

**TUCSON UNIFIED SCHOOL DISTRICT NO. 1**

**Analysis of Compliance with Unitary Status Plan**

**Section VIII: Extracurricular Activities**

**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

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## TABLE OF CONTENTS

I.	The District Complied in Good Faith with USP Extracurricular Activities Requirements. ....	1
A.	The District has ensured that extracurricular activities provide opportunities for interracial contact in positive settings of shared interest and that students have equitable access to extracurricular activities regardless of ethnic background or ELL status. ....	3
B.	The District has provided a range of extracurricular activities at each school that provide students opportunities to participate in sports activities at schools at which they are offered, to develop leadership skills, and to pursue curricular interests and programs. ....	7
C.	The District has provided transportation to support student participation in extracurricular activities. ....	9
D.	The provision of tutoring in the District has been equitable and transportation has been available for such tutoring. ....	11
E.	The District identified and made changes to its electronic systems to enable it to report on participation in extracurricular activities. ....	13
F.	The District complied with USP reporting requirements related to extracurricular activities. ....	14
G.	The District developed and complied with additional goals in the Extracurricular Equitable Access Plan. ....	15

**I. The District Complied in Good Faith with USP Extracurricular Activities Requirements.**

The District has complied in good faith with the USP's provisions related to extracurricular activities. Section VIII of the USP requires the District to do the following "in order to provide students equitable access to extracurricular activities": (1) offer opportunities for interracial contact in positive settings of shared interest; (2) provide a range of extracurricular activities at each school; (3) provide transportation to support extracurricular activities in a manner that promotes the attendance of District students at integrated and magnet schools; (4) where voluntary tutoring is provided, ensure that it is provided equitably; and (5) identify and implement changes to the student information system to facilitate better reporting on participation in extracurricular activities. [ECF 1713, pp. 53-54.]

Upon the entry of the USP, the District immediately began taking steps to evaluate and develop the District's abilities to provide equal access to, and opportunity within, extracurricular activities in the District. The Director of Interscholastics worked with a committee of representatives from the Fine Arts, Student Equity, Transportation, and Guidance and Counseling departments, and with principals from elementary and high schools, to evaluate the District's extracurricular activities programs and develop a plan to pursue the steps needed to improve the equitable provision of extracurricular activities to all students and to ensure good faith compliance with the USP. [AR 13-14, ECF 1686, p. 194; AR 13-14, App. VIII-1, ECF 1690-8, pp. 1-5.] The District prepared the Extracurricular Equitable Access Plan, which was submitted to the Plaintiffs and the Special Master for review, and was subsequently finalized and approved. [*Id.*] The District utilized that plan to pursue and accomplish the goals of providing all students opportunities to participate in extracurricular activities regardless of race, ethnicity or ELL status, and to promote diversity in extracurricular activities, bringing students of all races and cultures together in positive settings of shared interest. [AR 15-16, ECF 1958-

1, p. 364.] The District continues to monitor, analyze, report and make changes based upon student participation in extracurricular activities, and continues to provide equitable access to extracurricular activities. [AR 16-17, ECF 2057-1, pp. 389-99.]

Indeed, in response to the District's Motion for Partial Unitary Status, the Special Master and DOJ agreed that the District had achieved Unitary Status in the area of extracurricular activities:

**It appears that the District is implementing the provisions of the USP with respect [to] extracurricular activities in a satisfactory way.** This does not mean that extracurricular activities in the district are necessarily robust or that a valid argument for greater investments couldn't be made. That said, the district has taken some steps in training the supervisors of extracurricular activities (which, for purposes of the USP, include athletic activities) and student leaders that exceed what is done in many districts.

[Sections of the Special Master's Annual Report (SMAR), ECF 2014-1, p. 4.] (Emphasis added)

**The United States does not oppose the District's motion for unitary status as to extracurricular activities, facilities, and technology. The District has set forth evidence that it has complied in good faith with the requirements of these portions of the USP. The Special Master has not identified any non-compliance with the USP in these areas, and the United States' compliance monitoring efforts have not uncovered any evidence to the contrary.** Moreover, there is no evidence of ongoing discrimination in these areas. Finally, these areas are not so intertwined with other aspects of the USP that they cannot be dismissed without negatively impacting its full implementation.

[Plaintiff-Intervenor's Response to Defendant's Motion for Partial Unitary Status, ECF 2014, p. 6.] (Emphasis added)

- A. The District has ensured that extracurricular activities provide opportunities for interracial contact in positive settings of shared interest and that students have equitable access to extracurricular activities regardless of ethnic background or ELL status.**

USP § VIII(A)(2). *“The District shall ensure that extracurricular activities provide opportunities for interracial contact in positive settings of shared interest and that students have equitable access to extracurricular activities regardless of racial or ethnic background or ELL status.*

Each year since the inception of the USP, the District has provided all students with equitable access to extracurricular activities regardless of their race, ethnic background or ELL status, allowing them to have interracial contact in positive settings of shared interest. [AR 15-16, Table 8.1, ECF 1958-1, p. 366; AR 16-17, ECF 2057-1, p. 390.]

