

EXHIBIT E*

February 9, 2017

To: Parties

From: Bill Hawley

Re: Comments on District Response to Concerns about Transition Plans

Overview

The District's **response (DR) to SMP concerns provides** useful clarification of the processes that went into the development of the transition plans. The plans seem to be written as descriptions of what the approach in each school will be and this makes it somewhat difficult to know what the District will do in rolling out the plans. The DR also sheds some light on steps to be taken to facilitate implementation. Presumably, there is a timeline for each school and if the District is willing to share those, that would be helpful.

While the DR is helpful in understanding what the District plans to do, also manifest in this response is a level of frustration and a return, perhaps, to the early days of the USP in which the District sometimes took the position that the SMP were trying to run the school system. This is evident in some of the responses in which the District mischaracterizes the comments and concerns of the PSM.

Throughout the DR, the District asserts variations on the following:

“The District attempted to describe this program in detail in November through **its Assistant Superintendent Dr. Trujillo**”.

In case the plaintiffs and special master do not get the message, the next line says:

... **unfortunately**, Dr. Trujillo was unable to complete this **presentation**”.

The implication of these statements, and at least a half dozen other others like them, is that Dr. Trujillo was not allowed by the plaintiffs or the special master to inform them and if he was all the questions would be answered.

Dr. Trujillo did an excellent job and received positive feedback. While I do not recall the exact time involved in the presentation of the detailed information that he provided, it was relatively extensive given that the primary purpose of the meeting was to discuss the budget and that discussion had not been completed. In previous meetings of the parties, formal presentations have been limited because the agendas are usually extensive, as was the case for the November meeting. Staff have been asked to present overviews after having provided the plaintiffs and the special master with written information prior to the meeting so that the limited time we had together could focus on discussion. Apparently, Dr. Trujillo was not informed about these ground rules. There was no lack of interest in what Dr. Trujillo was describing.

My comments on the transition plans should be seen as concerns and cautions. I cannot speak for the plaintiffs but I assume their comments are rooted in efforts to ensure that the students they represent are well served. While I would like the District to take my comments into account as it moves forward, I do not presume to know enough about capacity or constraints to prescribe a host of specific actions that the District must implement-- such as whether to hire or not hire a consultant.

As should be clear from my comments during the development of the USP and since, I had hoped that at this point we would be we would have compelling evidence that the goals of the USP were being successfully implemented so that we could focus on outcomes rather than processes. Unfortunately, we do not have such information in many cases because: (1) the efficacy of some things are difficult to measure, especially given resource constraints, (2) the relevant evidence has not yet been collected or (3) the evidence we do have indicates that progress is limited.

Comments on the DR Responses

I'm going to comment on some but certainly not all of the District's responses. In so doing, I will try-- by **highlighting** some of my comments-- to be clearer about those issues that I think could be the subject of objections once the plans are submitted to the Court. My comments are numbered to correspond to the numbers of the District's **responses** so that it would be easy to connect my comments to those of the District.

1. The fact that an initiative is new to the District should make it easier to implement but it will still be new to the schools to which it will be added. This has implications for training, buy-in and programmatic coherence. And, despite the fact that a program may have already been undertaken in some schools, if **it is to be used other schools evidence of its effectiveness is still needed**. (In the budget narrative, the District is proposing to implement a program in one school that another school found to be ineffective—Club Z tutoring).
3. The issue is not whether professional development will be provided for new software programs but what the nature that is and how teachers will have continuing support.
4. With respect to my concerns about the characteristics of professional development, the District dismisses them by saying it will continue (emphasis added) to implement Learning Forward standards. I have asked members of the IC to see how much job embedded professional development is going on and I have looked, in a preliminary way, at the survey of teachers related to those standards. It appears that the questions in the survey that deal most directly with job embedded characteristics of professional development are those that receive the lowest marks from teachers. These observations and analysis raise questions about the extent to which the Learning Forward standards are being implemented in professional development.
7. It appears that the transition coordinator will be essentially the administrative assistant to the principal. In any event, these positions **should be one year**. Whether all schools (compare Ochoa and Pueblo) have the same needs for such a person seems doubtful.
9. The point here is that the District seems to be proliferating non-instructional roles. It is not clear whether all of these positions, no matter where they are deployed, are necessary. Surely, they cannot be sustained over time. As I noted in my comments, there are other schools in the District that have needs similar to if not greater than some of these six schools. Is failing as a magnet a justification for extra funding? **This is an issue that will arise in the context of budget deliberations.**
10. **The Learning Support Coordinators are making a comeback. At the expense of a fully functional MTSS.** Can the District point to

