft Improvement Plans, as well as the District's broader magnet school efforts, do not reflect that it is diligently implementing strategies (including assessing

¹ Mendoza Plaintiffs do not here detail the parties' submission of comments, objections, or improvement plans that subsequently were revised and replaced.

² On May 6, 2016, the District also simultaneously submitted its third draft of the 2016-17 USP budget. The difficulties created by the District's failure to provide its Improvement Plans before or together with its first draft of the budget, including its failure to provide those plans by the specific date to which it previously had committed, are detailed in Mendoza Plaintiffs' Comments on Draft #3 of the 2016-17 USP Budget, provided on June 6, 2016.

effectiveness and modifying strategies accordingly) to allow the magnet schools “to attain true magnet status by the USP target date for attaining unitary status: SY 2016-17” (CMP Order at 16). Mendoza Plaintiffs agree with the Special Master’s critique that “[i]t appears that schools were given a template that they used rather unevenly to justify expenditures rather than to articulate plans of action.”^{3 4} (Special Master’s May 24, 2016 Memo re: Initial Thoughts on Magnet Plans (“SM Magnet Memo”).) For the many reasons detailed in the rest of these comments, Mendoza Plaintiffs are extremely concerned about the District’s continuing lack of attention to the performance of its magnet schools. They believe that the draft 2016-17 Improvement Plans that were provided reflect, as Mendoza Plaintiffs stated on March 1 and March 24, 2016 with regard to significant teacher vacancies in violation of the Magnet Stipulation (Doc. 1865), “that no one in TUSD’s central administration views him or herself as responsible for magnet school performance and therefore has ‘ownership’ of the information relating to those schools.”

The 2015-16 Improvement Plans generally included, for each school, a document in which the first section described the school’s integration goals and listed all integration strategies together followed by a second section describing academic achievement goals and listing all the academic achievement strategies together. (See Docs. 1816 and 1824-1.) While Mendoza Plaintiffs had concerns about the formulaic nature of strategies across 2015-16 Improvement Plans (See 1813-2), this formatting allowed the Plaintiffs and Special Master to identify the specific strategies that magnet schools would employ to achieve integration and higher student achievement. The District has now merged the list of separate strategies into a single document in a manner that makes it difficult to discern the number and nature of integration strategies it intends to employ at sites in 2016-17 and obscures the fact that it seems to propose significant reductions in such strategies. Further, the strategies detailed in the draft 2016-17 Improvement Plans are generally very vague, particularly when compared to those of the 2015-16 Improvement Plans, which notwithstanding their weaknesses, gave the Mendoza Plaintiffs and the public⁵ a better sense of what the District planned than is the case with the 2016-17 Improvement Plans.

Given Mendoza Plaintiffs’ ongoing concern regarding the District’s commitment to achieving integration at its schools (see e.g., Court’s April 28, 2016 Amended Order re Grade Reconfiguration

³ Mendoza Plaintiffs also understand the Special Master to generally agree that the Improvement Plans are substantially lacking and do not reflect assessments of the effectiveness of strategies. (See Special Master Magnet Memo (“May we assume that the actual plans being pursued by the magnet schools provide better targeting, more specific goals, and more detailed strategies for achieving these goals [than is stated in the tendered Improvement Plans] ?”, “[T]hese plans appear to revert to or at least sustain approaches to professional development strategies likely to be relatively ineffective”, “After a year of implementation, has the District learned what approaches are more cost-effective than others?”)

⁴ Mendoza Plaintiffs note that they also agree with the Special Master’s observations that there are “big differences in the amount of money being spent on supplies from school to school even when schools share similar themes” and that the significant spending proposed for some schools’ requested professional development (“PD”) consultants (while other schools with similar needs inconsistently do not propose such consultants) raises issues of whether the District should assess whether it is more cost-effective for the District to strengthen its capacity to “support such professional development not just once a year or for short-term sessions but to provide on-going support?” (SM Magnet Memo.)