In October 2013, the District developed a plan to implement a leadership academy for students in grades 6-12 to identify extracurricular activities of shared interest and to discuss strategies for rolling out the activities at various sites. [AR 13-14, ECF 1686, p. 195.] As discussed in more detail below, by the start of SY 14-15, the District had developed several strategies for increasing the available opportunities for interracial contact in positive settings of shared interest. In the fall of 2014, the District conducted parent and student surveys to gain perspectives on student participation – and interest – in various extracurricular activities, including a survey developed specifically for obtaining feedback from parents of African American and Latino students. [AR 14-15, ECF 1918-1, pp. 298-99; AR 14-15, Apps. VIII-3 – VIII-5, ECF 1852-3, pp. 9-16.]<sup>1</sup>

From the surveys, the District developed sharper insights into the primary obstacles to participation, including event times, lack of transportation, and a lack of

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<sup>1</sup>The surveys included questions such as “What extracurricular activities would you like to see at your school”, “What keeps you from participating in extracurricular activities at your school”, and “What kind of tutoring services would you like to see at your school?” [AR 14-15, pp. VIII – 278-79, ECF 1918-1, pp. 298-99.]

activities on Wednesdays when schools conduct staff professional development. The District also gained insights as to the participation levels for various activity types. The District then took the insights obtained from the assessments and developed three programs (Dimensional Coaches Training<sup>2</sup>, the Captain's Academy<sup>3</sup>, and Pursuing

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<sup>2</sup>During the summer of 2015, each TUSD fall-season coach and sponsor participated in a four-hour 3Dimensional Coaches Training that focused on building relationships with students. Extensive research regarding different coaching philosophies and the cultural influence of coaches in the lives of the people they impact supported the 3Dimensional Coaching curriculum. In this curriculum the 1<sup>st</sup> Dimension is Fundamentals (Physical); the 2nd Dimension is Psychology (Mind); the 3rd Dimension is Heart (Relationship). Research shows only fifteen percent of coaches intentionally coach beyond the 1st Dimension, and so the District provided this training to educate its coaches about the importance of the other two dimensions. The purpose of the training was to bring coaches and sponsors together to discuss relationship building as it pertains to the students under their charge and to focus attention on creating a culture and climate of inclusion. This was a critical part of providing opportunities for interracial contacts in a positive setting. When choosing this training for the coaches, the District used the following core beliefs, which are integral to the District's mission: coaches can have a greater impact on the lives of the students they work with than any other adult; athletics is a natural environment for learning to work together in a positive setting; working toward a common goal is inherent in sports and it takes a coach who understands that premise; and winning comes from developing a culture of respect and integrity. This training was mandatory for all paid coaches starting in SY 15-16. [AR 14-15, ECF 1918-1, pp. 301-02.]

<sup>3</sup>The Captain's Academy program provided a strong additional component to extracurricular athletic activities. This highly successful program targeted individual team captains to learn, grow, and share leadership traits with their teammates and fellow students. These academies offered leadership development and provided opportunities for interracial contact in a positive setting. In SY 14-15 the District held two Captains Academies. [AR 14-15, App. VIII-7, ECF 1852-3.] Catalina High School hosted the Captains Academy in the fall of 2014, as did Duffy Elementary School in the spring of 2015. Athletic administrators selected student athletes based on their leadership abilities as shown through team participation. Both academies were well represented by African American and Hispanic students. Out of 42 students attending in the fall/winter of 2014, nine were African American (21.8 percent), and eighteen were Hispanic (42.8 percent). The spring academies had very similar numbers. [AR 14-15, ECF 1918-1, p. 302; AR 14-15, App. VIII-7, ECF 1852-3, pp. 19-73.]

Victory with Honor Training<sup>4</sup>), all of which provided participants with training and skills that fostered interracial contact in positive settings of shared interest. [*Id.* at 301.] The District also addressed transportation concerns by utilizing activity buses to improve transportation to after-school extracurricular activities.

In SY 15-16, the District continued to provide leadership training to both students and coaches, and to explore more effective ways of surveying parents and students to increase opportunities for participation – focusing specifically on increasing the number of African American and Hispanic students in leadership clubs on its campuses, particularly in the high schools, and recruiting participants through student announcements and school websites. The highest participation levels for both groups were in the Future Business Leadership Association (“FBLA”) and Student Council. [AR 15-16, DAR, ECF 1958-1, p. 372.] The District continues to expand outreach efforts through communications sent directly to homes, advertising during assemblies and athletic events, and posting daily announcements and activities on school websites. In a concerted effort to increase ELL participation in extracurricular activities, the District also created advertising to encourage ELL involvement and translated the advertised flyers from English to other languages. [AR 15-16, App. VIII-2, VII-3, ECF 1967-1, pp. 3-8; AR 16-17, ECF 2057-1, pp. 392, 395.]

