

TUCSON UNIFIED SCHOOL DISTRICT NO. 1

Analysis of Compliance with Unitary Status Plan

Section VI: Discipline

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:

Tucson Unified School District No. 1
Gabriel Trujillo, Ed.D., Superintendent

TUSD Governing Board:

Michael Hicks, President; Dr. Mark Stegeman, Clerk;
Adelita S. Grijalva; Kristel Ann Foster; Rachael Sedgwick

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I. The District Complied with USP Discipline Requirements.

Section VI of the USP requires the District to develop and implement strategies to ensure that discipline is administered equitably and without discrimination, and that students remain in classroom settings as often as practicable. [ECF 1713, p. 44.] These strategies were to include Restorative Practices and Positive Behavior Intervention and Supports, strategies aimed at providing early intervention and positive support while working through behavioral issues. [ECF 1713, p. 45.] As discussed in the Special Master’s most recent annual report, the District has made progress in each of these areas, including substantial progress in reducing overall suspensions and disciplinary actions. [ECF 2026, pp. 22-24.] The USP also required the District to work with an external consultant to evaluate and revise the Guidelines for Student Rights and Responsibilities (“GSRR”) with the same goals in mind. Similar to other areas of the USP, the District was also required to hire appropriate personnel to oversee disciplinary changes, involve parents and community, provide professional development, monitor disciplinary data and regularly report on the data and analyses required by the USP. [ECF 1713, pp. 46-50.] As demonstrated below, the District has complied in good faith with these requirements.

A. The District complied in good faith with USP requirements related to its student behavior and discipline policies and worked to reduce racial and ethnic disparities in the administration of school discipline.

USP § VI(A)(2). “The District shall commit to ensuring that students remain as often as practicable in the classroom settings where learning happens. In accordance with the Guidelines for Student Rights and Responsibilities, discussed below, and to the extent practicable based on the student behavior at issue, a variety of graduated positive behavior techniques shall be used with the aim of preventing students from being excluded for any amount of time from the classroom or school.

The District shall reduce racial and ethnic disparities in the administration of school discipline.”

The District’s overall commitment to integration, diversity, and racial equity has led directly to a focus on discipline issues, including (1) a constant effort to reduce or

eliminate the need for discipline through better student support and intervention, better classroom management, and better school environment; and (2) a constant effort to reduce or eliminate any disproportionate impact of discipline actually imposed.

The District's student disciplinary policy and practice is embedded within the GSRR. The District evaluates the GSRR each year, providing parents with copies of the GSRR and making them available in all major languages at school sites, the central office, and Family Resource Centers and on the District website. Finally, the District has developed an informational program to assist students and parents in understanding Positive Behavioral Interventions and Supports ("PBIS"), Restorative Practices, and the GSRR. This program is delivered in student assemblies and parent sessions during the school year at each school. [AR 15-16, ECF 1958-1, pp. 276-77.]

There can be no doubt that the District's focus on disciplinary equity has produced results. First, the need for discipline, and levels of discipline imposed, in the District is trending down. The disparity in the rates of discipline for different racial and ethnic groups is also declining. The data reported by TUSD showed a district-wide ratio of 2.60 in SY 2013-14, 2.32 in SY 2014-15, and 2.00 in SY 2015-16. Moreover, both the absolute number of suspensions of African American students and the percentage of students receiving suspensions were down substantially in SY 2015-16 from the prior year. [*Id.* at 278.]

In SY 16-17, the District continued to implement Restorative Practices and PBIS to address behavior and disciplinary issues and to improve the culture and climate. At the District level, the restorative and positive practices coordinator ("RPPC") worked with sites to implement PBIS and Restorative Practices. At the site level, the District

designated site principals as the restorative and positive practices site coordinator (“RPPSC”).¹ [AR 16-17, ECF 2057-1, p. 332.]

B. The District implemented and strengthened comprehensive approaches to classroom management and student behavior, including PBIS.

USP § VI(B)(1). *“The District shall continue and strengthen implementation of the following comprehensive, school-wide approaches to classroom management and student behavior:*

“Restorative Practices,” a framework to give those affected by conflict the tools and principles needed to resolve problems and build relationships. Restorative Practices focus upon the emotional and social disturbance created by conflict and provide a process for holding students accountable for their actions while building a supportive school environment; and

“Positive Behavior Intervention and Supports” (“PBIS”), a set of strategies and structures to assist schools to establish a positive school culture by constructively teaching school rules and social-emotional skills; positively reinforcing appropriate student behavior; using effective classroom management strategies to provide early intervention for misbehavior; and developing a continuum of graduated and appropriate consequences for more serious and continuous misbehavior.”

The District has fully implemented Restorative Practices and PBIS to address behavior and disciplinary issues and to improve the culture and climate. At the District level, the discipline coordinator, who serves as the District’s designated RPPC, worked with sites to implement PBIS and restorative practices. At the site level, the District designated site principals as the RPPSC.

¹ USP § VI(C)(2). RPPSCs are responsible for: (1) assisting instructional faculty and staff to (a) effectively communicate school rules, (b) reinforce appropriate student behavior, and (c) use constructive classroom management and positive behavior strategies; (2) evaluating their school site’s behavior and discipline practices to ensure that they are language-accessible; and (3) working with site staff and the District-level RPPC to develop corrective action plans for administrators or certificated staff as necessary.

1. PBIS Training and Implementation

PBIS professional development occurred at multiple levels and involved varied internal stakeholders: central administrators, site administrators, MTSS facilitators and leads, teachers, and other relevant personnel. PBIS professional development discussed, defined, and refined the strategies, best practices, and methods for PBIS implementation. [AR 16-17, ECF 2057-1, pp. 332-37.]

In July of 2014, the District designated Mr. Eugene Butler as the RPPC, and others have continued in that role. At the outset of SY 14-15, the District instituted a systematic monitoring system to collect and preserve data related to the scope, frequency, type and level of Learning Support Coordinator interactions with students to implement Restorative Practices and PBIS strategies at the site level. [AR 14-15, ECF 1918-1, pp. 258-59.]

The District took several steps to ensure consistent PBIS training and implementation across sites. The District hired external PBIS trainers from KOI Education, which has assisted dozens of school districts nationwide to build the capacity to deliver high-quality evidence-based practices and services that result in positive academic, behavioral, and social achievement. KOI provided a three-day, comprehensive Tier 1 (classroom level) PBIS training in summer 2016 for site administrators. In July 2016, the District trained newly hired MTSS facilitators and designated several central office administrators to serve as PBIS trainers of trainers. The District provided these staff members with complete training materials to train other staff members on the implementation of PBIS at the classroom (Tier 1) level. The MTSS facilitators who received this training will attend the PBIS Tier 2 and 3 Trainer of Trainers workshop in July 2017. KOI also provided PBIS training for school safety officers and school resource officers. [AR 16-17, ECF 2057-1, pp. 332.]

In June 2016, principals from Grijalva, Davidson, and Whitmore elementary schools; Pueblo Gardens, Mary Belle McCorkle, and Hollinger K-8 schools, and

Mansfeld Middle Magnet School also received training to become PBIS trainers. These seven principals, along with the principal from Robins K-8, collaborated to form the District's PBIS committee. This committee provided training to all school administrators in September, November, and March during ILA sessions. The committee designed this training to assist school administrators with strengthening existing implementation of PBIS programs at their schools. The PBIS committee met monthly to review PBIS implementation across the District and discuss strategies to help all schools build effective programs. Administrators from Pueblo Gardens, Hollinger, Robins, and Palo Verde High Magnet School also attended the PBIS Tier 2/3 Trainer of Trainers workshop in June 2017 so they can continue to support other school leaders with PBIS implementation in SY 17-18. The principals from Davidson, Grijalva, and Mansfeld became certified PBIS SET (Schoolwide Evaluation Tool) evaluators eligible to review PBIS programs at other schools. [*Id.* at 333.]

Based on a review of SY 15-16 discipline data, the District identified six schools (Miller Elementary School, Booth-Fickett and Roskruge K-8 schools, Valencia Middle School, and Palo Verde and Santa Rita high schools) to receive targeted, intensive PBIS training and support as one of several corrective actions taken to address discipline rates and/or disparities. Teams from each school attended a PBIS Tier 1 Academy that included four days of training, 60 hours of on-site coaching, three to four whole-faculty training sessions, and a pre- and post-analysis of PBIS implementation. Various staff members from these schools participated in a PBIS Tier 2 and 3 Academy during the summer 2017. [*Id.*]

Throughout the year, site administrators and MTSS facilitators/leads worked with relevant site staff to implement PBIS, starting with the development of PBIS site teams. The creation of site teams operated to ensure accountability and consistency in the implementation of both academic and behavioral support. [*Id.*]

During monthly professional development sessions, MTSS facilitators reviewed strategies to improve the MTSS process, discussed PBIS implementation, and discussed discipline trends and Restorative Practices. The MTSS facilitators formed grade-range professional learning communities (“PLCs”) to address and provide clarification around PBIS, Restorative Practices, and the academic and behavioral interventions and components embedded in MTSS. [*Id.*]

Site administrators trained all staff on PBIS and the PBIS matrix developed by individual sites to address specific site needs. The PBIS team reviewed the behavior expectation matrix at each site and made revisions as necessary. PBIS teams also worked to ensure fidelity in PBIS implementation. The review of monthly discipline reports further provided a means for sites to continuously revise the PBIS matrix to best address areas of concern identified in the analysis of discipline data. [*Id.* at 334.]