⁵ Given the public’s great interest in the status of the District’s magnet schools, as experienced last year, Mendoza Plaintiffs stress a point the Court also has reiterated: the importance of plan documents that clearly convey goals, means and consequences.

Proposals (Doc. 1929); Mendoza Plaintiffs' Objection to TUSD Motion for Reconsideration (Doc. 1923-1)), Mendoza Plaintiffs are extremely concerned that the few inadequate integration efforts reflected in the Improvement Plans signal that the District is scaling back its efforts to integrate magnet schools. Further, Mendoza Plaintiffs see nothing to suggest that the District is modifying strategies as a result of any assessment of what has proven most effective over the last year (and indeed they do not generally see new or different integration strategies proposed). Nor do they see any indication that less successful magnet schools are aware of and seeking to implement strategies that have worked elsewhere in the District.

By way of example, a number of schools' Improvement Plans, including those for Booth-Fickett, Davis, Mansfeld, and Utterback, contain but a single reference to "integration" in their description of strategies. Notably, each of the references in the above-named magnet school Improvement Plans is made with respect to the funding of the school's magnet coordinator. Tully's magnet plan does not reference "integration" at all. Beyond the magnet coordinator position, other schools' references to integration are contained within very general strategies or strategies with rather tenuous connections to integration. (For example, the full description of Pueblo's only other non-magnet coordinator integration strategy is "Recruiting Advertising Materials," while Ochoa's only other integration strategy involves travel expenses to attend a Reggio Conference.) Mendoza Plaintiffs therefore find the Special Master's statement that "[i]nvestment in promoting integration in magnet schools is modest" (SM Magnet Memo) to be generous.

While the Mendoza Plaintiffs have focused above on the integration efforts reflected in the Improvement Plans, they also have not seen anything to suggest that the strategies for increasing academic achievement, which largely seem to mirror 2015-16 Improvement Plan strategies, result from the District's or individual schools' determinations that those efforts have been effective. Indeed, the Improvement Plans lack any discussion of achievement in the 2015-16 year as compared to prior years. (While the AZ Merit test results may not have been available at the time the Improvement Plans were being prepared, surely the schools had measures of how their own students were faring and how their achievement was progressing.) Rather, they largely seem to reflect that individual Improvement Plans all were based on a template that does not reflect circumstances and effectiveness of strategies specific to the school site.

The 2016-17 Improvement Plans Provide Less Data than the 2015-16 Plans, Including Fewer (and Altered) Goals, Necessary to Assess School Improvement on Integration and Academic Achievement

Academic Achievement

The Academic Achievement section of the 2015-16 Improvement Plans contained significantly more data and goals than do the current draft Improvement Plans for the 2016-17 school year. The 2015-16 plans included "AZ Letter Grade[s]" from the 2011-12 school year to the year of the then most recent released results, and benchmarks and goals for subsequent years up to and including the 2016-17 school year, which made it easy for the Mendoza Plaintiffs (and anyone else reviewing the plans) to generally see the direction the school was going through the years as well as to assess the adequacy and ambitiousness of its benchmarks and goals. Those plans further contained an "AZ Learns Composite Scores" chart detailing, among other things, points a school earned through the reclassification of ELLs, and a chart detailing "Performance Differences by Ethnicity (AIMS District Comparison)" on which school

goals relating to closing the achievement gaps among racial groups is based. Finally, the 2015-16 Improvement Plans contained five academic achievement benchmarks for the 2015-16 school year and five goals for the 2016-17 school year.