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<sup>4</sup>Pursuing Victory with Honor is a character education program that focuses on five important pillars: Trustworthiness, Respect, Responsibility, Caring and Citizenship. Coaches, sponsors, and students agree to abide by these principles during athletic competition as well as throughout their daily lives. The District trained coaches and coaches to disseminate the information to each student during practice and play. Coaches nurtured these principles during practice and play and embedded them in the rules of competition. Also, students in the Captain’s Academy received a deeper level of training and then shared this information with their teammates. These character traits helped to develop an atmosphere of positive learning for students and a culture of kindness making schools a safe environment for learning. This program, through the Arizona Interscholastic Association, embraced a healthy sport experience as the defining feature of interscholastic athletics [AR 14-15, ECF 1918-1, p. 302.]

Based in part on the high level of interest in the Captain's Academy, the District held a combined Captain's Academy event, the Harbor Experience, facilitated by a group of young professionals and entrepreneurs who tour the country and give seminars to students on character development, culture and climate on campuses, and leadership opportunities through real-world life lessons. [AR 15-16, ECF 1958-1, pp. 372-73.] Based on post-event assessments, the District learned that the sessions motivated students to change the culture of their school, taught others how to start and maintain successful school clubs or outside organizations, and showed students practical ways to give back to their communities as young leaders. [*Id.*, p. 373.] A total of 346 high school and middle school student leaders attended the Harbor Experience (66 percent were members of the District's target group of African American and Hispanic students). [*Id.*]

In SY 16-17, the District continued to work diligently to increase participation in extracurricular activities for African American, Latino and ELL students. Although overall participation in extracurricular activities decreased, in part due to the overall decrease in District enrollment, participation among African American and Latino students increased at the High School level, and participation of ELL students increased from 204 students in SY 15-16 to 323 in SY 16-17. [AR 16-17, ECF 2057-1, pp. 392-93.]

The District has consistently taken actions to eliminate barriers to participation in extracurricular activities, including the elimination of transportation barriers and cost barriers. In SY 13-14, the District partnered with the University of Arizona Sports Physicians and Athlon Physical Therapy Group to provide low-cost physical examinations to District students. Through the partnership, these organizations agreed to provide physicals to students for a minimal cost of \$10.00 (and free physicals to students who could not afford that fee). The proceeds from families who could afford the cost went directly back to the students' school to help pay participation fees or to fund any



additional needs for the activity or club. The District has maintained this partnership and, in SY 15-16, provided over 300 low- or no-cost physicals to students.

The District has also taken steps to minimize participation fees as a barrier for students. Since SY 13-14, the Interscholastics Director has provided training to every principal, assistant principal, and athletic director on the District's policy that no student be prohibited from participating in any extracurricular activity due to their inability to pay fees. School principals are obligated to offer participation waivers to any student who can demonstrate that paying the fee would cause a financial hardship for his or her family. Since at least 2009, the District has worked in partnership with the Educational Enrichment Foundation and other non-profit organizations to offer scholarships for middle and high school students to cover participation fees.

**B. The District has provided a range of extracurricular activities at each school that provide students opportunities to participate in sports activities at schools at which they are offered, to develop leadership skills, and to pursue curricular interests and programs.**

*USP § VIII(A)(3). "The District shall provide a range of extracurricular activities at each school. These extracurricular activities shall provide students opportunities to participate in sports activities at schools at which they are offered, to develop leadership skills, and to pursue curricular interests and programs (i.e. science club or 'Junior Achievement')."*

In 2013, the District designed a survey to facilitate a needs assessment based on the existing range of extracurricular activities offered at each school, including tutoring services, and to identify additional processes, support or resources necessary to establish additional extracurricular activities. The survey included questions related to both interscholastics competition (sports) as well as non-competitive extracurricular activities (*i.e.*, clubs, fine arts, intramurals and social groups). [AR 13-14, ECF 1686, p. 195.]

The survey responses revealed that every District school offered after-school activities during SY 13-14, with a wide range of sports, clubs, and fine arts activities in grades 6-12 and more limited options in grades K-5. [AR 13-14, Apps. VIII-2, VIII-3, ECF 1690-8, pp. 16-56.] The District analyzed the responses and identified key areas for improvement. To address the more limited range of activities in elementary and K-8 schools, the District worked with sites to identify needed supplies and supports. [AR 13-14, App. VIII-4, ECF 1690-8, p. 57.] Each school that requested assistance in expanding its programs received additional support and resources from the Interscholastics Department, including six racially concentrated schools and five integrated schools. In SY 14-15 and 15-16, the District continued to work with sites to provide needed support and resources to ensure schools could provide a wide range of activities for students.