The District scheduled ongoing discussions on culture and climate guided by data gathered by site MTSS facilitators and leads and administrators. As members of site teams, MTSS facilitators and leads helped facilitate the implementation of the site’s PBIS matrix to support an inclusive culture and climate at each site. They also collected data to analyze the impact and effectiveness of PBIS implementation and submitted monthly discipline reports to District leadership by the tenth of each month. A district-level team reviewed the reports on a monthly basis and developed action steps for each site, with school directors communicating the follow-up action plans to schools. The first semester focused on strengthening the process. The second semester focused on quality, explicit action plans, and follow-up actions with site administrators. The process continued as schools addressed challenges to strengthen their PBIS systems. [*Id.*]²

² Similar PBIS and Restorative Practices Training occurred in prior years, as reported in the prior years’ annual reports. [See, e.g., AR 15-16, ECF 1958-1, pp. 279-89.]

2. Restorative Practices Training

The District solicited the service of Dr. Carl Hermanns, a clinical associate professor in the in the Mary Lou Fulton Teachers College at Arizona State University, to facilitate a three-hour Restorative Practices workshop to all principals and MTSS facilitators on April 6, 2017. The focus of Dr. Hermanns' work is to help school employees build authentic relationships with students and to examine their own implicit biases. School principals trained their faculty using Dr. Hermanns' PowerPoint during Wednesday professional development sessions. [*Id.*]

3. PBIS and Restorative Practices Implementation: MTSS, Culture and Climate, and Infrastructure

A major component of the District's approach to providing academic and behavioral interventions is the implementation of the MTSS system within the context of building and maintaining supportive and inclusive learning environments. While PBIS and Restorative Practices are the District's primary school-wide approaches to classroom management and student behavior, MTSS is the overarching umbrella under which all academic and behavioral interventions and strategies operate. Thus, professional development and implementation around PBIS and Restorative Practices often occurred within the broader context of MTSS implementation, and professional development focused on improving classroom- and school-level culture and climate. [*Id.* at 334-35.]

During the annual Back to School Administrator Conference, facilitators discussed the optimal supportive classroom environment and ways to achieve these types of classrooms at sites. The conference also provided an opportunity for administrators to review and discuss the beginning-of-year checklist, which included roles and responsibilities for administrators and teachers, and to review the student code of conduct (GSRR) before the beginning of the school year. The instructional materials addressed specific learning outcomes centered on administrator roles and responsibilities. [*Id.*]

Throughout the school year, each school director met with principals for an Evaluation Pre-Observation conference to review their role in student behavior and discipline, generally, and in the implementation of PBIS, Restorative Practices, MTSS, and the development of a supportive and positive school culture and climate more specifically. For alignment and consistency, directors placed special emphasis on administrators' roles as covered in the administrative evaluation instrument under the "Expectation of Culture and Equity Leadership." The instrument stated that an administrator "leads to promote the development of an inclusive school climate characterized by culturally responsive strategies." During Pre-Observation conferences, directors discussed expectations with principals and aligned these expectations to the Danielson evaluation framework. The individual meetings with principals provided valuable opportunities for directors to ensure that principals understood the District's expectations and that they received the support needed. [*Id.* at 335.]

Directors also created a teacher evaluation flow chart at the beginning of the year to facilitate reviews with principals to ensure roles and responsibilities were clear and to ensure transparency and accountability. In addition to one-time, one-on-one, and group discussions, the District continued ongoing discussions during bi-monthly Instructional Leadership Academy (ILA) sessions to keep culture and climate (including PBIS, MTSS, the GSRR, and discipline reporting) a top priority. The District's focused commitment to improving school culture and climate was a primary driver in the development of planning outcomes for the ILAs during SY 16-17. [*Id.*]

Throughout fall 2016, the District provided guidance on the role of principals and certified staff members regarding the discipline process, the GSRR, and District policy. The training included guiding sites through the referral process to ensure proactive approaches to implementing interventions. Administrators followed up by holding school staff meetings to communicate the PBIS, MTSS, and discipline referral processes to their faculties and staffs to make sure teachers, in particular, were aware of their roles

and responsibilities related to student behavior and discipline. The District also utilized the early-release Wednesday schedule to support continued training for school teams and site staff in PBIS and MTSS strategies, monitoring, and best practices. In addition, site committees met on a monthly basis. During these meetings, directors and District leadership discussed the role of administrators and teachers, the referral process, and Restorative Practices and PBIS implementation. [*Id.* at 336.]

Previously, the District attempted to implement the use of a “referral form” that teachers would use when referring a student out of class. The District evaluated the use of this form and determined it was cumbersome and less effective; it was not utilized in SY 16-17. [*Id.*]

In accordance with District expectations, MTSS site meetings occurred at a minimum of twice a month and on an ongoing basis throughout the school year to provide support and strategies for teachers. Some sites met weekly, in addition to their MTSS meetings, to address the needs of students. [*Id.*]

In spring 2016, the District discipline team continued reviewing the site’s monthly reports to provide feedback and to support and direct the improvement of all aspects of culture and climate. MTSS facilitators and school administrators uploaded reports to the MTSS SharePoint from September 2016 through May 2017. Schools provided monthly reports via uploads to the MTSS SharePoint and academic directors worked with sites that did not post by the tenth of the month. Elementary and secondary school directors and assistant superintendents collaborated with site administrators to develop and implement corrective actions at schools with identified “hot spots”—schools with high levels of discipline incidents or suspensions or discipline disparities identifiable by race or ethnicity. Additionally, MTSS facilitators followed up with at-risk students to ensure they were a part of the MTSS process with interventions in place. [*Id.*]

The District also identified teachers who over-referred students or who needed classroom and instructional management support. The District contracted with an outside

consultant, Fred Jones, to provide training to teachers, support staff, and administrators. On December 2, 2016, 90 of these teachers completed Day 1 of classroom management training by Fred Jones. On March 1, 2017, 98 teachers completed the same training. These 189 teachers completed Day 2 and 3 of Fred Jones Tools for Learning on June 22 and 23, 2017. [*Id.* at 336-37.]

In addition, the District provided a one-day overview of Fred Jones Tools for Learning to 75 administrators on December 3, 2016. The District provided facilitator training in the Fred Jones Tools for Teaching to 27 teacher mentors and exceptional education staff over three sessions. Facilitators implemented Fred Jones study groups to support teachers and sites throughout the school year. Site and District administrators completed three days of Fred Jones Training on June 5–7, 2017. The District offered an open session for Fred Jones Tools for Teaching for up to 200 teachers on June 19–21, 2017. [*Id.* at 337.]

C. The District evaluated, revised and implemented its Guidelines for Student Rights and Responsibilities (“GSSR”).

USP § VI(C). *“By April 1, 2013, the District shall, in consultation with an external consultant experienced in implementing the behavior approaches described above, evaluate and revise the Guidelines for Student Rights and Responsibilities (“GSSR”) to: (i) limit exclusionary consequences to instances in which student misbehavior is ongoing and escalating, and the District has first attempted and documented the types of intervention(s) used in PBIS and/or Restorative Practices, as appropriate; (ii) require the administration of consequences that are non-discriminatory, fair, age-appropriate, and correspond to the severity of the student’s misbehavior; (iii) require that consequences are paired with meaningful instruction and supportive guidance (e.g., constructive feedback and re-teaching) to offer students an opportunity to learn from their behavior and continue to participate in the school community; and (iv) require that law enforcement officers, including School Resource Officers, School Safety Officers, and other law enforcement and security personnel who interact with students, are not involved in low-level student discipline. Plaintiffs and the Special Master shall receive copies of the revised GSSR for review and comment pursuant to Section (I)(D)(1). None of these revisions shall prevent school personnel from protecting student safety as appropriate.*

By July 1, 2013, the District shall, in consultation with relevant experts, evaluate and revise, as appropriate, its due process protections for student discipline (i.e., Governing Board Policy JK-R1 through JK-R4-E4 and JKA through JKAB), to ensure that students and parents are provided with a fair, impartial, and language-accessible proceeding which complies with applicable state and federal law before exclusionary discipline or punishment is imposed, as well as an opportunity to appeal. Should the District determine that changes are needed to its due process protections for student discipline, it shall propose changes to these policies. Plaintiffs and the Special Master shall be provided with copies of the proposed changes for review and comment before they are finalized pursuant to Section (I)(D)(1).

All District schools shall implement the revised GSRR. Any disciplinary actions shall be aligned to the GSRR standards, and comport with Restorative Practices and PBIS.

The GSRR includes limits on exclusionary discipline, fair and age-appropriate consequences that are paired with meaningful instruction, and the types of interventions used in PBIS and/or Restorative Practices. All schools implement the GSRR to ensure it is fairly and equitably applied, and all disciplinary actions are aligned to the GSRR standards and comport with Restorative Practices and PBIS. [AR 16-17, ECF 2057-1, pp. 337-42.]

After the USP was adopted, the District undertook a start-to-finish re-examination of the GSRR to align it to the language and spirit of the USP. The evaluation focused primarily on limiting exclusionary consequences, requiring administration of discipline to be appropriate and non-discriminatory, requiring positive support to students, and ensuring that law enforcement was not involved in low-level student discipline. [AR 13-14, ECF 1686, pp. 161-62.] After finalizing its internal evaluation in June 2013, the District consulted with four experts to appropriately revise and improve the GSRR. [*Id.* at 162.] After working with these experts, the District also worked with the Special Master and Plaintiffs to craft revisions to the GSRR. [*Id.*]

In fall 2016, the District ensured that all stakeholders had access to information about the GSRR through professional development for District staff members and informational programs for students and parents. These presentations included

information on the GSRR, processes, and limitations, as well as its role within the District's overall approach to student behavior and discipline. The District also translated the GSRR into multiple languages and made it available to parents, students, and staff in multiple locations and formats. [AR 16-17, ECF 2057-1, p. 337.]