The draft Improvement Plans for the 2016-17 school year do not include “AZ Letter Grade,” “AZ Learns Composite Scores”, or “Performance Differences by Ethnicity (Aims District Comparison)” charts or 2015-16 academic achievement benchmarks; they contain only 2016-17 goals (Compare Docs. 1816 and 1824-1 with 2016-17 Improvement Plans). The 2016-17 Improvement Plans therefore provide substantially less data that the Plaintiffs and Special Master (or any other reader) can use to assess the achievement of the magnet schools’ students. Mendoza Plaintiffs request that the omitted data (or comparable data reflecting actual attainment at the schools and progress in closing the achievement gaps)⁶ and goals be inserted into the Improvement Plans and that the Plans be revised as needed to address those goals.

Mendoza Plaintiffs also are deeply disappointed with and object to the fact that a number of schools have “watered down” their 2016-17 academic achievement goals from the 2016-17 goals stated in the 2015-16 Improvement Plans. Mendoza Plaintiffs believe this is unfair to those magnet schools that retained more ambitious goals and will be measured against them. More importantly, that the schools were permitted to submit plans with “watered down” goals suggests that no one in the District’s central administration has taken a close look at the Improvement Plans to ensure that they play the role in guiding schools to the attainment of “true magnet status” contemplated in the CMP Order. Mendoza Plaintiffs detail in the chart below the 2016-17 goals that are less ambitious than the 2016-17 goals as stated in the 2015-16 Improvement Plans.

School	2013-14 Letter Grade	2016-17 Goal (from <u>2015-16 Impr. Plans</u>) ⁷	2016-17 Goal (from <u>2016-17 Impr. Plans</u>)	Altered 2016-17 Goal lower than what already was achieved in 2013-14?
Cholla	B (125 Pts.)	A (140 Pts.)	B (120 Pts.)	Yes
Dodge	A (151 Pts.)	A (≥151 Pts.)	A (140+ Pts.) or B (120+ Pts.)	Yes
Drachman	A (165 Pts.)	A (140+ Pts.)	A (140+ Pts.) or B (120+ Pts.)	Yes
Roskruge	B (121 Pts.)	A (140 Pts.)	B (120 Pts.)	Yes
Tucson High	B (135 Pts.)	A (140 Pts.)	B (120 Pts.)	Yes

⁶ Mendoza Plaintiffs understand that Arizona is transitioning to assessing school achievement through the use of the AZMerit assessment and that the results of that assessment for the 2014-15 school year will soon be officially released.

⁷ This data is pulled from the Improvement Plans in Doc. 1816, except for Cholla, Roskruge and Tucson High for which the operative 2015-16 Improvement Plans are filed in Doc. 1824-1.

Significantly, with respect to each of Cholla, Roskruge, and Tucson High, the District responded to Mendoza Plaintiffs' objections to the 2015-16 Improvement Plans by revising these schools' initial filed 2015-16 Improvement Plans (reflected in Doc. 1816) "to ensure that the academic goals were at least as high as the current school measures of academic performance." (See Doc. 1824-1 at 2 (containing revised plans for each of these schools).) The District now has undone those revisions. As Mendoza Plaintiffs' stated when the issue was presented to the Court in 2015, "[s]uch targets cannot be described as 'goals'." (Doc. 1813 at 12.)

Mendoza Plaintiffs ask that the District revise the 2016-17 Improvement Plan goals for the referenced schools to reflect the 2016-17 goals contained within the operative 2015-16 Improvement Plans or provide detailed explanation for why such goals can no longer be met and an action plan to address that inability.