In addition, in SY 15-16, the District posted the Interscholastic/Academic Parent Survey to gather another round of parent responses. [AR 15-16, ECF 1958-1, p. 375.] To increase the number of survey responses, the District created more specific notices to parents and planned to send the revised notices through its ParentLink system to reach more parents, to work with school sites to improve the response rates, and to send staff directly to parent-teacher conferences and open houses to solicit survey responses. [*Id.*]

In SY 16-17, the District continued to provide leadership training and opportunities for students to participate in positive settings of shared interests through Student Council, the Captains Academy, the Arizona Interscholastics Association's Pursuing Victory with Honor program and other Leadership Activities, and by training its coaches to improve diversity and leadership. [AR 16-17, ECF 2057-1, pp. 396-97.]

**C. The District has provided transportation to support student participation in extracurricular activities.**

USP § VIII(A)(4). *“The District shall provide transportation to support student participation in extracurricular activities as specified in Section III of this Order.”*

The Interscholastics Department met regularly with the Transportation Department to ensure that all students interested in extracurricular activities could receive necessary transportation to participate in these activities. As reported in AR 14-15, 15-16, and 16-17, the Transportation Department committed to supporting extracurricular activities by providing activity buses to all integrated and magnet schools (“eligible schools”). [*Id.* pp. 398-99.] In 2013, the District set the following benchmarks:

School Year	Benchmark
2013-14	The District would provide an extracurricular activity bus to most “eligible schools” that requested an activity bus.
2014-15	The District would provide an activity bus to every eligible school that requested, or needed, an activity bus.
2015-16	The District would provide an additional activity bus to every eligible school with a demonstrated need for more than one.

[AR 13-14, ECF 1686, pp. 67-68.] Based on principal requests in SY 13-14, the District provided at least one activity bus for every eligible high school, middle school, all but one eligible K-8 school, and five of the 21 eligible elementary schools. [AR 13-14, App. III-2, ECF 1686-9, p. 2.] The District also provided at least one activity bus for thirteen non-eligible schools, including five racially concentrated schools. [*Id.*] The District continued to plan for improvements to the Student Information System (“SIS”) during SY 14-15, along with mandatory staff training on entering student participation data, to allow staff to more effectively allocate activity buses to align with site-based need. [AR 13-14, ECF 1686, p. 72.]

In SY 14-15, the District met its benchmark of providing an activity bus to every eligible school that requested, or needed, an activity bus. In September 2014, the District

audited its allocation of activity buses, contacted every eligible school that did not have an activity bus, and added activity buses to schools that requested one or that otherwise demonstrated a need. [AR 14-15, ECF 1918-1, p. 73.] In total, 22 of the 37 eligible schools requested and received activity buses; the remaining fifteen schools indicated that activity buses were not required. [*Id.*; AR 14-15, App. III-6, ECF 1848-8, pp. 10-11.]

In SY 15-16, the District further increased the number of activity buses to integrated and magnet schools. [AR 15-16, ECF 1958-1, p. 17; AR 15-16, App. III-9, ECF 1961-1, pp. 58-59.] The District added activity buses, based on site request or identified need, at three integrated schools and two racially concentrated schools that had not previously needed late buses. [AR 15-16, ECF 1958-1, p. 89.]

The District regularly obtains and evaluates transportation data and adapts activity bus routes and ride times, reorganizing buses or combining routes, thereby reducing ride times for outlying students and improving efficiency. [AR 15-16, ECF 1958-1, p. 17.]

The District continued to expand its activity buss program in SY 16-17. [AR 16-17, ECF 2057-1, p. 398.] In SY 16-17, the District's Interscholastics and Transportation departments met in September and November 2016 to ensure continued equitable access for all students interested in extracurricular activities. [*Id.*] The Transportation Department designed the Late Activity Bus Pass System, a program to enhance the use of activity buses that was piloted in SY 16-17 at six schools. [*Id.*] Its purpose was to streamline the activity buses to give students outside integrated and magnet schools the opportunity for transportation that would allow them to participate in extracurricular activities. [*Id.*] The District will continue to work interdepartmentally to improve the availability of extracurricular buses during the times and locations that fit the needs of the students.

Additionally, for SY 16-17, the District expanded communication regarding the surveys to include ParentLink. [*Id.*] The District implemented this by notifying parents and encouraging them to visit the online site to take part in the survey. For the multiple

choice question, “How important are extracurricular activities to your child?”, the majority of parents (92 percent) responded “Extremely Important” or “Important”. The District posed this question to develop a general idea of the interest parents had in extracurricular activities for their students to better serve the needs of the community and schools. [*Id.* at 399.] Other questions in the survey included topics referring to obstacles to participation, desired activities, and needed improvements. [*Id.*] Based on the responses, the District will move forward with promoting activities through ParentLink and home mailings.