The District introduced the existing GSRR design and format in SY2008-09 and has revised the guidelines every year since. In spring 2016, the District continued the process of critically assessing the GSRR, and it took steps to develop a revised code of conduct that would be more user-friendly for all stakeholders and reflect the values stated in the USP. [*Id.* at 338] The following paragraphs outline the GSRR translation and dissemination, District efforts to ensure understanding across multiple stakeholder groups, and the initial steps taken to create a revised code of conduct.

1. GSRR Dissemination

The District evaluated and revised the GSRR significantly in 2013 in collaboration with external consultants, the Plaintiffs, and the Special Master. In addition to the first revision in 2013, the District has proactively evaluated and revised the GSRR on an annual basis, including the solicitation of feedback from the Plaintiffs and Special Master. The District did not revise the GSRR for SY2016-17. The 2015-16 version of the GSRR became the 2016-17 GSRR; the only difference was a supplemental "Frequently Asked Questions" (FAQ) document that provided responses to clarify certain aspects of GSRR implementation. [*Id.*]

Every year after revising the GSRR, the District provides the guidelines and related documents to all parents of enrolled students. The District also makes the GSRR available in all major languages at school sites, the central office, and Family Resource Centers and on the District's website. The District developed and made copies available in all major languages, including Spanish, Arabic, Somali, and Vietnamese. In August 2016, the District printed and distributed more than 50,000 hard copies of the

English/Spanish version of the GSRR and related documents to all school sites, the central office, and family centers. In turn, schools distributed the GSRR to all parents of students enrolled in the District. [*Id.*]

2. Student, Parent, and Community Involvement

The District developed and refined an informational program to help school community members understand their roles and responsibilities under PBIS, Restorative Practices, and the GSRR. The informational program was delivered via assemblies for students and informational sessions for parents. All school sites provided parent informational sessions during open house sessions, Title 1 parent meetings, and/or other types of parent information events to inform parents about the GSRR. The District held information sessions during the school day and/or evenings. [*Id.* at 339.]

The District's discipline coordinator, MTSS facilitators, site administrators, and site discipline teams conducted GSRR-related activities throughout SY 16-17, including but not limited to distributing the GSRR, collecting signed parent acknowledgment forms, and reviewing the GSRR with students and/or families.³ Site teams incorporated GSRR training into their regular trainings on school culture and climate and analyzed discipline data throughout the year to ensure compliance with the GSRR. Details on discipline data monitoring for GSRR compliance are discussed below. [*Id.*]

To ensure that students understood their rights and responsibilities, all site administrators, or a designee, reviewed the GSRR with students. However, the process used to inform students varied by site. For example, some sites informed students about the GSRR in an assembly format, others by visiting classrooms at a specific time during a particular day. [*Id.*]

³ As noted above, reports of the District's similar actions taken in prior years are reported in those prior years' annual reports.

3. Professional Development

The District provides training for staff to implement the standards established in the revised GSRR and to communicate to administrators their roles and responsibilities, such as ensuring that the GSRR is communicated to the school community and that it is consistently and fairly applied. [*Id.*]

In preparation for each school year, the District trains its administrators on PBIS implementation and best discipline practices and on culturally responsive instructional practices. The District provided additional professional development to administrators on the GSRR, draft Code of Conduct (and its development), supportive and inclusive learning environments, and roles and responsibilities under the USP related to behavior and discipline. In October, the District followed up this training with communications to clarify GSRR implementation related to aggression incidents. In November, the District held a special training session for assistant principals to clarify further the policy for handling aggression incidents. In conjunction with the GSRR, the District required principals to complete a form to request permission to elevate the level of an offense and/or the number of suspended days out of school. Principals used the form 30 times in SY 16-17 and directors approved 28 elevations. [*Id.* at 340.]

4. Steps to Revise the Student Code of Conduct

Language in the GSRR is based on a set of state-determined discipline issues, provides examples and definitions based on Arizona statute, and is written for multiple stakeholder groups with varying levels of knowledge and understanding. In fall 2015, the District initiated an effort to develop a code of conduct to replace the GSRR. [*Id.*]

On November 10, 2015, the Governing Board awarded a consulting services contract to Mr. Jim Freeman, a consultant recommended by the U.S. Department of Justice, to assist the District in developing a new student Code of Conduct. Mr. Freeman

began by working with the District to establish student, parent, and community focus groups. District staff provided him with background on USP-related components of the GSRR and encouraged him to reach out to the Plaintiffs and Special Master to solicit their feedback, which he did. On April 5, 2015, Mr. Freeman presented his findings and recommendations for the new Student Code of Conduct to the Governing Board. The District continued working with multiple stakeholders, including the Plaintiffs and the Special Master, to further revise the revised Code of Conduct during SY2016-17. This work included multiple stakeholder meetings, the reconvening of Mr. Freeman's "working group" (made up of staff, community members, and other stakeholders), multiple meetings and communications with the Plaintiffs and Special Master, presentations to the Governing Board, and the solicitation of feedback online from parents, community members, teachers, students, and other stakeholders. [*Id.*]

The District received the initial draft Code of Conduct from Mr. Freeman (based on the work of the working group) in spring 2016. Over summer 2016, District staff analyzed the draft and sought feedback from various stakeholders, including additional feedback from Mr. Freeman and a phone conference with the Special Master and Plaintiffs in July 2016. The District submitted the District's first draft to the Special Master and Plaintiffs in August 2016. The submission of the first draft triggered a 60-day review and comment process required by USP Section I(D)(1). This period lasted through December. During the fall, as it considered revisions based on Special Master and Plaintiff feedback, the District brought those revisions to various stakeholder groups for additional insight and feedback. This included soliciting feedback from the superintendent's student advisory committee, teachers, principals, and the reconvened working group. In December, the District submitted a revised, proposed Code of Conduct to the Special Master and Plaintiffs for final review. [*Id.* at 341.]

In January and February 2017, the District presented the revised code, along with Special Master and Plaintiff feedback, to the Governing Board for information and

further study. The Board directed staff to make the revised code publicly available and provide additional opportunities for stakeholders to comment. The District held several public forums in February and March so that parents, teachers, and other stakeholders could fully understand the revisions and give informed feedback. The District also made the revised Code of Conduct available online and set up an online feedback system for stakeholders to leave comments. In March and April, the District revised the code again in response to stakeholder feedback. This version was again shared with the Special Master and Plaintiffs to solicit their feedback on the revisions. [*Id.*]

In meetings in April and May 2017, the Governing Board reviewed and considered stakeholder feedback, including the comments from the Special Master and Plaintiffs. In May the Board reviewed the final revised, proposed Code of Conduct. Ultimately, the Governing Board did not vote to approve the code for SY 17-18. [*Id.*]

At the outset of the development of the Code of Conduct, Mr. Freeman warned that the District's initial six-month timeline for the development and implementation of a new code was relatively aggressive. Other districts that had worked with Mr. Freeman had taken one to two years to develop and implement a revised code that had the buy-in of multiple stakeholders. This reality held true in Tucson Unified as well: despite its best efforts, many stakeholders continued to have issues with the revised Code of Conduct in spring 2017 and the District was not ready to adopt it for SY 17-18. Accordingly, the 2016-17 version of the GSRR remains in effect, but without the FAQ supplement. [*Id.* at 342.]

5. Policy Revisions

The District worked on amending discipline-related Board policies and regulations in SY 13-14, and SY 14-15. [AR 13-14, ECF 1686, pp. 164, 177.] Board policy JK and related policies were adopted as amended in SY 15-16. [AR 15-16, ECF 1958-1, p. 346; AR 15-16, Apps. VI-65, VI-66, VI-67, VI-68, and VI-69, ECF 1965-3, pp. 204-38.]

D. The District hired or designated employees to serve as Restorative and Positive Practices Coordinator (“RPPC”) and Restorative and Positive Practices Site Coordinators (“RPPSC”) pursuant to the USP.

USP § VI(C). “By April 1, 2013, the District shall hire or designate an employee to serve as the District’s restorative and positive practices coordinator (“RPPC”). The RPPC shall be responsible for working with school sites to assist in the ongoing implementation of Restorative Practices and the implementation of PBIS, including: (a) developing model behavioral assessments and interventions; and (b) assisting school sites in developing systems and structures to use data for self-monitoring practices.

By April 1, 2013, all District schools shall hire or designate an employee to serve as a restorative and positive practices site coordinator (“RPPSC”). A school’s learning support coordinator may be designated to serve as the RPPSC for the school. The RPPSCs shall be responsible for assisting instructional faculty and staff to: (a) effectively communicate school rules; (b) reinforce appropriate student behavior; and (c) use constructive classroom management and positive behavior strategies. The RPPSCs shall also be responsible for (d) evaluating their school site’s behavior and discipline practices to ensure that they are language-accessible, and (e) working with site staff and the District-level RPPC to develop corrective action plans for administrators or certificated staff as necessary.”