Integration

The component of the 2015-16 Improvement Plans that looked at integration contained enrollment data, broken down by racial/ethnic group, for each year from 2012-13 to the most recent year for which that data was then available (2014-15), and benchmarks and goals for the 2015-16 and 2016-17 school years, respectively. (See Docs. 1816 and 1824-1.) This data helped the Plaintiffs and Special Master (and the public) to generally see whether and the extent to which individual schools made progress toward integration over time, and relative increases and decreases in enrollment among the racial/ethnic groups. The draft 2016-17 Improvement Plans contain only 2016-17 goals. Thus, they provide significantly less information to allow for an assessment of progress than was true for the 2015-16 Improvement Plans. The District has enrollment information for the 2015-16 school year, and should have no trouble providing data for the Plaintiffs and Special Master (and the public) to see whether the 2015-16 benchmarks in the 2015-16 Improvement Plans were met. However, it has not done so. Given that the CMP Order contemplated that Improvement Plans would be guides for obtaining "true magnet status," Mendoza Plaintiffs believe the District must include in its 2016-17 Improvement Plans the data and benchmarks contained in the 2015-16 Improvement Plans, including 2015-16 enrollment data, to allow the Plaintiffs and Special Master (and the public) to assess progress that was made toward meeting the 2015-16 benchmarks and to further the crafting of integration strategies that are responsive to the data.

Supplantation Issues

Mendoza Plaintiffs have significant concerns that the District proposes to use desegregation funds to supplant expenses that should be paid with M&O funds across many of the Improvement Plans, often by tying those expenses to Professional Learning Communities or with tenuous connections to integration.

Borton, a Projects-Based Learning and Systems Thinking magnet school, proposes to use desegregation funding for P.E., Art, Music, and Outdoor Learning teachers, in part because "families love that the 'whole child' is being attended to... [it] is part of what attracts and keeps them," a statement we understood to be intended to demonstrate integrative purposes. Davis's Improvement Plan includes the

proposal to use desegregation funding for a P.E. teacher and a Librarian. Drachman's Improvement Plan requests the use of desegregation funds for a music instructor and an instructional specialist. For each of the above-described Improvement Plan entries, it is asserted that such allocations of desegregation funds allow teachers to meet in Professional Learning Communities (PLCs).⁸ Mendoza Plaintiffs are concerned that the significant funds for these teaching positions reflect improper supplantation.

Mendoza Plaintiffs recall that many schools' 2015-16 Improvement Plans provided teachers with stipends to participate in PLCs as part of the extended Wednesday professional development rather than interrupting their students' regular school instruction so that teachers may participate in PLCs. Mendoza Plaintiffs also indirectly heard that a teachers' union consent decree limited the District's ability to conduct PLCs on Wednesdays after the regular school day. (Special Master's May 31, 2015 CMP Comments (Doc. 1813-5).) However, if that is the case, we do not understand why some schools conduct PLCs after school and others do not. We further do not believe we ever have heard from the District on this issue. Mendoza Plaintiffs therefore request that the District explain what obligations, if any, it feels limit the District's ability to conduct PLCs after the regular school day. We also request an explanation for why some schools conduct their PLCs after school hours while others do not. Mendoza Plaintiffs believe it makes far more sense for the District to provide teachers stipends to participate in PLCs after regular school days than to interrupt students' regular school days by hiring substitutes or have desegregation funding pay for a substantial number of teacher positions unrelated to magnet schools' themes to take over the classes of teachers participating in PLCs. In that regard, we are confused by the fact that some schools request that teacher positions be funded to take over the classes of teachers who participate in PLCs during the school day, while simultaneously requesting what appear to be teacher stipends to participate in PLCs during the regular school day, time for which the teachers presumably already are compensated (*see e.g.*, Borton, Drachman), and therefore also request an explanation for this.

Further, potential supplantation reflected in the Improvement Plans goes beyond allocations for the positions described above. Pueblo, a communications arts and technology magnet, for example, proposes to use desegregation funds for science, math, and English teachers.⁹ Those teaching positions are not directly related to the school's theme and would have to be funded even if Pueblo were not a magnet. Nor do we believe the explanation that these "teachers will work collaboratively on communication and media projects..." justifies the use of desegregation funding for their entire salaries (1.0 FTE for each). As another example, included in Holladay's Improvement Plan is a capital allocation to "upgrade office, doors, and install new PA system due to recent shootings... [it] is also for recruitment purposes."¹⁰ That such a needed upgrade may incidentally help with "recruitment" does not render the expenditure a "supplemental" rather than a "supplanting" expense. Mendoza Plaintiffs do not here list every Improvement Plan item that appears to reflect supplantation but ask that the District review the

⁸ Mendoza Plaintiffs do not here provide a full list of Improvement Plan entries relating to PLCs for which there appear to be supplantation issues. Such issues also include, for example, the use of 910G funds to pay for "data coaches". (*See, e.g.*, Utterback and Tucson High.)