evidence that other Districts are using such a position to effectively deal with disciplinary issues?

13. The issue of the theater at Utterback is being considered in the context of a reallocation proposal. The DR argues that access to and participation in fine arts contributes to academic success. So far as I know, and the evidence submitted by the District in the past supports this understanding, this claim is correct when so-called arts integration takes place. Is that anticipated at Utterback and if so what will it cost?

20. The DR does not address the issue raised here, which is to look at performance district-wide to assess academic progress of the students in the schools. Nothing I have said should discourage that and I presume the District is doing that in any case. In urging the District to **”address how best to meet the needs of underachieving students and the possible continuation of exemplary programs”**, I did not specify how that should **be done so I’m not sure why citing me is relevant**. The issues raised by the Mendoza plaintiffs are raised explicitly by academic provisions of the CMP, which the District agreed to. I assume that losing magnet status does not mean that the District would not pursue the academic goals cited in the CMP for students in these six schools.

24. “Potential user surveys”, such as those proposed for dual language programs at Ochoa and Pueblo, are notoriously unreliable. For example, in the survey the District conducted with respect to express buses, it found hundreds of families saying they would use such a resource. Few did.

29. I think it is quite clear from the text of my comments that I believe that the introduction of TWDL at Pueblo and Ochoa is not a good idea. I **acknowledge that I could’ve worded this better**, but one could read my comments and conclude that this is a good idea but that another year planning is needed before implementation.

I did not say that the District lacks the capability to implement the proposed programs. My concern has to do with what appears to be overload in the number of initiatives and potential problems of coordination and coherence.

No one argued that the District should implement new programs in the middle of this year, as the District says both by the Mendoza plaintiffs argued. I argued that if the District is going to implement key academic programs next year it should start the process now. Is the District saying that next year will be a planning year?

Since I emphasize the importance of school cultures to the successful implementation of programs, **I'm not sure** why the District is emphasizing the importance of developing cultures to support new programs. Two reasons I can think of are: (1) **these transition plans are scheduled to go into effect in 2018-19** and (2) the District has a plan for developing the school cultures. If there is a culture development plan, its elements do not appear in the transition plans. Moreover, as the authors of the DR surely know (having cited reading on school culture), the development of a positive school culture to support innovation is unlikely to happen in a single year. Is the District arguing that it must first develop strong culture to support the programs before it implements them? If so, there must be a plan for developing the cultural foundations for implementing each plan not yet shared and, as noted, we must be looking at implementation in 2018-19.

31. The issue raised by the Mendoza plaintiffs with respect to dual language is that implications for integration should be considered. Does the District believe that once a needs assessment is completed that the District will have a viable strategy for integrating the schools? If so, the District should cite examples of how dual language programs have fostered racial integration in racially concentrated schools.

41. The District is proposing to implement Fred Jones program for classroom management. In the Third and Fourth Editions of the Handbook of Research on Teaching (1986 and 2001), the authoritative review of research on teaching (all 2500 pages), there is no mention of Fred Jones. The only research I could find supporting this program is research done by Fred Jones 40 years ago **that is on the company's** website. If the District has evidence of the effectiveness of this program, it should be shared. **Otherwise, the program should be abandoned.**

44. The Fisher plaintiffs asked for information relating to the participation and success in the IB programs at Cholla. The District did

not answer this question dismissing it by implying that African-American students are achieving satisfactorily and that the school is committed to ensuring that all students succeed.