On April 1, 2013, the District designated James Fish, the Executive Director of Equity and Intervention, as the District’s RPPC. Shortly thereafter, the District hired Brian Lambert as the Academic and Behavioral Supports Coordinator (ABSC). [AR 13-14, ECF 1686, p. 164.] In SY 13-14, the District assigned RPPSCs at each school. [*Id.* at 165.] Additionally, on June 24, 2013, the District designated Holly Colonna, Director of Guidance and Counseling, and Karen Ward, Program Manager of Guidance and Counseling, as Restorative Practices and PBIS trainers. [*Id.*] The District continued to utilize LSCs and other coordinators to communicate school rules, reinforce appropriate student behavior, use constructive classroom management and positive behavior strategies, evaluate school behavior and discipline practices, and work with staff to develop corrective plans as necessary. [AR 15-16, ECF 1958-1, pp. 279-89; AR 16-17, ECF 2057-1, pp. 311, 329-37.]

- E. The District provided all GSRR-related documents to parents in all the District's Major Languages, and it developed and delivered informational programs, assemblies and informational sessions to students and parents to help them understand their roles and responsibilities under PBIS, Restorative Practices and the GSRR.**

USP § VI(D). "The revised GSRR, all related documents and the informational programs described in the paragraph below, shall be provided to all parents of students enrolled in the District, and shall be available in all of the District's Major Languages at all school sites, the District Office, the Family Centers and on the District's website. The District shall provide timely translation of these documents and informational programs for families who speak lower-incidence languages.

The District shall develop and deliver an informational program to assist students and parents in understanding their roles and responsibilities under PBIS, Restorative Practices and the GSRR; shall host student assemblies at each school to communicate positive core values and behavioral expectations, and to explain in an age-appropriate manner the GSRR, PBIS and Restorative Practices; and shall hold informational sessions for parents at least twice per school year at each school, which shall include information regarding PBIS, Restorative Practices and the GSRR, due process and appeal procedures, and guidance on how parents can make complaints about student discipline."

The District evaluates the GSRR each year, providing parents with copies of the GSRR and making them available in all Major Languages at school sites, the central office, Family Resource Centers and on the District website. Additionally, the District has developed an informational program to assist students and parents in understanding PBIS, Restorative Practices, and the GSRR. This program is delivered in student assemblies and parent sessions during the school year at each school. [AR 15-16, ECF 1958-1, p. 306.]

Every year after revising the GSRR, the District provides the guidelines and related documents to all parents of enrolled students. In August 2016, the District printed and distributed more than 50,000 hard copies of the English/Spanish version of the GSRR and related documents. In turn, schools distributed the GSRR to all parents of students enrolled in the District. [AR 16-17, ECF 2057-1, p. 338.]

The District developed and refined an informational program to help school community members understand their roles and responsibilities under PBIS, Restorative Practices, and the GSRR. The informational program was delivered via assemblies for students and informational sessions for parents. All school sites provided parent informational sessions during open house sessions, Title 1 parent meetings, and/or other types of parent information events to inform parents about the GSRR. The District held information sessions during the school day and/or evenings. [*Id.* at 339.]

F. The District ensured that all schools hired the necessary staff and provided the necessary training to implement restorative practices and PBIS in each of the schools in the District.

USP § VI(E). *“The District shall ensure that all schools provide the necessary training and hire the requisite RPPSCs as described in (IV)(C)(2) to implement Restorative Practices and PBIS by the beginning of the 2013-2014 school year. All newly-hired RPPSCs and other relevant personnel shall complete the training by the beginning of the fall semester of the academic year subsequent to the academic year during which they were hired.*

By July 1, 2013, the District shall hire or designate trainers to assist all administrators and certificated staff to implement Restorative Practices, PBIS and the standards established in the revised GSRR. The trainings shall take place before the commencement of the 2013-2014 school year.

By October 1, 2013, the District shall communicate to teachers their roles and responsibilities in creating and supporting positive classroom environments and schools. These responsibilities shall include: (a) defining, teaching, modeling, and consistently applying positive behavior approaches inside and outside the classroom; (b) acknowledging and reinforcing appropriate and positive student behavior; (c) providing constructive feedback to students when behavior concerns arise, and using such positive feedback and skill-building to address all low-level misbehaviors; (d) working with relevant school and District personnel to ensure that appropriate intervention techniques have been attempted before referring a student to the school site discipline administrator(s); (e) participating in trainings to build and sustain a positive school climate and to reduce and address racial and ethnic disparities in the administration of school discipline; (f) regularly entering, uploading, reading, and responding to data via Mojave; (g) utilizing data in collaboration with school site and District administrators to monitor student behavior; and (h) responding appropriately to data outcomes, particularly where data show disparities in the administration of consequences on any prohibited basis, including

participating with supervisors in the development of corrective action plans.

If an individual teacher is failing to adhere to the District's student discipline policies or practices as required under this Order, or is engaging in discrimination in such practices, or administering student discipline in a racially or ethnically disparate manner, the District shall require the principal to take appropriate corrective action.

By October 1, 2013, the District shall communicate to administrators their roles and responsibilities in collaborating with faculty and staff to create and support inclusive classroom environments and schools and that a primary goal of this effort is to ensure that TUSD students are not subject to discriminatory disciplinary practices based on their race, ethnicity or ELL status. These responsibilities shall include: (a) ensuring that PBIS, Restorative Practices and the GSRR are communicated, advocated, and modeled to the school community; (b) providing training and support for administrators and certificated staff on Restorative Practices and PBIS; (c) ensuring effective recording, collecting, and utilization of student behavior and discipline data; (d) regularly (i.e., at least monthly) evaluating classroom- and school-level behavior and discipline data to assist in decision-making at all levels, from individual student needs to needs for the school site; (e) assembling teams with appropriate certificated staff and parent(s) to address next steps for a student engaging in ongoing and escalating misbehavior in spite of appropriate interventions; (f) consistently and fairly applying the GSRR to ongoing and escalating student misbehavior; and (g) ensuring that parent(s) are included in all major decisions related to student behavior and discipline.

The District has fully implemented Restorative Practices and PBIS to address behavior and disciplinary issues and to improve the culture and climate. At the District level, the discipline coordinator, who serves as the District's designated RPPC, worked with sites to implement PBIS and restorative practices. At the site level, the District designated site principals as the RPSSCs. [AR 16-17, ECF 2057-1, p. 332.]

1. PBIS Training and Implementation

PBIS professional development occurred at multiple levels and involved varied internal stakeholders: central administrators, site administrators, MTSS facilitators and leads, teachers, and other relevant personnel. PBIS professional development discussed,

defined, and refined the strategies, best practices, and methods for PBIS implementation. [*Id.* at 332.]

In July of 2014, the District designated Mr. Eugene Butler as the RPPC, and others have continued in that role. At the outset of SY 14-15, the District instituted a systematic monitoring system to collect and preserve data related to the scope, frequency, type and level of Learning Support Coordinator interactions with students to implement Restorative Practices and PBIS strategies at the site level. [AR 14-15, ECF 1918-1, pp. 258-59.]

The District took several steps to ensure consistent PBIS training and implementation across sites. The District hired external PBIS trainers from KOI Education, which has assisted dozens of school districts nationwide to build the capacity to deliver high-quality evidence-based practices and services that result in positive academic, behavioral, and social achievement. KOI provided a three-day, comprehensive Tier 1 (classroom level) PBIS training in summer 2016 for site administrators. In July 2016, the District trained newly hired MTSS facilitators and designated several central office administrators to serve as PBIS trainers of trainers. The District provided these staff members with complete training materials to train other staff members on the implementation of PBIS at the classroom (Tier 1) level. The MTSS facilitators who received this training will attend the PBIS Tier 2 and 3 Trainer of Trainers workshop in July 2017. KOI also provided PBIS training for school safety officers and school resource officers. [AR 16-17, ECF 2057-1, p. 332.]

In June 2016, principals from Grijalva, Davidson, and Whitmore elementary schools; Pueblo Gardens, Mary Belle McCorkle, and Hollinger K-8 schools, and Mansfeld Middle Magnet School also received training to become PBIS trainers. These seven principals, along with the principal from Robins K-8, collaborated to form the District's PBIS committee. This committee provided training to all school administrators in September, November, and March during ILA sessions. The committee designed this

training to assist school administrators with strengthening existing implementation of PBIS programs at their schools. The PBIS committee met monthly to review PBIS implementation across the District and discuss strategies to help all schools build effective programs. Administrators from Pueblo Gardens, Hollinger, Robins, and Palo Verde High Magnet School also attended the PBIS Tier 2/3 Trainer of Trainers workshop in June 2017 so they can continue to support other school leaders with PBIS implementation in SY 17-18. The principals from Davidson, Grijalva, and Mansfeld became certified PBIS SET (Schoolwide Evaluation Tool) evaluators eligible to review PBIS programs at other schools. [*Id.* at 333.]

Based on a review of SY 15-16 discipline data, the District identified six schools (Miller Elementary School, Booth-Fickett and Roskruge K-8 schools, Valencia Middle School, and Palo Verde and Santa Rita high schools) to receive targeted, intensive PBIS training and support as one of several corrective actions taken to address discipline rates and/or disparities. Teams from each school attended a PBIS Tier 1 Academy that included four days of training, 60 hours of on-site coaching, three to four whole-faculty training sessions, and a pre- and post-analysis of PBIS implementation. Various staff members from these schools participated in a PBIS Tier 2 and 3 Academy during the summer 2017. [*Id.*]

Throughout the year, site administrators and MTSS facilitators/leads worked with relevant site staff to implement PBIS, starting with the development of PBIS site teams. The creation of site teams operated to ensure accountability and consistency in the implementation of both academic and behavioral support. [*Id.*]

During monthly professional development sessions, MTSS facilitators reviewed strategies to improve the MTSS process, discussed PBIS implementation, and discussed discipline trends and Restorative Practices. The MTSS facilitators formed grade-range PLCs to address and provide clarification around PBIS, Restorative Practices, and the academic and behavioral interventions and components embedded in MTSS. [*Id.*]

Site administrators trained all staff on PBIS and the PBIS matrix developed by individual sites to address specific site needs. The PBIS team reviewed the behavior expectation matrix at each site and made revisions as necessary. PBIS teams also worked to ensure fidelity in PBIS implementation. The review of monthly discipline reports further provided a means for sites to continuously revise the PBIS matrix to best address areas of concern identified in the analysis of discipline data. [*Id.* at 334.]