⁹ As a general matter, Mendoza Plaintiffs provide examples, and not exhaustive lists, of the issues they have identified with the 2016-17 Improvement Plans.

¹⁰ Mendoza Plaintiffs discuss the appropriateness of capital expenses in Improvement Plans below.

appropriateness of Improvement Plan items, and that it respond to the questions they ask of the District above. (As discussed in their June 6, 2016 Draft #3 Budget Comments, Mendoza Plaintiffs have had significant trouble receiving information and responses to their budget information requests such that their meaningful review of the budget was significantly hampered. They do not wish to again be left to piece together what the District intends to do in the coming school year with respect to magnet schools.)

The Plans Appear to Include Capital Expenses for Items that Already Have Been Provided and to the Extent Improvement Plans Contain New Capital Expenses, They, Together with Culturally Relevant Course (CRCs) Expenses, Should Not be Included in Improvement Plans (and the Magnet School Portion of the Budget) but Instead Should be in the 2016-17 Budget Under Facilities, Technology, or CRC Activity Codes

Mendoza Plaintiffs believe that the inclusion in Improvement Plans of many technology and equipment-related entries that already have been funded through the reallocation process further reflects inadequate oversight of the Improvement Plan process (and also raises the question of why sites apparently are uninformed about technology and equipment they are slated to receive). For example, Bonillas seeks six interactive white boards and projectors. We understand these white boards to have been provided through the **February 17, 2016** reallocation request. Further, the District as part of its **April 29, 2016** request purchased 435 projectors. Drachman seeks document cameras, although the District sought and obtained approval for 1,248 document cameras in its **April 29, 2016** reallocation request. Most notably, Mansfeld requests funding for computers although, as part of the District's **June 1, 2016** request, the District obtained approval to provide Mansfeld with computers so as to "increase the ratio for magnet students [to computers] at th[is] site[] to 1-to-1." We therefore request that the District remove from Improvement Plans funding for technology and equipment that already has been provided and assess whether there are other appropriate uses for those funds at the local magnet site or elsewhere in the USP budget.

Mendoza Plaintiffs also note what appears to be a significant increase in the inclusion of capital equipment expenses in magnet Improvement Plans for the 2016-17 school year. Indeed, to the extent the District includes capital equipment that has not already been funded through the reallocation process, Mendoza Plaintiffs do not believe such allocations are appropriate for inclusion in Improvement Plans. Similarly, there are facilities-related capital costs in the Improvement Plans (e.g., PA system for Holladay, TVs for libraries and gym for Pueblo, Tucson High "Black Box and Little Theater," furniture for Tully) that should not be included in magnet Improvement Plans. Mendoza Plaintiffs do not believe these are the type of academic achievement and integration strategies the Court contemplated would be included in Improvement Plans. Moreover, the significant cost of these entries creates an inconsistency with the 2015-16 Improvement Plans such that it materially distorts the total amounts that are being budgeted for magnet schools; these expenditures should be under the facilities and technology activity codes of the budget and should be justified in terms of the facilities and technology

plans developed under the governing provisions of the USP.¹¹ They should not be the basis on which the District can assert that it has increased the funding for magnet schools over prior years.