**D. The provision of tutoring in the District has been equitable and transportation has been available for such tutoring.**

USP § VIII(A)(5). *“If voluntary tutoring is provided after school hours, the provision of such support shall be equitable and transportation will be provided subject to the District’s policies related to entitlement to transportation.”*

Where voluntary tutoring was provided, the District took steps to ensure that it was provided equitably, and that it was supported with transportation where needed. In SY 13-14, more than fifty documented, formal tutoring programs existed at TUSD schools, serving over 3,500 students. [AR 14-15, ECF 1918-1, pp. 300-01; AR 14-15, App. VIII-6, ECF 1852-3, pp. 17-18.] Additionally, several informal programs existed, including teacher tutoring after school and District-established after-school study tables for athletes and students involved in extracurricular after school activities. Participation data for SY 13-14 indicated that tutoring was provided in an equitable manner as White, African American, Hispanic, and Multi-Racial students participated at rates that correlated, approximately, to their overall student population percentages, as shown in the table below:

2013-14	Student Population Percentage	Voluntary Tutoring Participation Rates
White	21%	11%
African-American	9%	8%
Hispanic	61%	69%
Multi-Racial	3%	2%

[AR 14-15, Table 8.6, ECF 1918-1, p. 300.] The District also provided activity buses for after-school tutoring to ensure that transportation did not serve as a major obstacle to participation. [*Id.*, p. 301.]

During SY 15-16, TUSD provided and offered many types of tutoring at 75 of its 84 schools, including but not limited to: 21<sup>st</sup> Century Program, State Tutoring, Magnet Funded, Title I Funded, and Site After-School Tutoring programs. [AR 15-16, ECF 1958-1, p. 370; AR 15-16, App. VIII-4, ECF 1967-1, pp. 10-11.] The District also continued its practice of providing study tables for high school students involved in extracurricular after-school activities to assist students with homework and make-up work. [AR 15-16, ECF 1958-1, pp. 370-71.]

The District also piloted the Interscholastics Tutoring program at three high schools and two middle schools to increase students' access to certified tutors. [*Id.*, p. 371.] Initially, only a few students participated. Based on an evaluation of the pilot, the District developed the Interscholastics Tutoring program for SY 16-17, including expansion into additional schools (particularly those that previously did not have any formal tutoring programs), revising the tutor job description, and advertising for more tutors to participate. [*Id.*] In SY 16-17, the District planned to implement the program at all high schools and at middle schools that demonstrate the greatest need – particularly for African American and Hispanic students. [*Id.*, p. 370.]

Indeed, in SY 16-17, the District successfully utilized the Interscholastics Tutoring program to create opportunities for middle and high school students to actively engage in meaningful tutoring experiences with the guidance of a certified tutor to help them achieve their academic goals. [AR 16-17, ECF 2057-1, pp. 394-95.] Also in SY 16-17,

the District developed a training program to provide tutors more training using AVID (Advancement Via Individual Determination) strategies, which provided for professional development for all tutors. [*Id.*]

**E. The District identified and made changes to its electronic systems to enable it to report on participation in extracurricular activities.**

USP § VIII(B)(1). “By July 1, 2013, the District shall identify any changes necessary to Mojave to enable it to report on participation in extracurricular activities. The extracurricular activities to be reported on shall include, but not be limited to: (a) sports; (b) social clubs; (c) student publications; and (d) co-curricular activities such as science, math, and language clubs, or after school tutoring activities. The District shall make any necessary changes to Mojave by October 1, 2013.”

In the spring of 2013, the District initiated changes to the former SIS then in use (Mojave) to facilitate activity tracking pursuant to USP requirements. [AR 12-13, App. 79, ECF 1554-1, pp. 1-5.] One of the primary identified areas of concern was Mojave’s inability to track extracurricular participation at K-8 levels. During the summer of 2013, the District revised Mojave to include participation tracking capabilities for elementary and middle school students in time for the start of SY 13-14. [AR 13-14, ECF 1686, p. 196.] The District further revised Mojave to include the full range of budgeting and activity needs for activities at all levels, and expanded the range of tracked activities to include sports, social clubs, student publications and co-curricular activities, as required by the USP. [*Id.*] The District notified staff of the new requirements for entering extracurricular participation data and, as a result, there was a significant expansion of available participation data in all four categories. [*Id.*] Additionally, the District developed and implemented an online training module to improve consistent monitoring and reporting at all levels. [*Id.*] In SY 14-15, more than one hundred staff members

completed the training. [AR 14-15, ECF 1918-1, p. 303; AR 14-15, Apps. VIII-8, VIII-9, ECF 1852-3, p. 118.]

In SY 15-16 and SY 16-17, the District continued to strengthen its commitment to evidence-based decision making through continued monitoring and reporting of student participation in extracurricular activities to ensure that its strategies to improve activity availability and diversity are effective. [AR 15-16, ECF 1958-1, p. 364; AR 16-17, ECF2057-1, p. 399.]

