

**TUCSON UNIFIED SCHOOL DISTRICT NO. 1**

**Analysis of Compliance with Unitary Status Plan**

**Section III: Transportation**

**An Annex to the Annual Report**

**for the**

**2016-2017 Academic Year**

*Fisher, Mendoza, et al. v. Tucson Unified School District, et al.*

United States District Court, District of Arizona

74-CV-00090 TUC DCB and 74-CV-00204 TUC DCB

submitted to:

Honorable David C. Bury, United States District Court

prepared by:

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**I. The District Complied with USP Transportation Requirements.**

The District has complied in good faith with each requirement of the USP related to Transportation.<sup>1</sup> As required by Section III of the USP, the District has (a) utilized transportation services as a critical component of integrating schools; (b) made transportation decisions that promote student attendance at integrated and magnet schools and programs; (c) included District transportation administrators in planning and monitoring activities related to student assignment and integration; (d) provided free transportation to District students enrolled in magnet schools and programs and to students enrolled in racially-concentrated schools where such transfers increase the integration of the receiving school and when those students live outside the “walking zone” of the school in which they are enrolled; (e) provided prospective and enrolled families with information regarding the availability of free transportation at school sites, Family Centers, the District office, and on the website; (f) not permitted race- or ethnicity-based discrimination by a private party with which it contracts to provide transportation; (g) included the transportation each student receives in the student’s data dashboard entry by July 1, 2013<sup>2</sup>; and (h) included data in the Annual Reports regarding student use of transportation, disaggregated by school attended and grade level.

Indeed, in response to the District’s Motion for Partial Unitary Status (“MPUS”), the Special Master concluded that “[t]he District is implementing the transportation provisions of the USP satisfactorily.” [Sections of the Special Master’s Annual Report (SMAR), ECF 2014-1, p. 2.] Similarly, in its response to the District’s MPUS, the

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<sup>1</sup> In his response to TUSD’s Motion for Partial Unitary Status, the Special Master agreed that TUSD had complied with the USP’s transportation provisions. [Sections from the Special Master’s Annual Report (SMAR), ECF 2014-1, p. 2.]

<sup>2</sup> The “student’s data dashboard” is an undefined term in the USP, but which refers to the information about a student which automatically appears on an authorized user’s screen when the student’s record is accessed in the District’s electronic student information system (known as Mojave at the time, and now known as Synergy).

Department of Justice had no objections to the District's compliance with the Transportation Section of the USP. [ECF 2014, p. 7.]

## **II. The District's Actions To Comply with USP Transportation Requirements.**

### **A. The District utilizes transportation services as a critical component of integrating schools.**

USP § III(A)(1). *"The District shall utilize transportation services as a critical component of the integration of its schools."*

The District has utilized transportation services as a critical integration component from the very inception of the USP, with more than a third of all transportation used to fulfill desegregation obligations, including approximately 25% for magnet transportation, 6% for ALE transportation, 3% for incentive transportation, and the balance for other integration-related transportation (extracurricular support and grandfathered ABC zone students). [AR 12-13, ECF 1549-1, p. 27; AR 14-15, ECF 1918-1, p. 71.] In SY 12-13, the District constructed and opened a new bus facility on the west side of town, improving bus service for west-side schools, which predominantly serve the District's Hispanic students and families. [AR 12-13, ECF 1549-1, p. 26.] Since the USP was entered, the District has provided transportation to every student eligible for and desirous to use transportation, including to approximately 75% of all students who are eligible for desegregation-related transportation. [AR 13-14, ECF 1686, p. 66.] Over the past three years, the District has consistently provided magnet student transportation to approximately 5,600 students per year, with rates of ridership among African American and Hispanic students that exceed those students' rates of enrollment in the District. [AR 15-16, ECF 1958-1, p. 88.] In SY 2016-17, the District continued to utilize its transportation program to provide non-discriminatory transportation as a tool to promote integration. [AR 16-17, ECF 2057-1, pp. 107-112.]

**B. Transportation decisions are made to promote integration, and District transportation administrators participated in planning and monitoring activities related to student assignment and integration.**

USP § III(A)(2). *“The District shall make decisions concerning the availability of transportation services, including, but not limited to, transportation services to support student participation in extracurricular activities, in a manner that promotes the attendance of District students at integrated and magnet schools and programs. District transportation administrators shall be included in planning and monitoring activities related to student assignment and integration.”*

From the inception of the USP and throughout its implementation, transportation decisions have been made to promote student attendance at integrated and magnet schools and to improve racial integration. The District created a plan to provide free transportation for every eligible student who wanted transportation to magnet schools and programs or to improve integration, and the District has successfully implemented this plan throughout the life of the USP. As detailed in subsections 1 and 3-9 of this section, the District’s transportation decisions promoted these goals by offering and transporting every qualified and willing student to magnet schools, magnet programs and schools where such transportation would improve integration.