Notably, although the Improvement Plans contain significant capital costs, Utterback's Improvement Plan does not include a proposal to use 910G funds to supplement M&O funds to make the significant needed repairs to that school's auditorium¹² notwithstanding that Mendoza Plaintiffs requested on March 10, March 17, March 23, and most recently on June 6, 2016 that the District provide a proposal to split the cost of repairing the auditorium between desegregation and M&O funds. The District plainly viewed this expenditure as a priority when it sought reallocation of unspent 910G funds earlier this year. Therefore its failure to include the expenditure in the current budget is not answered by the statement in the District Response that it has to "prioritize the limited amount of capital funds to maximize effectiveness." Mendoza Plaintiffs ask why the capital expenditures included in the Improvement Plans (that were not the subject of a reallocation request) now are of greater priority than a capital cost that was the subject of a reallocation request.

Similar to the capital expenses included in the Improvement Plans, many of the plans include items related to CRCs. As a general matter, the governing USP provisions and CRC Intervention Plan (Doc. Doc. 1761, Exhibit 2) are not specific to magnet schools but instead apply to all TUSD schools. It therefore does not make sense to include expenses related to CRCs in magnet schools' Improvement Plans. These items too mislead as to the amount that is appropriately being spent on magnet schools in their pursuit of "true magnet status" and distort the overall budget. Such costs should be included with the CRC costs in the budget, not the magnet school costs.

Further, Mendoza Plaintiffs feel constrained to call attention to the fact that while some entries may well relate to CRCs (Supplies to support CRCs at Bonillas, Cholla, etc.), the Improvement Plans also assert CRC-related purposes ("Provide Culturally Relevant Curriculum" is noted under "Strategy/Justification" column or referenced in description) to items that plainly are unrelated to CRCs. For example, a magnet coordinator and PLC added duties at Bonillas, a librarian at Roskruge, art and music teachers at Davis, P.E., art, music, and outdoor learning teachers, and professional development on systems thinking at Borton, Montessori training at Drachman, and Spanish, Math, and Fine Arts teachers at Roskruge, among other entries, all purportedly have CRC-related purposes. Additionally, to

¹¹ Mendoza Plaintiffs have seen the District's response to their comments on Draft #3 of the 2016-17 budget and do not believe they adequately address this issue. (Comments and Responses to Draft 3 of the 2016-17 Budget ("District Response").) The District Response says on page 2 that the District has allocated 910(G) funds to meet the capital needs in site magnet plans, pointing to the decrease in capital funding from the State. But Mendoza Plaintiffs are not here making a supplement vs. supplant argument. Rather, they are saying that the inclusion of these capital expenses in the Improvement Plans distorts the 901(G) budget. Nor does the District's statement in its response (also on page 2) that "capital improvements at magnet schools are not a priority under the USP or the MYFP" dispose of the issue. There is nothing to prevent the District from making a showing in the context of the development of the 2016-17 910(G) budget that such expenditures should be a priority. Mendoza Plaintiffs have long argued that the magnet schools have not been given the resources they need to succeed. Therefore, such capital expenses under the appropriate budget category might well be justified.

¹² The District first requested that funds be reallocated to make the needed repairs in its February 17 Reallocation Report. The Mendoza Plaintiffs objected based on the fact that the auditorium is significantly used for non-magnet related purposes but the District sought to use desegregation funds for the entire cost of repair.

the extent that references to “Culturally Relevant Courses” actually were intended to reference “culturally responsive pedagogy,” to which there notably is not a single reference in any Improvement Plan but which would make significantly more sense, as Mendoza Plaintiffs believe may be the case, the consistent error across almost all Improvement Plans provides Mendoza Plaintiffs with confirmation that the plans indeed all derived from a template and that they received inadequate attention as they were being prepared.