The District scheduled ongoing discussions on culture and climate guided by data gathered by site MTSS facilitators and leads and administrators. As members of site teams, MTSS facilitators and leads helped facilitate the implementation of the site's PBIS matrix to support an inclusive culture and climate at each site. They also collected data to analyze the impact and effectiveness of PBIS implementation and submitted monthly discipline reports to District leadership by the tenth of each month. A district-level team reviewed the reports on a monthly basis and developed action steps for each site, with school directors communicating the follow-up action plans to schools. The first semester focused on strengthening the process. The second semester focused on quality, explicit action plans, and follow-up actions with site administrators. The process continued as schools addressed challenges to strengthen their PBIS systems. [*Id.*]

2. Restorative Practices Training

The District hired or designated trainers and RPPSCs to provide the necessary training to assist administrators and certificated staff to implement Restorative Practices. At the district level, various internal stakeholders received both focused training on Restorative Practices and more general training on culture and climate that incorporated Restorative Practices concepts, strategies, and best practices. During the first semester, an LSC trained in Restorative Practices provided related training to all LSCs. The training included foundational understandings of the underlying theory and a variety of practical applications and examples on how Restorative Practices are utilized in the many

contexts within the school and classrooms. Training on culture and climate and on MTSS incorporated and focused on Restorative Practices to varying degrees. [AR 15-16, ECF 1958-1, p. 314.]

At the site level, different schools continued to provide their staff members with Restorative Practices training through central District resources, experienced administrators, LSCs, or other more experienced teaching and certified staff. Site-based training revolved around direct strategies such as how best to conduct restorative conferences and circles. [*Id.*]

Although the initial Restorative Practices trainings in SY 15-16 and in previous years provided a foundation, the District sought to provide a more intensive, in-depth professional development in Restorative Practices. Accordingly, the District sought requests for quotations for central and administrator training in this area. The District planned and will provide additional Restorative Practices professional development opportunities in fall 2016. Restorative Practices implementation is discussed in greater detail below. [*Id.*]

The District solicited the service of Dr. Carl Hermanns, a clinical associate professor in the in the Mary Lou Fulton Teachers College at Arizona State University, to facilitate a three-hour Restorative Practices workshop to all principals and MTSS facilitators on April 6, 2017. The focus of Dr. Hermanns' work is to help school employees build authentic relationships with students and to examine their own implicit biases. School principals trained their faculty using Dr. Hermanns' PowerPoint during Wednesday professional development sessions. [AR 16-17, ECF 2057-1, p. 334.]

3. PBIS and Restorative Practices Implementation: MTSS, Culture and Climate, and Infrastructure

A major component of the District's approach to providing academic and behavioral interventions is the implementation of the MTSS system within the context of building and maintaining supportive and inclusive learning environments. While PBIS

and Restorative Practices are the District's primary school-wide approaches to classroom management and student behavior, MTSS is the overarching umbrella under which all academic and behavioral interventions and strategies operate. Thus, professional development and implementation around PBIS and Restorative Practices often occurred within the broader context of MTSS implementation, and professional development focused on improving classroom- and school-level culture and climate. [*Id.* at 334-35.]

During the annual Back to School Administrator Conference, facilitators discussed the optimal supportive classroom environment and ways to achieve these types of classrooms at sites. The conference also provided an opportunity for administrators to review and discuss the beginning-of-year checklist, which included roles and responsibilities for administrators and teachers, and to review the GSRR before the beginning of the school year. The instructional materials addressed specific learning outcomes centered on administrator roles and responsibilities. [*Id.* at 335.]

Throughout the school year, each school director met with principals for an Evaluation Pre-Observation conference to review their role in student behavior and discipline, generally, and in the implementation of PBIS, Restorative Practices, MTSS, and the development of a supportive and positive school culture and climate more specifically. For alignment and consistency, directors placed special emphasis on administrators' roles as covered in the administrative evaluation instrument under the "Expectation of Culture and Equity Leadership." The instrument stated that an administrator "leads to promote the development of an inclusive school climate characterized by culturally responsive strategies." During Pre-Observation conferences, directors discussed expectations with principals and aligned these expectations to the Danielson evaluation framework. The individual meetings with principals provided valuable opportunities for directors to ensure that principals understood the District's expectations and that they received the support needed. [*Id.*]

Directors also created a teacher evaluation flow chart at the beginning of the year to facilitate reviews with principals to ensure roles and responsibilities were clear and to ensure transparency and accountability. In addition to one-time, one-on-one, and group discussions, the District continued ongoing discussions during bi-monthly ILA sessions to keep culture and climate (including PBIS, MTSS, the GSRR, and discipline reporting) a top priority. The District's focused commitment to improving school culture and climate was a primary driver in the development of planning outcomes for the ILAs during SY 16-17. [*Id.*]

Throughout fall 2016, the District provided guidance on the role of principals and certified staff members regarding the discipline process, the GSRR, and District policy. The training included guiding sites through the referral process to ensure proactive approaches to implementing interventions. Administrators followed up by holding school staff meetings to communicate the PBIS, MTSS, and discipline referral processes to their faculties and staffs to make sure teachers, in particular, were aware of their roles and responsibilities related to student behavior and discipline. The District also utilized the early-release Wednesday schedule to support continued training for school teams and site staff in PBIS and MTSS strategies, monitoring, and best practices. In addition, site committees met on a monthly basis. During these meetings, directors and District leadership discussed the role of administrators and teachers, the referral process, and Restorative Practices and PBIS implementation. [*Id.* at 336.]

Previously, the District attempted to implement the use of a "referral form" that teachers would use when referring a student out of class. The District evaluated the use of this form and determined it was cumbersome and less effective; it was not utilized in SY 16-17. [*Id.*]

In accordance with District expectations, MTSS site meetings occurred at a minimum of twice a month and on an ongoing basis throughout the school year to

provide support and strategies for teachers. Some sites met weekly, in addition to their MTSS meetings, to address the needs of students. [*Id.*]

In spring 2016, the District discipline team continued reviewing the site's monthly reports to provide feedback and to support and direct the improvement of all aspects of culture and climate. MTSS facilitators and school administrators uploaded reports to the MTSS SharePoint from September 2016 through May 2017. Schools provided monthly reports via uploads to the MTSS SharePoint and academic directors worked with sites that did not post by the tenth of the month. Elementary and secondary school directors and assistant superintendents collaborated with site administrators to develop and implement corrective actions at schools with identified "hot spots"—schools with high levels of discipline incidents or suspensions or discipline disparities identifiable by race or ethnicity. Additionally, MTSS facilitators followed up with at-risk students to ensure they were a part of the MTSS process with interventions in place. [*Id.*]

The District also identified teachers who over-referred students or who needed classroom and instructional management support. The District contracted with an outside consultant, Fred Jones, to provide training to teachers, support staff, and administrators. On December 2, 2016, 90 of these teachers completed Day 1 of classroom management training by Fred Jones. On March 1, 2017, 98 teachers completed the same training. These 189 teachers completed Day 2 and 3 of Fred Jones Tools for Learning on June 22 and 23, 2017. [*Id.* at 336-37.]

In addition, the District provided a one-day overview of Fred Jones to 75 administrators on December 3, 2016. The District provided facilitator training in the Fred Jones Tools for Teaching to 27 teacher mentors and exceptional education staff over three sessions. Facilitators implemented Fred Jones study groups to support teachers and sites throughout the school year. Site and District administrators completed three days of Fred Jones Training on June 5–7, 2017. The District offered an open session for Fred Jones Tools for Teaching for up to 200 teachers on June 19–21, 2017. [*Id.* at 337.]

- G. The District identified and made changes to its electronic data reporting system that allowed it to collect, review and analyze discipline data from each school, and it developed processes and approaches to collect, review, analyze and utilize discipline data to improve managing student discipline.**

USP § VI(F). “By April 1, 2013, the District shall identify any changes in the data reporting system necessary to meet all of the reporting and evaluation requirements of this Order and the revised GSRR, including tracking school-site-based discipline by teacher and identifying necessary changes to the input codes and consequences. All changes shall be made by July 1, 2013.

The District shall collect, review, and analyze discipline data from each school on at least a quarterly basis. The data shall include the number of students receiving any exclusionary discipline consequence (i.e., detention, in-school suspensions, out-of-school suspensions, referrals to alternative placement, referrals for expulsion, and referrals to law enforcement), disaggregated by grade, teacher, school, ELL status, gender, and race and ethnicity. Based on this analysis, the District shall work with the RSPPC and school administrators to develop corrective action plan(s) to ensure that exclusionary discipline consequences are not meted out in a manner that impermissibly targets or has a disparate effect on students of a particular race or ethnicity. If the data collected and reviewed suggests that any teacher or administrator at the school site is imposing discipline in a racially or ethnically disproportionate manner or otherwise contrary to District policy, the District shall, in conjunction with the principal, consider and take appropriate corrective action, including retraining or disciplinary action.