**F. The District complied with USP reporting requirements related to extracurricular activities.**

*USP § VIII(C)(1). “As part of its Annual Report, the District shall provide a report of student participation in a sampling of extracurricular activities at each school. The activities that are reported each year shall include at least two activities from each of the four categories described in section (B) above: sports at schools at which they are offered, social clubs, student publications (where offered) and co-curricular activities. The data in the report shall include District-wide data and data by school, disaggregated by race, ethnicity and ELL status. The Parties shall have the right to request additional data or information if the Annual Report indicates disparities or concerns.”*

In each year’s Annual Report, the District provided data reporting student participation in a sampling of activities at each school, along with District-wide data, disaggregated by race, ethnicity and ELL status. [AR 15-16, VIII-347, ECF 1958-1, p. 376; AR 15-16, Apps. VIII-1, VIII-4, VIII-5, VIII-6, ECF 1967-1, pp. 1-2, 12-18; AR 14-15, App. VIII-10, ECF 1852-3, p. 123; AR 16-17, 2057-1, p. 399; AR 16-17, App VIII-1, ECF 2066-1, pp. 103.]

African American and Latino student participation rates have increased since the adoption of the USP. [AR 16-17, App. VIII-1, ECF 2066-1, pp. 1-3.] Additionally, the



percentages of African American and Latino students participating in at least one activity is equal or close to each group's overall student population.

Unduplicated counts of students participating in at least one activity	African American Students	Latino Students
2013-14 Total Participation	10%	54%
<b>2013-14 Total Enrollment</b>	<b>8%</b>	<b>60%</b>
2015-16 Total Participation	9%	56%
<b>2015-16 Total Enrollment</b>	<b>9%</b>	<b>61%</b>
<b>2016-17 Total Participation</b>	<b>10%</b>	<b>56%</b>
<b>2016-17 Total Enrollment</b>	<b>9%</b>	<b>61%</b>

**G. The District developed and complied with additional goals in the Extracurricular Equitable Access Plan.**

Pursuant to the USP, the District developed the Extracurricular Equitable Access Plan, which included additional goals related to those established in the USP. Those goals were divided into five sections that mirrored sections from the USP, including Interracial Contact in Positive Settings of Shared Interest, Extracurricular Activities at Schools, Transportation to Support Student Participation, After-school Tutoring and Changes to the Student Information System.

Extracurricular Equitable Access Plan § I. “[The District’s Interscholastics Department (“ID”)] will collaborate with student groups, such as school student councils and the Superintendent’s Student Advisory Council (SSAC), to conduct additional assessments by surveying students and parents to obtain information about student access to, and interest in, particular types of extracurricular activities, including activities of interscholastics competition and non-competitive extracurricular activities (i.e., clubs, fine arts, intramurals and social groups). Surveys will provide information on particular areas of shared interest that would facilitate interracial contact. The following surveys will provide information to guide the development of extracurricular activities that will facilitate interracial contact:

*1. Student Survey – In the spring of 2014, a sampling survey will be sent to students to gauge activities they desire to see in their schools. The results will be cross-referenced by race and ethnicity to identify areas of shared interest that cross racial/ethnic boundaries that do not currently exist in schools.*

*2. Parent Survey – In the spring of 2014, a sampling survey will be sent to parents of the District's schools to gauge what activities parents desire to see in their children's schools. Also addressed on the survey will be to highlight some transportation needs in order for their child to participate in extracurricular activities."*

In SY14-15, the Interscholastic Department reached out to students and parents through multiple surveys to gain a perspective on participation in sports, clubs and tutoring. [AR 14-15, ECF 1918-1, p. 278-79] The District accomplished this through sending emails, posting on the interscholastic website, and contacting a select group of schools to participate. [*Id.*] On December 5, 2014, Interscholastics sent an email to more than 200 parents of Hispanic and African American descent, providing them with a link to the two surveys - one for students and one for parents to determine their interest level in extracurricular activities. [*Id.*]

The survey contained five questions for students and five questions for parents:

1. What extracurricular activities would you like to see at your school?
2. What current activity would you like to see improved at your school and how would you improve this activity?
3. What keeps you from participating in extracurricular activities at your school?
4. What kind of tutoring services would you like to see at your school?
5. How important are extracurricular activities to you?

[AR 14-15, ECF 1918-1, p. 278-79.]

In the sampling of the responses from the students, the survey showed that extracurricular activities are an integral part of the students' academic life. [*Id.*] From a sampling of parent responses, recurring themes were the obstacles of participation, such as event times and transportation. Also mentioned were the lack of activities on Wednesdays when schools conduct staff professional development. These surveys identified several areas where the District can improve in its offerings of extracurricular activities, and the District considered those responses as it planned extracurricular activities and supports for SY 15-16 and SY 16-17. The District also expanded communications regarding the survey to gain a larger sample of responses. [AR 16-17, ECF 2057-1, pp. 398-99.]

