

From: Tolleson, Julie
To: Juan Rodriguez; Brown, Samuel; "Thompson, Lois D."; Taylor, Martha
Cc: "b.converse@stepoe.com"; wdth@umd.edu; rsjr3@aol.com; Eichner, James (CRT) (James.Eichner@usdoj.gov); Chanock, Alexander (CRT) (Alexander.Chanock@usdoj.gov); shahesha.simons@usdoj.gov; Desegregation
Subject: RE: Budget -- Missing Student Support Criteria Forms
Date: Monday, April 11, 2016 3:30:09 PM

We did not say we have no obligation to assess effectiveness. In fact, thanks to Dr. Hawley's leadership, we have several full-time people who do nothing BUT assess program effectiveness (witness, for example, the discontinuation of the LSC position, and the under way evaluation of Student Success Specialists). Not having the departments resubmit SSC forms for established programs about which there isn't, to our knowledge, specific concern is how it has gone every year.

If there are any programs about which you'd like to see renewed SSCs, just holler.

From: Juan Rodriguez [mailto:jrodriguez@MALDEF.org]
Sent: Monday, April 11, 2016 3:26 PM
To: Brown, Samuel; "Thompson, Lois D."; Taylor, Martha
Cc: "b.converse@stepoe.com"; wdth@umd.edu; rsjr3@aol.com; Eichner, James (CRT) (James.Eichner@usdoj.gov); Chanock, Alexander (CRT) (Alexander.Chanock@usdoj.gov); shahesha.simons@usdoj.gov; Tolleson, Julie; Desegregation
Subject: RE: Budget -- Missing Student Support Criteria Forms

Sam,

The Mendoza Plaintiffs were extremely disappointed by the District's message of Friday, April 8 below, which suggests, with its reference to department "resubmit[ta]" of student support forms only for "new or expanded programs," that the District believes it has no obligation to assess the effectiveness of student support programs on an ongoing basis and prepare the student support forms expressly referenced in the agreed to budget process. Ongoing assessments of the effectiveness of student support programs as reflected in the student support forms are a key component of the Plaintiffs' and the Special Master's understanding of whether 910(G) money should be used to expand, contract, eliminate, or maintain those programs (and presumably should inform the District's proposals concerning such programs in the first instance). The reflection of those proposals in budget allocations is not limited to "new or expanded" programs; rather, ongoing assessment of the effectiveness of all student support programs is an obligation the District must meet to demonstrate good faith in its efforts to eliminate vestiges of past racial discrimination.

The purpose of the forms is to assess efficacy and to permit informed decisions about whether 910(G) money can more effectively be spent in some areas rather than others. Thus, each student support program in place in the current school year should have a student support form upon which the District should base programmatic decisions. Indeed, the language of the student support forms reflects this understanding where it asks under evaluation question #1: "If the program/intervention is currently being used in the TUSD, please provide internal along with external data. IF SO, WHAT DO THE DATA SAY?"

The Mendoza Plaintiffs believe that the District should be particularly focused on providing the required evaluations of program effectiveness as called for in the student support program forms given the Ninth Circuit's opinion when it returned the desegregation case to the District Court for on-going judicial oversight. In that opinion, the Circuit Court noted: "The court was most critical of the District's efforts at gauging its progress toward desegregation finding that it had 'fail[ed] to monitor, track, review, and analyze the effectiveness of its programs and policies and therefore had not demonstrated a good faith adherence to the Settlement Agreement or the constitutional principles that underlie it.'" (*Fisher v. Tucson Unified School District*, 652 F.3d 1140 (9th Cir. 2011).) As time passes and the period in which the District may seek unitary status approaches, Mendoza Plaintiffs have grown ever more concerned with the District's apparent failures in this regard.

After receiving the Friday email, Mendoza Plaintiffs briefly reviewed the District's Annual Report for the 2014-15 school year (Doc. 1848) ("DAR") and appendices, specifically Section V Quality of Education on student support strategies, and found that rarely did the District discuss efficacy of student support programs; instead it typically described those programs and the students who participated in them with little or no discussion of results, effects, or efficacy. For example, with respect to the Mexican American Student Services Department (MASSD) in 2014-15, the District asserts that MASSD "collaborated with numerous colleges, universities, and/or community organizations in order to improve the academic achievement and education outcomes of [] Latino students and to provide support... through mentoring and other methods." (DAR at V-211). However, the referenced appendix V-156 "MASS Mentoring Programs" merely lists mentoring programs under MASSD with no discussion or evidence of "improve[d] academic achievement [or] education outcomes." Additional examples can be found in DAR pages V-185 to V-186, which list a number of student support programs (e.g., Plato, Eagle Academy, Weekend Academy) without discussion of program efficacy or student outcomes. One of the sole instances we are aware of in which the District discusses student outcomes is the CORE plus program (see DAR at V-188; Appendices 94-95). (Mendoza Plaintiffs noted when they previously received student support forms that the CORE plus program was one of the few that discussed program effectiveness and urged that the District adopt the same approach with respect to student support forms for other programs. Unfortunately, it appears that CORE plus remains one of the few areas in which the District recognizes the importance of assessing results, not just describing program.)