If the data collected and reviewed indicates that a school has been successful in managing student discipline, the District RPPC shall examine the steps being taken at the school to determine whether the approach adopted by the school should be adopted by other schools within the District, and if the RPPC determines the approach should be replicated, the District RPPC will share the strategies and approach with the District to consider replication at other schools.

The District shall require principals to meet on a regular basis (i.e., at least monthly) with the school-site discipline team (to be comprised of the RPPSC, school administrators, and selected teachers and school resource officers) to review the school site’s discipline data, discuss any school-wide corrective action plans or action items, and explore ideas for improvement.

The District shall develop a framework and schedule for creating any necessary corrective action plans described herein and implementing them in a timely manner (i.e., within a semester of their development, or between the spring and fall semesters as appropriate).

All data on student discipline, as required by this Section, shall be posted on the District website as part of TUSDStats, subject to the requirements of FERPA.

The District actively monitors discipline data and adjusts its strategies and focus based on frequent data analysis. All site teams meet monthly to review discipline data, discuss school-wide corrective action plans or action items, and explore ideas for improvement. The data are readily available on the District's Discipline Data Dashboard, a computer application that displays discipline data by school on a daily basis. The District established a discipline data monitoring system in SY2014-15 and continued in SY2016-17 with improvements that provided checks and balances originating from the school, to the directors, to the central discipline committee to the Superintendent Leadership Team (SLT), and then back to the school. [AR 16-17, ECF 2057-1, pp. 347-48.]

1. Daily Data Monitoring and Biweekly Reporting

The District's compliance liaison monitored discipline data to ensure compliance with District policy. This daily review included active monitoring of all suspensions and positive alternatives to suspension, including In-School Intervention and the District Alternative Education Program, and helped ensure equitable and consistent consequences for GSRR violations. If a consequence appeared not to align with the facts or classification of an incident, the liaison contacted the principal and the supervising director to investigate the potential inconsistency and develop a resolution, if necessary. [*Id.* at 347-48.]

In addition to submitting incident-specific communications to site and central leadership, the liaison submitted biweekly reports (twice per week) to elementary and secondary leadership and to student services directors to further review the incidents that had occurred each week. [*Id.* at 348.]

The biweekly reports list every school that issued a suspension during the given time period and include pertinent information such as grade-level, gender, race/ethnicity, violation, dates of suspension, and duration of suspension or positive alternative to suspension. The report also identifies whether the suspension was classified as short or long term, whether the student received exceptional education services or had a Section 504 plan, whether an arrest occurred, and whether the site utilized an abeyance contract to keep the student in the classroom or at school. [*Id.*]

Leadership teams of assistant superintendents and directors reviewed the reports regularly, investigated questionable incidents and/or consequences, and took any necessary corrective actions. The RPPC participated in the weekly meetings for secondary schools. [*Id.*]

Daily monitoring and biweekly reporting ensured that central leadership became aware of specific incidents and trends at specific schools, enabling them to develop hands-on and direct corrective actions to keep schools safe while also keeping students in classrooms as much as possible. Corrective actions could range from a one-on-one communication to coaching to identification for further training. The biweekly reporting ensured that directors were kept up to date on all suspensions and could take immediate corrective action in instances in which exclusionary discipline was applied in a manner that was not fair or age appropriate or applied for an inappropriate duration. Directors could also identify which schools were utilizing positive alternatives to suspension in appropriate circumstances. [*Id.* at 349.]

2. Weekly Monitoring and Weekly Reporting (Aggression Incidents)

In SY 16-17, the District's RPPC monitored incidents reported in the "aggression" category, the category resulting in the highest incidents of exclusionary discipline. The RPPC emailed reports to elementary and secondary leadership directors that included highlighted areas of concern and notes. In this way, the academic directors maintained

ongoing dialogue with the RPPC and with their principals to ensure proper incident documentation, the appropriate use of interventions and consequences, and the inappropriate use of exclusionary discipline when it occurred. . [Id.]

Table 6.3 below documents some of the corrective actions the District took to actively monitor aggression incident.

Table 6.3: Corrective Actions Related to Aggression Incidents

Date	Corrective Action
Nov 18, 2016	Academic directors met with Deseg/Legal to review aggression discipline documentation.
Dec 1, 2016	The RPPC reviewed discipline documentation protocol at the Instructional Leadership Academy.
Dec 2, 2016	Academic directors met with Deseg/Legal to review aggression discipline documentation. When errors were discovered, directors were assigned to follow up with their principals to correct documentation so it is more accurate.
Dec 9, 2016	Academic directors met with Deseg/Legal to review aggression discipline documentation.
Jan 20, 2017	Academic directors met with the RPPC to review aggression discipline documentation. Directors reviewed incomplete descriptions and other errors with principals.
Jan 20, 2017	The RPPC began preparing weekly reports on aggression incidents and distributed the reports to the directors to follow up with principals.
Feb 3, 2017	Deseg/Legal, RPPC, Chief Information Officer Scott Morrison, and Technology Services (TS) staff met to finalize changes to the student information system (SIS) that were discussed in December 2016 and January 2017. TS staff worked to configure the SIS as only editable by District leadership and ensured that the audit log was turned on for that field so the RPPC could track which administrators made which changes. TS staff also planned to communicate with District leadership regarding administrator access to, and understanding of, the Enrollment Restrictions screen. Finally, TS staff planned to change the configuration of violations so that there is a separate description level for incidents involving aggression, defiance, and disruption incidents (to be able to include specific inputs like “ongoing and escalating” as a separate drop down that can be sorted by the RPPC or by the director).
Feb 10, 2017	The RPPC began notifying principals and assistant principals directly when errors in documentation were discovered in the weekly reports on aggression incidents. The RPPC continued to monitor the aggression incidents on a weekly basis and to follow up with administrators until errors were corrected.

3. Monthly Data Monitoring and Reporting

(a) Ongoing Improvement of the Monthly Review and Reporting Process

To ensure consistent and systematic discipline data monitoring and reporting, the District provided training to principals, assistant principals, deans, and MTSS facilitators at 32 campuses on the site discipline data review process, including use of the Discipline Data Dashboard. The District also developed a template for principals to use on a monthly basis to monitor and report their discipline data. The template includes a step-by-step instruction guide for site staff to ensure that data are consistently reported across the District. [*Id.* at 350.]

Principals uploaded the completed template form each month to the MTSS website. The monthly uploading process required a commitment at the school level to meet regularly and document the discipline data into the monthly review template. Monthly reporting on discipline cultivated more awareness of trends, which helped school teams better understand if or where any disparities existed in their discipline procedures or on their campuses. [*Id.*]

After conducting their monthly review, directors followed up with principals and informed the elementary and secondary education assistant superintendents of issues and/or schools in need of support that were not already discussed during their weekly meetings. [*Id.*]

Central administrators and directors provided training to principals and assistant principals during ILA sessions on the appropriate procedures for completing the template using the Discipline Data Dashboard to gather evidence. The RPPC also trained MTSS facilitators at their September monthly meeting. The RPPC frequently communicated with site discipline teams, administrators, MTSS facilitators, and other staff regarding reporting discipline data. [*Id.* at 351.]

In fall 2016, the RPPC provided a supplemental student discipline training to assistant principals on the proper documentation in Synergy, the use of low-level consequences for low-level behavior, monitoring to ensure disciplinary data are accurate, the DAEP referral process, and other topics. [*Id.*]

The District developed and implemented a day-long training for administrators in June 2016 on various discipline-related topics: the District's overall approach to behavior and discipline; PBIS best practices and implementation; bias and Restorative Practices; discipline data reviews; school discipline analysis; and the development and implementation of culture and climate profiles for each individual school. The training also included a documentary, "The Mask You Live In," and an informed dialogue about bias and issues specific to young men (and, particularly, young men of color). Clusters of principals held critical discussions about the implications of the movie for issues facing the District and their relationship to the imposition of discipline and student engagement. [*Id.*]

(b) Ongoing Improvement of Data Input

While leadership provided training and communications to site leaders to improve the accuracy of discipline data reporting, the RPPC worked throughout the year with staff from other relevant departments (including Desegregation and Technology Services) to assess the capabilities of Synergy. The team developed improved capabilities to support data entry for disciplinary incidents for more accurate reporting in SY2017-18. In Synergy, the team designed separate fields under incident "description" that will require administrators to indicate whether an incident was "ongoing and escalating" or a "school threat." This was a functionality that the District began to build into Synergy's predecessor, Mojave. [*Id.*]

(c) Central Monitoring and Reporting

At the beginning of the school year, the District assembled a Central Discipline Committee Review (CDCR) team that met monthly and quarterly throughout the year.⁴ The District documented each meeting's agenda and minutes. [*Id.* at 352.]