Extracurricular Equitable Access Plan § II. “*Once a thorough assessment has been completed, the Interscholastics Department will begin the work with individual schools in establishing an acceptable range of activities at the sites. Administrators, coaches, and club sponsors will be trained in the development of activities, outreach and communication to students about various opportunities, the management of activities, and the implementation of activities at their sites. Generally, coaches and/or sponsors will be required or encouraged to attend an annual training related to their activity. ID will actively assist sites in recruiting sponsors, coaches and volunteers to work with students in these activities.*”

The District assessed extracurricular activities offered at each school, benefits of the specific activities offered, and parent and student responses to surveys. As part of its assessment, the District analyzed participation data from each school, disaggregated by activity, race/ethnicity, and ELL status. [AR 15-16, ECF 1958-1, p. 347; AR 16-17, ECF 2057-1, pp. 390-91; AR 16-17, App. VIII-7, ECF 2066-1, pp. 122-24 (Selection of Extracurricular Activities by school).] Based on this assessment and related assessments,

the District has an acceptable range of activities at each school. Additionally, the District continues to survey parents, students and staff to determine where improvements and/or expansions of activities can be made.

The District has also worked to make sure administrators, coaches and club sponsors are trained in the development of activities, outreach and communications with students about opportunities. [AR 15-16, ECF 1958-1, pp. 344-45.] Specifically, the District required coaches to take part in 3-Dimensional Coaching, which focuses on student welfare rather than wins and losses. [*Id.*] Coaches and activity sponsors were also required to participate in the Arizona Interscholastic Association's Pursuing Victory With Honor program, which encouraged them to embrace a healthy sport experience as the defining feature of interscholastic athletics. [*Id.*] These and other programs and activities continued into SY 16-17 to continue to improve the District's abilities to provide equitable access and opportunities to all students. [AR 16-17, ECF 2057-1, pp. 395-97.]

Extracurricular Equitable Access Plan § III. *“The District will provide transportation to students to support student participation in Afterschool Programs as specified in Section III of the USP. First, ID will perform a review of the availability of transportation for students participating in Afterschool Programs, and identify transportation needs to support Afterschool Programs. (See Appendix A for initial review and identification of needs, constraints, and risks). Second, based on the review, ID and Transportation will work closely to develop and implement a plan to address the needs identified. The review will be conducted on an annual basis.”*

The Interscholastics Department met regularly with the Transportation Department to ensure all students interested in extracurricular activities could receive necessary transportation to participate in these activities. As reported in each year's annual report, the Transportation Department committed to supporting extracurricular activities by

providing activity buses to all integrated and magnet schools (“eligible schools”). [See, e.g., AR 16-17, ECF 2057-1, pp. 398-99.]

Based on principal requests in SY 13-14, the District provided at least one activity bus for every eligible high school, middle school, all but one eligible K-8 school, and 5 of the 21 eligible elementary schools. [AR 13-14, App. III-2, ECF 1686-9, p. 2.] The District also provided at least one activity bus for thirteen non-eligible schools, including five racially concentrated schools. [Id.] The District continued to plan for improvements to the student information system during SY 14-15, along with mandatory staff training on entering student participation data, to allow staff to more effectively allocate activity buses to align with site-based need. [AR 13-14, ECF 1686, p. 72.]

In SY 14-15, the District met its benchmark of providing an activity bus to every eligible school that requested, or needed, an activity bus. In September 2014, the District audited its allocation of activity buses, contacted every eligible school that did not have an activity bus, and added activity buses to schools that requested one or that otherwise demonstrated a need. [AR 14-15, ECF 1918-1, p. 73.] In total, 22 of the 37 eligible schools requested and received activity buses; the remaining fifteen schools indicated that activity buses were not required. [Id.; AR 14-15, App. III-6, ECF 1848-8, pp. 10-11.]

In SY 15-16, upon request or based on identified need, the District further increased the number of activity buses to integrated and magnet schools. [AR 15-16, ECF 1958-1, p. 17; AR 15-16, App. III-9, ECF 1961-1, pp. 58-59.] The District added activity buses, based on site request or identified need, at three integrated schools and two racially concentrated schools that had not previously needed late buses. [AR 15-16, ECF 1958-1, p. 89.] The District continued to expand its activity bus program in SY 16-17. [AR 16-17, ECF 2057-1, pp. 398-99.]

The District regularly obtains and evaluates transportation data and adapts activity bus routes and ride times, reorganizing buses or combining routes, thereby reducing ride

times for outlying students and improving efficiency. [AR 15-16, ECF 1958-1, p. 17; AR 16-17, ECF 2057-1, pp. 398-99.]