Beginning in SY 13-14, the District’s Transportation Director, Routing Manager and Project Manager collaborated with the Director of Interscholastics, the Director of School Community Services (Student Assignment), and directors from elementary and secondary leadership to develop and submit for approval five action plans focused on integration that also contained clearly articulated Transportation goals. These plans included the Extracurricular Equitable Access Plan, the Family and Community Engagement Plan, the Advanced Learning Experiences (“ALE”) Access and Recruitment Plan, the Comprehensive Magnet Plan, and the Comprehensive Boundary Plan. [AR 13-14, ECF 1686, pp. 66-67.] Details regarding the role of transportation in these plans are included in the Transportation section (section III), as well as the Student Assignment,

Discipline and Extracurricular activities sections (Sections II, VII and VIII) of AR 13-14. [Id.]

These administrators also work closely with the Coordinated Student Assignment (“CSA”) Committee, which allows multiple District administrators to collaborate to improve integration and diversity across a wide variety of District programs. [AR 15-16, ECF 1958-1, p. 85.] For example, the CSA Committee was pivotal in designing, developing, marketing, and implementing express shuttles for SY 16-17 (which are designed to reduce travel times and increase the impact of transportation on promoting integration and reducing racial concentration through the voluntary movement of students), and in monitoring and planning activities related to student assignment and integration. [Id.] Additionally, throughout SY 16-17, the District enhanced its routing software and practices, analyzing the impact of specific routes and strategies to improve routing and busing efficiency. [AR 16-17, ECF 2057-1, p. 108.] The District also made the transition from the Mapnet routing software to the new Versatran software, configured buses and driver information, imported new data into the new system (including manually importing hundreds of routes over the course of the year), completed implementation trainings, and successfully used the new routing system. [Id.]

Additionally, as part of its commitment to giving students the opportunity to participate in extracurricular activities, the District increased the number of after-school activity buses to magnet and integrated schools during SY 16-17. [Id.] Several schools received activity buses for the first time, and others received an increase in the number of buses to correspond to the increase in interest and need. [Id.] In SY 16-17, the District also implemented express shuttles to decrease travel times and increase the impact of transportation on promoting integration and reducing racial concentration in the District. [Id.]

**C. The District offered free transportation to all District students enrolled in magnet schools and programs, and to students enrolled in racially-concentrated schools where such transfers increase the integration of the receiving school.**

*USP § III(A)(3). “The District shall provide free transportation, except as provided in Paragraph (4) below, to (a) District students enrolled in magnet programs and schools; and (b) District students enrolled in non-magnet programs and schools that are racially concentrated when such transfers increase the integration of the receiving school. Such transportation may be provided by District vehicles or by public transportation vouchers, whichever is appropriate.”*

The District has provided free transportation to all students enrolled in magnet schools and programs, and to students who transfer and enroll in racially concentrated schools where the transfer increases the integration of the receiving school. [AR 13-14, ECF 1686, pp. 68-69; AR 13-14, Apps. III-1, III-3, ECF 1689-9, pp. 1, 4-10; AR 14-15, ECF 1918-1, pp. 70-71; AR 15-16, ECF 1958-1, pp. 87-90; AR 16-17, ECF 2057-1, p. 107.] These reports detail ridership totals and percentages of those who took advantage of magnet- and integration-related free transportation, broken down by program and race. [Id.] For example:

- In SY 13-14, out of the total magnet school population, 5580 students were eligible for, and were offered, free transportation, and ridership among African Americans, Hispanic, Native Americans, Asian/Pacific Islanders and Multiracial students all slightly increased. [AR 13-14, ECF 1686, pp. 68-69.]
- In SY 14-15, 5796 magnet students, 1,471 GATE and University High School students, 793 Incentive Transportation students, and 1006 ABC zone students were eligible for magnet- and integration-related free transportation. [AR 14-15, ECF 1918-1, pp. 70-71.]

- In SY 15-16, 5,580 students were eligible for magnet transportation, 856 Incentive Transportation students. [AR 15-16, ECF 1958-1, pp. 77-78.]
- In SY 16-17, there were 5,221 students eligible for magnet transportation, 807 students eligible for incentive transportation, and 583 students eligible for ABC transportation. [AR 16-17, ECF 2057-1, pp. 110-11.] Of those for incentive transportation in SY 16-17, 65 percent were Hispanic, 10 percent were African American, and 13 percent were White. [*Id.* at 111.]