During the meetings, the team reviewed the principals' monthly discipline reports and identified specific schools with documented discipline issues. The committee also monitored data trends using the Discipline Data Dashboard. As a result of feedback from the committee, the academic directors and principals were able to better support the schools to ensure equitable disciplinary consequences. [*Id.*]

(d) Quarterly Data Monitoring and Reporting

The committee reviewed campus discipline data for each quarter then reported its findings to leadership during SLT meetings throughout the school year. Academic directors met regularly with their assistant superintendent to discuss follow-up actions and support to targeted schools. Each director completed a quarterly report based on the monthly reports from the schools under their supervision. [*Id.*]

The committee also reviewed campus discipline data for the third quarter in March and for the fourth quarter in June. After reviewing the third and fourth quarter discipline data, the committee provided specific feedback to leadership. The District continued to work with directors and principals to focus on reducing discipline incidents. [*Id.*]

4. Culture and Climate Site Visits

On a regular basis, the RPPC collaborated with MTTTS facilitators and leads to conduct MTSS site visits and observations each quarter. The visiting team made recommendations to improve culture and climate after observing campus spaces and

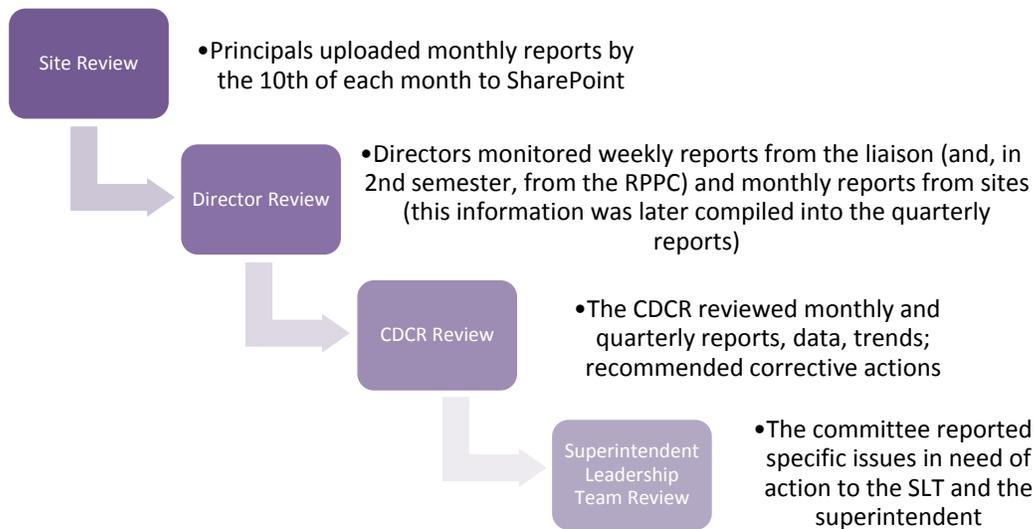
⁴ Team members included the assistant superintendent of Curriculum and Instruction, the senior director of Assessment and Evaluation, the assistant superintendent of Elementary Leadership, the assistant superintendent of Secondary Leadership, and the interim deputy superintendent.

classrooms, reviewing MTSS and discipline team documentation and practices, and assessing the strength of school-wide and classroom-based practices. [*Id.* at 352-53.]

5. Year-End Review

The District continually refined and improved the data monitoring process, shown in Figure 6.4 below, to improve discipline outcomes through the daily monitoring and weekly reports by RPPCs and liaisons, the weekly monitoring and monthly reports by directors and assistant superintendents, and the committee’s monthly and quarterly monitoring and reporting to the superintendent and the SLT. [*Id.* at 353.]

Table 6.4: Discipline Data Monitoring and Reporting Process



The continued implementation of active and ongoing monitoring and communication in SY 16-17 contributed to continued progress in addressing discipline disparities. The District reviews comparisons between the same quarter of different school years to identify trends, progress, and schools that may be implementing specific best practices, which could be replicated at other sites. [*Id.*]

On a monthly basis, the District monitors the number of incidents disaggregated by race/ethnicity and reviews the number of incidents by category. From SY 14-15 through SY 16-17, the District experienced some significant decreases in violations. [*Id.*]

H. Outcomes

The following data and analysis address two primary types of outcomes: student discipline rates and out-of-school suspensions.

1. Student Discipline Rates

Graph 6.5 below shows the student discipline rate by race/ethnicity for the past four years. Discipline rates for SY 16-17 were consistent with those of SY 2015-16 and remained well below those of SY 13-14. [*Id.* at 354.]

Graph 6.5: Total Discipline Rates by Ethnicity from 2013-14 to 2016-17

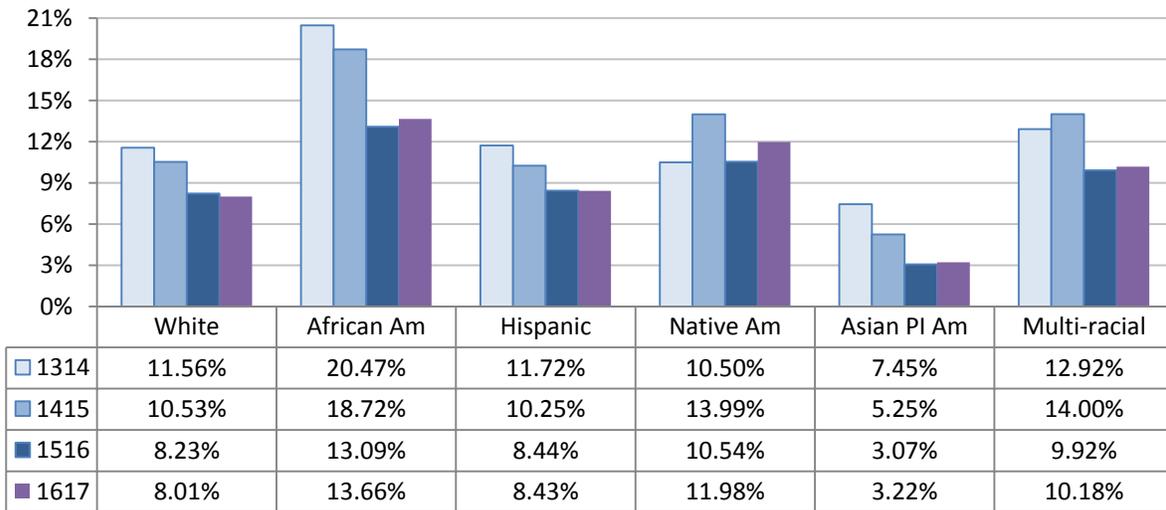


Table 6.6 below shows that the difference between African American and white discipline rates narrowed over the past four years. Even with an increase in SY 16-17, the District reduced the disparity significantly from 8.91 percent in SY 13-14 to 5.65 percent in SY 16-17. The table also shows virtually no disparity in discipline rates between Hispanic and white students. [*Id.*]

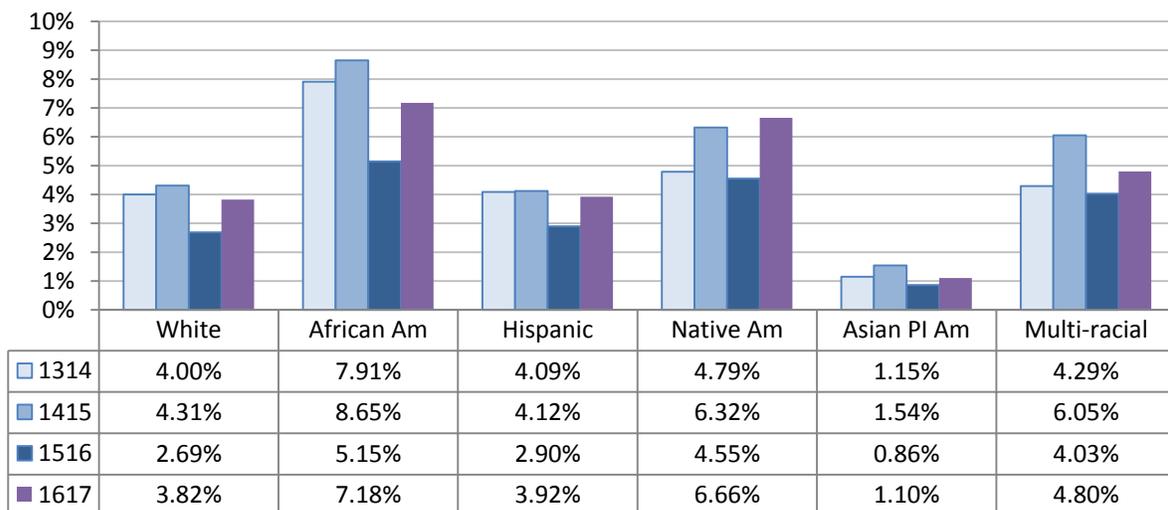
Table 6.6: Discipline Disparities – 4-Year Comparison

	White	African-American	Hispanic
2013-2014	11.56%	20.47%	11.72%
Disparity w/white students		8.91	0.16
2014-2015	10.53%	18.72%	10.25%
Disparity w/white students		8.19	-0.28
2015-2016	8.23%	13.09%	8.44%
Disparity w/white students		4.86	0.21
2016-2017	8.01%	13.66%	8.43%
Disparity w/white students		5.65	0.42

2. Out-of-School Suspension Rates

Graph 6.7 below shows out-of-school suspension rates by race/ethnic group over the past four years. Suspensions were below SY 13-14 levels for most groups (accept Native Americans and Multi-racial).

Graph 6.7: Out-of-School Suspension Rates by Ethnicity from 2013-14 to 2016-17



As shown in Table 6.8 below, the District reduced the disparity for out-of-school suspensions between African American and white students from 4.34 percent in SY2014-15 to 3.36 percent in SY2016-17. The table also shows virtually no disparity in out-of-school suspension rates between Hispanic and white students. [*Id.* at 355.]

Table 6.8: Out-of-School Suspension Disparities – 4-Year Comparison

	White	African-American	Hispanic
2013-2014	4.00	7.91	4.09
Disparity w/white students		3.91	0.09
2014-2015	4.31	8.65	4.12
Disparity w/white students		4.34	-0.19
2015-2016	2.69	5.15	2.90
Disparity w/white students		2.46	0.21
2016-2017	3.82	7.18	3.92
Disparity w/white students		3.36	0.10

3. Suspension Proportionality

A “proportionality” index (p-index) divides the percentage of students within a racial/ethnic group that received a particular consequence (e.g., short- or long-term suspension) with the group’s percentage of enrollment. A p-index of 1.0 indicates that students in the group are suspended in the same proportion as their share of the total student population.⁵ [*Id.* at 356.]