*Extracurricular Equitable Access Plan § IV. “ID will assess the current after-school tutorial programs and begin to work with each site to ensure equitable access for all students. The assessment will identify the need for additional tutoring programs. ID will work with the sites to develop and implement after-school tutoring programs as needed.”*

Where voluntary tutoring was provided, the District took steps to ensure that it was provided equitably, and that it was supported with transportation where needed. In SY 13-14, more than fifty documented, formal tutoring programs existed at TUSD schools, serving over 3,500 students. [AR 14-15, ECF 1918-1, pp. 300-01; AR 14-15, App. VIII-6, ECF 1852-3, pp. 17-18.] Additionally, several informal programs existed, including teacher tutoring after school and District-established after-school study tables for athletes and students involved in extracurricular after school activities. Participation data for SY 13-14 indicated that tutoring was provided in an equitable manner as White, African American, Hispanic, and Multi-Racial students participated at rates that correlated, approximately, to their overall student population percentages. [AR 14-15, Table 8.6, ECF 1918-1, p. 300.] The District also provided activity buses for after-school tutoring to ensure that transportation did not serve as a major obstacle to participation. [*Id.*, p. 301.]

During SY 15-16, TUSD provided and offered many types of tutoring at 75 of its 84 schools, including but not limited to: 21<sup>st</sup> Century Program, State Tutoring, Magnet Funded, Title I Funded, and Site After-School Tutoring programs. [AR 15-16, ECF 1958-1, p. 370; AR 15-16, App. VIII-4, ECF 1967-1, pp. 10-11.] The District also continued its practice of providing study tables for high school students involved in extracurricular after-school activities to assist students with homework and make-up work. [AR 15-16, ECF 1958-1, pp. 370-71.]

The District also piloted the Interscholastics Tutoring program at three high schools and two middle schools to increase students' access to certified tutors. [*Id.*, p. 371.] In its inception, only a few students participated. Based on an evaluation of the pilot, the District developed the Interscholastics Tutoring program for SY 16-17, including expansion into additional schools (particularly those that previously did not have any formal tutoring programs), revising the tutor job description, and advertising for more tutors to participate. [*Id.*] In SY 16-17, the District planned to implement the program at all high schools and at middle schools that demonstrate the greatest need – particularly for African American and Hispanic students. [*Id.*, p. 370.]

Indeed, in SY 16-17, the District successfully utilized the Interscholastics Tutoring program to create opportunities for middle and high school students to be actively engaged in meaningful tutoring experiences with the guidance of a certified tutor to help them achieve their academic goals. [AR 16-17, ECF 2057-1, pp. 294-95.] Also in SY 16-17, the District developed a training program to provide tutors more training using AVID (Advancement Via Individual Determination) strategies, which provided for professional development for all tutors. [*Id.*]

*Extracurricular Equitable Access Plan § V. “ID determined that the current student information system, Mojave, was not set up to provide the necessary information to track and monitor access to, and participation in, extracurricular activities. This capability was available to high schools, but not schools at other levels. ID, in conjunction with the Technology Services Department, made changes to Mojave to give elementary, middle, and K8 schools the ability to enter and maintain participation data for individual students to facilitate monitoring and reporting of participation by various types of student demographics (i.e. race/ethnicity, gender, domicile, ELL, etc.). Relevant staff (coaches, club sponsors, etc.) will receive training on inputting and maintaining participation data to track and monitor access and participation.”*

In the spring of 2013, the District initiated changes to the SIS then in use (Mojave) to facilitate activity tracking pursuant to USP requirements. [AR 12-13, App. 79, ECF 1554-1, pp. 1-5.] One of the primary identified areas of concern was Mojave's inability to track extracurricular participation at K-8 levels. During the summer of 2013, the District revised Mojave to include participation tracking capabilities for elementary and middle school students in time for the start of SY 13-14. [AR 13-14, ECF 1686, p. 196.] The District further revised Mojave to include the full range of budgeting and activity needs for activities at all levels, and expanded the range of tracked activities to include sports, social clubs, student publications and co-curricular activities, as required by the USP. [*Id.*] The District notified staff of the new requirements for entering extracurricular participation data and, as a result, there was a significant expansion of available participation data in all four categories. [*Id.*] Additionally, the District developed and implemented an online training module to improve consistent monitoring and reporting at all levels. [*Id.*] In SY 14-15, more than one hundred staff members completed the training. [AR 14-15, ECF 1918-1, p. 303; AR 14-15, Apps. VIII-8, VIII-9, ECF 1852-3, p. 118.] The District also continued to plan for improvements to the student information system during SY 14-15, along with mandatory staff training on entering student participation data, to allow staff to more effectively analyze successes and areas for improvement. [AR 13-14, ECF 1686, p. 72.]

In SY 15-16 and SY 16-17, the District continued to strengthen its commitment to evidence-based decision making through continued monitoring and reporting of student participation in extracurricular activities to ensure that its strategies to improve activity availability and diversity are effective. [AR 15-16, ECF 1958-1, p. 364; AR 16-17, ECF 2057-1, p. 399; AR 16-17, App. VIII-1, ECF 2066-1, pp. 1-3; AR 16-17, App. VIII-7, ECF 2066-1, pp. 122-24.]