**D. The District provided prospective and enrolled families with information regarding the availability of free transportation at school sites, Family Centers, the District office, and on the District website.**

USP § III(A)(5)3. *“The District shall provide prospective and enrolled families with information regarding the availability of free transportation at school sites, at the Family Center(s), at the District Office, and on the website.”*

Beginning in SY 13-14, all open enrollment and magnet applications and school registration forms referenced the availability of transportation. These forms were available in English and Spanish at all school sites, the Family Centers, and the District’s School Community Relations office. Copies were also available online in seven languages, including English and Spanish. [AR 13-14, ECF 1686, pp. 69-70.] Samples of these forms and notices can be found at AR 13-14, Appendix III-3 (ECF 1686-9, pp. 4-10.) In July 2015, the District sent letters with routing information to parents that were customized for incoming kindergarten students, homeless students, incentive transportation students, and others, resulting in 22 versions of the letter. [AR 15-16, App. III-2, ECF 1961-1, p. 5.] In SY16-17, the District continued to work collaboratively

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<sup>3</sup> USP § III(A)(4) does not impose any requirements on the District, but instead states “The District shall not be required to provide free transportation to students who live within the ‘walking zone’ of the school in which they are enrolled, subject to the exceptions set forth in the District’s Transportation Policy EEA.”



within its departments to ensure that prospective and enrolled families received information regarding the availability of free transportation through multiple outlets, locations, and the Internet. [AR 16-17, ECF 2057-1, p. 108.]

**E. The District did not permit race- or ethnicity-based discrimination by a private party with which it contracts to provide transportation.**

USP § III(A)(5). *“If the District contracts with a private party for the provision of transportation services, the District shall not permit the private party to discriminate on the basis of race or ethnicity in the provision of any of the services that the private party provides.”*

The District’s contracts with private transportation services providers include language prohibiting race- and ethnicity-based discrimination, and TUSD’s internal EEO compliance officer was available to review and investigate alleged violations of this policy. The District has not received any reports of such discrimination. [AR 13-14, App. III-4, Standard Terms and Conditions, ECF 1686-9, pp. 20, 47; AR 14-15, ECF 1918-1, p. 70; AR 15-16, ECF 1958-1, p. 87.; AR 16-17, ECF 2057-1, pp. 109-10.]

**F. The District included the transportation each student was eligible to receive in the student’s data dashboard record entry by July 1, 2013.**

USP § III(B)(1). *“By July 1, 2013, the District shall identify and implement any changes necessary to enable it to include the transportation each student receives in each student’s data dashboard entry.”*

By April 2013, transportation eligibility and routing were included on each student’s dashboard, updated nightly. If students ride a yellow bus, their bus schedule is included. If they have SunTrans bus passes, this eligibility is noted. If they decline or fail to appear for transportation services, this is noted. By July 2013, each student’s dashboard also included information identifying transportation programs for which the student was eligible, including, for example, GATE, incentive transportation and magnet transportation. [AR 13-14, ECF 1686, p. 72; AR 14-15, ECF 1918-1, p. 73-74.] The

District has also continually improved its transportation-related software and technology, including using new Versatrans software. [AR 16-17, ECF 2057-1, p. 112.]

**G. The District included data in the Annual Reports regarding student use of transportation, disaggregated by school attended and grade level.**

USP § III(C)(1). *“The District shall include data in its Annual Report regarding student use of transportation, disaggregated by school attended and grade level (elementary, middle, and high school).”*

Beginning with AR 13-14, the District included in its Annual Reports District-wide transportation information disaggregated by school and grade level. [AR 13-14, ECF 1686, p. 72; AR 13-14, App. III-1, ECF 1686-9, p. 1; AR 14-15, App. III-4, ECF 1848-8, p. 8; AR 15-16, App. III-3, ECF 1961-1, p. 7.] The District also included extensive information on transportation disaggregated by race and ethnicity, and by school program, among other areas. [AR 13-14, ECF 1686, pp. 66-67; AR 14-15, App. III-3, ECF 1848-8, p. 7; AR 15-16, Apps. III-6 and III-7, ECF 1961-1, pp. 50-53; AR 16-17, 2057-1, p. 112; AR 16-17, App. III-2, ECF 2059-1, pp. 4-5] This data, and the information above, demonstrate the District’s provision of transportation on an equitable basis to students of all backgrounds and as a key component of integration.