⁵ The “proportionality” index is the equivalent of the Students Suspended Index (SSI) described by Dr. Charles M. Achilles in Chapter 8, Racial Disparities in School Discipline.

The District submits a report every year on short- and long-term discipline data. Based on this information, the District calculates the p-index for both short- and long-term suspensions. Tables 6.9 and 6.11 below show the p-index for both types of suspensions for African American students from SY 14-15 to SY 16-17. [*Id.*]

4. Short-Term Suspensions

Table 6.9: P-Index for African American Student Out-of-School Suspensions

		2014-15	2015-16	2016-17
District Enrollment ⁶	%	6%	9%	10%
Short-Term Suspension	%	19%	17%	16%
P-Index		3.17	1.89	1.60

Although African American students still received a disproportionate number of short-term suspensions, as is true across the country, the disproportionality has decreased substantially since SY 14-15. In the District, fewer Hispanic students received short-term suspensions relative to the Hispanic student population. [*Id.* at 357.]

The District also calculates a likelihood ratio⁷ that compares the p-index for both African Americans and white students. In SY 14-15, African American students were 3.2 times more likely to have a short-term suspension than white students. By SY 16-17, the likelihood ratio had dropped to 1.9 (see Table 6.10, below). [*Id.*]

Table 6.10: Likelihood Ratio for Short-Term Suspensions

	2014-15	2015-16	2016-17
AfAm/White Ratio	3.2	2.1	1.9
Hispanic/White Ratio	0.8	1.0	1.1

⁶ Enrollment data includes all students who were enrolled at any given point during the school year. It is therefore higher than any single date enrollment such as 40th day.

⁷ The likelihood ratio is a measure of the relationship between two groups and is calculated by dividing the p-index of one group by another. A likelihood ratio of zero occurs when the p-index is one.

5. Long-Term Suspensions

Table 6.11: P-Index for African American Student Out-of-School Suspensions

		2014-15	2015-16	2016-17
District Enrollment ⁸	%	6%	9%	10%
Long-Term Suspension	%	16%	19%	19%
P-Index		2.67	2.11	1.90

Progress is also positive for long-term suspensions, as the number of African American students receiving long-term suspensions dropped from 48 in SY 14-15 to 29 in SY 16-17. Although African American students still received a disproportionate number of long-term suspensions, the disproportionality decreased since SY 14-15 (see Table 6.11, above). [*Id.*] The likelihood that African American students were suspended long-term compared to white students fell from 3.5 in SY2014-15 to 2.3 in SY2016-17 (see Table 6.12, below). Although African Americans were still overrepresented in suspensions, the District reduced the disparity. Fewer Hispanic students in the District received long-term suspensions relative to the Hispanic student population. [*Id.* at 358.]

Table 6.12: Likelihood Ratio for Long-Term Suspensions

	2014-15	2015-16	2016-17
AfAm/White Ratio	3.5	2.2	2.3
Hispanic/White Ratio	1.2	1.0	1.1

6. Corrective Measures

Throughout SY 16-17, the District took corrective measures to address identified deficiencies in its implementation of discipline policy, including activities related to

⁸ Enrollment data includes all students who were enrolled at any given point during the school year. It is therefore higher than any single date enrollment such as 40th day.

PBIS, Restorative Practices, the GSRR, and the development of supportive and inclusive learning environments.⁹ [*Id.*]

The District identified the need for corrective measures primarily through discipline data review and direct observation. However, the District also developed and implemented corrective measures in other situations involving issues related to classroom management or student-to-teacher interaction and engagement. [*Id.*]

Depending on the circumstance, the District used informal measures, including verbal discussions with a teacher, written direction, or additional training, support, or mentoring. More formal measures could involve a written plan to address a specific issue or placement on a Teacher Support Plan for issues related to student engagement or classroom management. The District developed both formal and informal corrective measures for individuals, sites, and groups of sites depending on the context. [*Id.*]

School leadership directors met on a weekly basis with their respective assistant superintendent and discussed various schools' needs and issues. Often, discipline was a standing item discussed at the meetings. When sites demonstrated deficiencies in their discipline practices or in policy or GSRR implementation, the supervising director and the RPPC developed site-wide corrective action plans (CAPs) to address the deficiencies. The director, sometimes with the RPPC, then met with the site discipline team to discuss the CAP implementation and monitoring process. [*Id.* at 358-59.]

All schools conducted monthly discipline data reviews through their various discipline teams or committees. Site teams reviewed the process for interventions and for entering these interventions and consequences into Synergy. Site teams reviewed data on a monthly basis and identified students who needed additional interventions. Principals

⁹ Pursuant to the USP, corrective measures can take the form of informal actions or formal plans. The USP refers both to "corrective actions" (see USP §§ VI(E)(4) and (F)(2)) and "corrective action plans" (see USP §§ (VI)(C)(2)(e), (E)(3)(h), and (F)(2)).

uploaded monthly student discipline review documentation to the SharePoint internal site. [*Id.* at 359.]

School leadership directors monitored the discipline review process at their assigned schools. Directors provided feedback to schools and clarified the process used by teams so that schools could implement corrective measures. Site teams uploaded all documents into the SharePoint site, where directors reviewed them on a monthly and quarterly basis. This process ensured that directors reviewed the data and also helped site discipline teams identify target issues that might require corrective action. [*Id.*]

School leadership (directors and assistant superintendents) also met together on a quarterly basis to review discipline data at the district- and site-levels. When the directors flagged sites' racial disparities, supervising directors conducted a second layer of direct, in-depth data review with the site principal as a corrective measure. School leadership directors and assistant superintendents also identified schools' needs and strengths. Directors communicated with site principals as needed to develop corrective actions, either embedded in CAPs or in other documents, such as MTSS meeting templates. Some corrective measures aligned with best practices as shared by other site leaders and/or site teams. Directors conducted regular visits to schools and documented their meetings with principals on logs or through their Outlook calendars. Some schools adjusted their data and plans as needed. [*Id.*]

The District's goal for the first quarter was to train school staff to use the new Synergy system to document student discipline and interventions. The District discipline committee waited until the first quarter student discipline data were available to identify schools trending downward. At the beginning of the second semester, site administrators and directors documented actions taken at these identified "hot spot" schools. Directors had continuous conversations with principals to ensure implementation of the corrective actions outlined in the CAPs. [*Id.*]

At the end of each quarter, the District Discipline Review Committee met to review data and identify trends. Schools that showed disproportionate discipline at a significant level created a CAP for the subsequent quarter. [*Id.* at 360.]

The RPPC collaborated with site directors to monitor CAP progress throughout the year. The RPPC, directors, and leadership discussed schools' CAP progress during quarterly discipline review meetings and on an as-needed basis. [*Id.*]

Two major corrective measures included ensuring that principals properly input discipline data into the student information system to facilitate accurate data reviews and ensuring they conducted data reviews in a consistent manner. During fall 2016 ILA meetings, the District trained all site administrators on the discipline review process, from entering discipline data to conducting discipline data reviews. Administrators reviewed the process for entering interventions and consequences into the data systems and the District provided a template for the administrators to use for their monthly reports. [*Id.*]

The District also provided training on the Discipline Data Dashboard system. During these sessions, the District explained the required process for discipline data reviews by the school team. Principals engaged in hands-on training on the data dashboard and learned how to find and disaggregate discipline data. Principals reviewed the process for entering interventions into the student information system and were able to calibrate this process with other principals to identify best practices and ensure accuracy. The District utilized this process to train principals to enter disciplinary consequences into Az SAFE (Arizona's student discipline monitoring system) through Synergy. [*Id.*]

The District also provided specified training for 100 teachers for corrective action to improve their classroom management skills. The District sent these teachers to a one-day classroom management training, Fred Jones, in December. [*Id.*]. Similar measures were taken over the life of the USP, as is detailed in each annual report.

I. The District provided discipline-related data in its annual reports as required by the USP

USP § VI(G). *“The District shall provide, as part of its Annual Report:*

Copies of the analysis contemplated above in (VI)(F)(2), and any subsequent similar analyses. The information provided shall include the number of appeals to the Governing Board or to a hearing officer from long term suspensions or expulsions, by school, and the outcome of those appeals. This information shall be disaggregated by race, ethnicity and gender;

Data substantially in the form of Appendix I for the school year of the Annual Report together with comparable data for every year after the 2011-2012 school year;

Copies of any discipline-related corrective action plans undertaken in connection with this Order;

Copies of all behavior and discipline documents, forms, handbooks, the GSRR, and other related materials required by this Section, in the District’s Major Languages;

Copies of any Governing Board policies amended pursuant to the requirements of this Order;

Copies of any site-level analyses conducted by the RPPSCs; and

Details of each training on behavior or discipline held over the preceding year, including the date(s), length, general description of content, attendees, provider(s)/instructor(s), agenda, and any handouts.

The District included detailed reports on its compliance with the USP’s discipline requirements, analyses, data, action plans, policies and related materials, including each specific requirement listed above, in each annual report. [AR 12-13, ECF 1549-1, pp. 44-50; AR 13-14, ECF 1686, pp. 176-77; AR 14-15, ECF 1918, pp. 238-51, 255-56; AR 15-16, ECF 1958-1, pp. 277-317; AR 16-17, ECF 2057-1, pp. 329-65.]