Mendoza Plaintiffs believe the District should have been particularly mindful of the need to address program effectiveness in connection with making its budget proposal given that the Special Master's Annual Report for the 2014-15 School Year (Doc. 1890) ("SMAR") repeatedly references the lack of (but need for) evidence on efficacy in the DAR, particularly as the District has informed the Special Master and Court that they "should rest assured that each of those [SMAR] recommendations will be carefully and fully considered" (Doc. 1902 at 1:14-15). (See SMAR at 7 (re Open Enrollment Incentives: "No evidence is presented in the DAR or elsewhere about the effects of this strategy"), at 9 (recommendation re Marketing Strategies: "The effectiveness of marketing strategies for promoting integration should be studied and improved"), at 18 (re professional development: "There is apparently no systematic assessment of the relative effectiveness of different approaches to professional development"), at 22 (re strategies to increase Latino/African American participation in ALEs: "An evaluation of the efficacy of the efforts is warranted"), at 29 (recommendations re discipline: "2. The district should identify and report on the effects of the interventions aimed at reducing student discipline problems. 3. The District should more systematically identify effective practices for reducing discipline problems..."), at 31 re tutoring.)

With regard to Student Support departments specifically, the Special Master stated that "At the outset of the 2014-15 school year, the District significantly restructured the way student support services would be provided. While activities of 'student service specialists' are described in the DAR, there is no evidence of the effects of these efforts or how requests for services might be related to the characteristics of the schools requesting support" and then notes that student services departments are being studied in this school year. (SMAR at 25-26.) Notably, the Plaintiffs and the Special Master have not been provided with any information or student support form on the student service specialists or the results of any study (and notwithstanding that the budget process reference to student support forms also states: "Any systematic evaluation of the program should be attached"). What they have received is a total of two student support forms, including, as noted in Mendoza Plaintiffs' email of April 8, an MTSS student support form that appears to have been quickly prepared simply to meet the requirement that there be a form rather than to reflect any meaningful approach to the questions posed (e.g., significant typographical errors in response to question #2, incomplete responses to questions ## 8, 9, and 10). That significantly more analysis was warranted is highlighted by the fact that significant LSC position funds of previous years were to at least in part now be allocated to the MTSS. Indeed, the parties will remember that nearly three million dollars were being spent on the LSC position until the District finally conducted its assessment on the position to confirm what the Plaintiffs and Special Master long believed, that is, that the significant funds spent on LSCs could by far be better spent on other desegregation programs and initiatives. That such a significant amount of funding could have been reallocated sooner had the District evaluated its LSC position sooner should further highlight the need for program efficacy evaluation.

In the SMAR, the Special Master explains that a reason "the budget process is complex and frustrating at times is that the budget defines priorities and should change as new and better ways to improve student performance are identified. But evidence about effective practices is not always clear... ." (SMAR at 35.) Mendoza Plaintiffs urge the District to promptly do what it can at this late date to take a meaningful look at its student support programs, analyze the data, prepare and share the required forms, and to modify its proposed budget in accordance with its analysis of its student support programs.

Juan Rodriguez | Staff Attorney

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From: Brown, Samuel [mailto:Samuel.Brown@tusd1.org]
Sent: Friday, April 08, 2016 3:34 PM

To: 'Thompson, Lois D.'; Taylor, Martha
 Cc: 'b.converse@steptoe.com'; wdh@umd.edu; rsjr3@aol.com; Juan Rodriguez; Eichner, James (CRT) (James.Eichner@usdoj.gov); Chanock, Alexander (CRT) (Alexander.Chanock@usdoj.gov); shaheena.simons@usdoj.gov; Tolleson, Julie; Desegregation
 Subject: RE: Budget -- Missing Student Support Criteria Forms

Lois: we did not have departments resubmit student support forms for programs that are being continued from the current school year. We are happy to help answer any questions you may have related to programs that are not new or expanded but are nonetheless being continued. Thanks, Sam