The 2016-17 Improvement Plans do Not Include Strategies that Take into Account Schools’ Themes

The 2015 CMP Order stated that the “CMP fails to present for easy comparison and evaluation the basic rubric information for the current magnet schools and programs or *identify the strength of the various magnet themes* operating in these schools. The Court does not know how each school fits into an overall magnet feeder school plan.” (CMP Order at 16 (emphasis added).) Mendoza Plaintiffs therefore objected to the 2015-16 plans’ lack of a coherent infusion of theme-based strategies to strengthen magnet schools’ themes. (Mendoza Plaintiffs’ Objections to the CMP (Doc. 1813) at 14-15.) At that time, the Special Master recommended that “[T]his is not the time to insist on the infusion of themes into intervention strategies... In future years, the extent to which school level plans reflect this coherence should be considered in funding and needs for technical support.” In the Court’s November 19, 2015 Order addressing the CMP, Improvement Plans, and Magnet School Stipulation, the Court ordered that “TUSD research and propose alternative, more integrative, magnet themes or programs and to assist the schools in assessing the strength of their existing magnet programs and themes in comparison to any stronger more integrative programs” in connection with the integration initiatives provision of the magnet stipulation.

The Court’s CMP and November 19, 2015 Order plainly reflect that the Court is concerned with the District’s apparent lack of focus on magnet school themes. Further, per the Special Master’s recommendation, now is the time for the District to introduce into Improvement Plans strategies that take into account and strengthen magnet school themes. The vast majority of magnet schools’ 2016-17 Improvement Plans do not contain a single integration or academic achievement strategy that relates to the school theme. The Mendoza Plaintiffs believe the District must better involve individual magnet school sites in the development of their magnet school Improvement Plans, and specifically learn from the schools what kind of strategies or initiatives to strengthen theme implementation are viable, and incorporate them into Improvement Plans.

Roskruge and Davis’s Improvement Plans do Not Include Strategies that Reflect the District’s Dual Language Consultant’s Recommendations

Rosa G. Molina, the Executive Director of the Association of Two-Way & Dual Language Education (“ATDLE”) and the District’s Dual Language Consultant, conducted a review of the District’s Dual Language program and provided the District with her Two-Way Dual Language Program Review (“DL Assessment”) (provided to the Plaintiffs and Special Master on June 9, 2016 but dated May 3, 2016 and reflective of work conducted in March and April). The DL Assessment made a number of

recommendations to the District to strengthen its Dual Language program. Among Ms. Molina's findings and "Recommendations for Immediate Action" are the following:

- "[T]eachers and administrators in Two-Way programs have an additional responsibility to have an assessment structure that allows teachers and administrators to examine the program's effectiveness in ensuring that the students are reaching the bilingual and biliteracy goals set out by the program and inform parents of their child's progress in both languages... ." (DL Assessment at 10.) "Create and implement an Evaluation Plan for all TWDL programs that include assessments in the target language in all four domains: listening, speaking, reading, and writing **by June 2016.**" (*Id.* at 21 (emphasis added).)
- "No teacher should be allowed to work in TWDL classrooms without professional training in the fundamentals of Dual Language and methodology to ensure first and second language development of the students at their respective grade levels." (*Id.* at 18.) "Establish a yearly calendar with targeted professional training for Two-Way and Dual Language teachers, site-administrators, central office teams and the cabinet members **by July 2016.**" (*Id.* at 21 (emphasis added).)
- "ATLDE highly recommends the development of a minimum of **two** classes of students per grade level starting at the kindergarten level and the primary years to establish the program numbers... [this] allows TWDL teachers to work together to plan their instruction, sync their practices, **and** offsets the mobility rate which erodes the program in the upper grades." (*Id.* at 12 (emphasis in original).)

Mendoza Plaintiffs were very surprised not to see Ms. Molina's recommendations reflected in the Davis or Roskrige Improvement Plans. They do not understand why, if the District has paid for a consultant who has evaluated its Dual Language program, identified weaknesses, and provided recommendations for program improvement, the District would not follow those recommendations in Improvement Plans that are intended to strength magnet schools and programs. Indeed, Mendoza Plaintiffs do not believe the District can justify ignoring the DL Assessment, the recommendations of which, had they been followed, would be the only strategies Mendoza Plaintiffs would know to be based on an assessment of what has or has not worked in the past. Mendoza Plaintiffs therefore request that the District revise these Improvement Plans to incorporate the recommendations of Ms. Molina.