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

Sent: Friday, April 08, 2016 10:06 AM

To: Taylor, Martha

Cc: 'b.converse@steptoe.com'; wdh@umd.edu; rsjr3@aol.com; Juan Rodriguez (jrodriguez@MALDEF.org); Eichner, James (CRT) (James.Eichner@usdoj.gov); Chanock, Alexander (CRT) (Alexander.Chanock@usdoj.gov); shaheena.simons@usdoj.gov; Tolleson, Julie; Desegregation

Subject: Budget -- Missing Student Support Criteria Forms

Martha,

The Mendoza Plaintiffs are very disappointed in the District's on-going failure to provide student support criteria forms. (The only form we have received this year is for MTSS -- and it appears to have been quickly prepared simply to meet the requirement that there be a form rather than to reflect any meaningful approach to the questions posed. See, e, g, Question 2? "Does the program or strategy support the current programs or strategies being implemented in the school(s)?" Answer: "Yes, we are currently following the Multi-Tiered (sic) system of (sic) Support model in all out (sic) schools.")

Mendoza Plaintiffs have made it clear since the first budget cycle that thoughtfully prepared student support criteria forms are essential to the process so that all parties (including the District) can assess whether the student support programs that desegregation dollars fund have been effective and to therefore provide all parties (again, including the District) an informed basis on which to decide whether desegregation dollars in the budget cycle under consideration should be used to preserve them, expand them, or reduce/eliminate them. While we have had questions in past years about how complete the student criteria forms were, we at least received them.

Attached to this email are student support forms we received last year and some correspondence relating to the forms below. Set forth immediately below is a list prepared by then-counsel for the District of the student support forms provided for the prior year. (This is part of an email dated 7/23/2014 from Patricia L. Victory.)

We ask that student support criteria forms promptly be delivered for each of the programs for which we received forms in the past (or an explanation that the program is not longer in existence). The purpose of the forms as stated above is to inform the budget process. We therefore fervently hope that these forms already have been completed and actually considered in the District's budget process. If that is not the case, we ask that they be prepared in a considered way now so that all of us, including the District, can have the benefit during the balance of this year's budget process of the information they are intended to convey.

Lois

STUDENT SUPPORT CRITERIA DESCRIPTION AND FORMS

Student Support Program (and project number)	Who conducted the evaluation, and what were their relationships with the programs being evaluated?
Leader in Me – Bonillas (P2)	Vicki Callison (Magnet Director), Adelle McNiece (Senior Magnet Coordinator), Site Staff Team.
Turnitin – Cholla (P2)	Vicki Callison (Magnet Director), Adelle McNiece (Senior Magnet Coordinator), Site Staff Team.
ManagBac – Cholla (P2)	Vicki Callison (Magnet Director), Adelle McNiece (Senior Magnet Coordinator), Site Staff Team.
AVID (P4)	Martha Taylor (Director of Advanced Learning Experiences) oversees AVID as a primary vehicle to prepare targeted students for academic success in ALEs and other courses. This program is referenced specifically in the USP.
AP Summer Boot Camp (P4)	Martha Taylor (Director of Advanced Learning Experiences) oversees the boot camp. This program is referenced specifically in the USP.
Social Workers (P5)	Eugene Butler, Assistant Superintendent of Student Services (then Interim Executive Director, Exceptional Education) oversees Social Workers
Fine Arts/OMA - Academic Support (P5)	Steve Holmes (Assistant Superintendent for Teaching and Learning) oversees Fine Arts but does not directly implement this program; Joan Aschraft (Director, Fine Arts) oversees Fine Arts and the OMA program.
PLATO (P5)	Abel Morado (Assistant Superintendent, Secondary Schools) oversees Plato but does not directly implement this program
Project MORE (P5)	This school was not analyzed using the Student Support criteria; the budget worksheet mistakenly indicated that it had.
TAPP (P5)	This school was not analyzed using the Student Support criteria; the budget worksheet mistakenly indicated that it had.
AGAVE (P5)	Abel Morado (Assistant Superintendent, Secondary Schools) oversees Agave but does not directly implement this program

Life Skills (P5)	Jim Fish (former RPCC) oversees this program but does not directly implement it; Israel Macias-Reyes (Senior Program Coordinator) implements this program
CORE Plus (P5)	Jim Fish (former RPCC) oversees this program but does not directly implement it; Israel Macias-Reyes (Senior Program Coordinator) implements this program
Preschools (P5)	

	Kendra Bell (Elementary School Director) oversees elementary schools but does not directly implement the program
Fine Arts/OMA - Multicultural Curriculum (P6)	Steve Holmes (Assistant Superintendent for Teaching and Learning) oversees Fine Arts but does not directly implement this program; Joan Aschraft (Director, Fine Arts) oversees Fine Arts and the OMA program.
Psychologists/Inclusive School Environments (P6)	Eugene Butler, Assistant Superintendent of Student Services (then Interim Executive Director, Exceptional Education) oversees Psychologists
ISS Teachers (P7)	Abel Morado (Assistant Superintendent, Secondary Schools) oversees Counselors but does not directly implement this program
ATI Assessments (P13)	Steve Holmes (Assistant Superintendent for Teaching and Learning) does not directly implement this program

greenspaces
Please consider the environment before printing this email.

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]
Sent: Monday, May 18, 2015 4:54 PM
To: Thompson, Lois D.; Anurima Bhargava; James Eichner; Juan Rodriguez; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; Foster, Richard; RLL; Soto, Karla; Weatherless, Renee; Balentine, Vicki Eileen - (vbalenti) (vbalenti@email.arizona.edu); Morrison, G Scott
Subject: RE: District Response to Mendoza comments on Draft 3

Lois: I apologize for the delay in sending you the Student Support Forms. I am attaching fourteen forms, all of which were also submitted for the 13-14 SY. Four other forms that were submitted in 13-14, but were not continued for the 14-15 SY: Bonillas Leader in Me, Fine Arts Academic Support, Fine Arts MultiCultural, Social Workers/Psychologists. In addition, the information you requested pertaining to the [addition, elimination or expansion](#) of these is noted below.

- Agave: no change
- AP Summer Boot Camp – expansion (two additional schools in summer of 2015)
- ATI Assessments – elimination; new assessment chosen that aligns to new standards
- AVID – expansion (four additional schools for 15-16 SY)
- Cholla Magnet ManagBacc – no change; might increase slightly if student numbers go up
- Cholla TurnItIn – no change
- Core Plus – no change
- OMA – addition; Formula Plus model (meets new funding criteria from Dr. Hawley) and refined multi-cultural emphasis
- LifeSkills Alternative to Suspension – review and revamp program with expansion using District Alternative Education Placement (DAEP) model.
- In School Suspension Program – eliminated; replaced by ISI (In-School Intervention Program)
- PreSchools – addition; developing coherent model for all preschool programs
- Student Success Specialist –AASSD: no change
- Student Success Specialist –MASS: no change
- Tutoring Support MASS: Addition (increase [math](#) tutoring on Saturdays at the elementary and middle school level)

Thank you.

From: Thompson, Lois D. [<mailto:lthompson@proskauer.com>]
Sent: Sunday, May 17, 2015 11:20 AM
To: Taylor, Martha; Anurima Bhargava; James Eichner; Juan Rodriguez; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; Foster, Richard; RLL; Soto, Karla; Weatherless, Renee; Balentine, Vicki Eileen - (vbalenti) (vbalenti@email.arizona.edu)
Subject: RE: District Response to Mendoza comments on Draft 3

Dear Ms. Taylor,

The Mendoza Plaintiffs are in receipt of the District's responses to their comments and requests for information regarding draft #3 of the 2015-16 desegregation budget and are continuing to review them.

We have noted that those responses attach three student support program criteria forms but presumably not all the forms that were completed for such programs this budget cycle. We therefore again renew our request for all such forms as referenced in our comments and requests of May 7, 2015, a copy of which is attached (with the relevant paragraph highlighted). We also renew our request for information indicating leadership's decisions concerning the addition, elimination, or expansion of these programs, all of which would greatly advance an informed review of the draft budget and as also requested in the highlighted portion of our May 7 set of comments and objections.

Thank you in advance for your attention to this request.

Lois Thompson

From: Taylor, Martha [<mailto:Martha.Taylor@tusd1.org>]
Sent: Friday, May 15, 2015 4:45 PM
To: Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter; Willis D. Hawley; Zoe Savitsky
Cc: Desegregation; Tolleson, Julie; Foster, Richard; RLL; Soto, Karla; Weatherless, Renee
Subject: District Response to Mendoza comments on Draft 3

Dr. Hawley and counsel: Please find attached the District responses to the Mendoza plaintiff comments regarding Draft 3 of the 2015-16 Desegregation Budget. Also attached are documents referred to in the District responses.

Thank you and have a great weekend.

Martha G. Taylor MA, JD
 Interim Sr. Director of Desegregation
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