Improvement Plans Reflect Vastly Different Approaches to Family Engagement and Different Roles for Magnet Coordinators

Family Engagement

The Mendoza Plaintiffs had a difficult time trying to make sense of the vastly different family engagement approaches, if any, reflected in the Improvement Plans. Improvement Plans for Dodge, Holladay, and Davis all include a Family Engagement Liaison while Roskrige indicates that a Spanish teacher will be the parent liaison "for Dual Language Development." As far as Mendoza Plaintiffs can tell, no other school's plan includes such a family engagement liaison. No overall explanation has been provided but it does not appear that the decisions about the use and placement of family liaisons was

based on a systematic assessment of where such liaisons were needed. Notably, no high school Improvement Plan includes a family engagement liaison notwithstanding that these are the most populated schools and the importance of family engagement and involvement in students' education in high school as they consider whether and where to pursue a higher education.

Further, there are inconsistencies with regard to whether and what family engagement strategies are employed. With respect to schools that do propose family engagement strategies, the Mendoza Plaintiffs agree with the Special Master that these "appear to be used to tell parents what to do (in rather traditional ways) or to recruit students to magnet schools rather than to learn from parents about how best to meet the needs of their children." (SM Magnet Memo.) Specifically, the typical family engagement strategy involves the magnet school holding an event at which student work will be highlighted (e.g., Ochoa, Bonillas, Booth-Ficket). Other "Family Engagement" strategies do not relate to family engagement, but are instead recruitment strategies (campus tours, middle school visitation days, and other activities at Pueblo, communication with feeder school parents at Holladay). Other schools, including Safford, Tully and Tucson High, appear to have no family engagement strategies at all, while school such as Cholla, Roskruge, Palo Verde and Utterback oddly make reference to family engagement only in indicating that zero dollars will be spent on supplies for those activities.

Additionally, Mendoza Plaintiffs do not understand how schools' family engagement strategies tie into larger family engagement efforts and obligations, or whether or the extent to which the District's Family Engagement Department will be involved in and supporting those efforts. Mendoza Plaintiffs therefore believe the District should revise Improvement Plans to include more family engagement strategies, including ones that involve learning from families and parents to more effectively meet the needs and improve the academic achievement of their children. They also request clarification of how schools' family engagement strategies relate to broader efforts and of what support the Family Engagement Department will be providing.

Magnet Coordinators

Similarly, Mendoza Plaintiffs are confused with what appear to be varying roles magnet coordinators will play in the implementation of Improvement Plans. While most schools' Improvement Plans detail that Magnet Coordinators will be involved with recruitment, they differ significantly on whether they provide any detail on what specific recruitment activities magnet coordinators will be involved with. While some schools detail recruitment activities, others merely assert that the magnet coordinator will work on achievement and integration (e.g., Tucson, Cholla) or in the case of Pueblo, provide no narrative description. The Improvement Plans further include vague and sporadic references to strategies the magnet coordinator will be charged with (unspecific theme implementation for Borton and Ochoa's magnet coordinator; family event coordination for Davis's coordinator). Mendoza Plaintiffs further do not understand why Borton's Improvement Plan includes only a .5 FTE magnet coordinator or why Mansfeld has both a full-time magnet coordinator and full-time counselor, the only such school Mendoza Plaintiffs have identified.

Mendoza Plaintiffs request that the District carefully review magnet school Improvement Plans to ensure consistency in what is proposed with respect to magnet coordinators and family engagement. They further ask that the District make a serious effort to address the issues raised above and ensure that each magnet school's Improvement Plan reflects a plan that will help the school get closer to "true magnet status" as contemplated in the Court's CMP Order.