

## **ADDENDUM**

### **MENDOZA PLAINTIFFS' RESPONSE TO TUSD 'SUGGESTED REVISIONS' TO THE ALE R&R**

**For ease of reference, Mendoza Plaintiffs identify the “suggested revisions” by the letter assigned to them in the TUSD ALE Response**

#### **B. ALE Goals Should be Applied by Grade-Level, not Individual Schools (TUSD ALE Response at 14:11-15)**

The District suggests that a statement at the bottom of page 5 of the ALE R&R is “not clear” and proposes a reading that is directly at odds with the point the Special Master plainly is making -- which is that goals for certain ALEs should be set by individual school, and **not** by grade level. Indeed, the Special Master makes this very clear at the top of page 6 of the ALE R&R (in the sentence that follows the one the District erroneously asserts is “not clear”) when he states that he will be discussing this issue further later in the ALE R&R.

Starting at page 29 in the recommendation section of the ALE R&R, the Special Master has a heading that reads “Individual School Goals”. Under that heading, he recommends that individual school goals be set for AP/DC/IB and pre-AP courses.

The District did not file an objection to that recommendation. Indeed, it states that while it does not “object to the ALE R&R in a generally sense”, it is proposing only what it calls “some minor corrections”. (TUSD ALE Response at 13:23-24.) The District should not be permitted to rewrite the Special Master’s ALE R&R and effectively eliminate one of his recommendations via proposed “minor corrections”.

Mendoza Plaintiffs do not believe “clarification” of the statement at the bottom of page 5 of the ALE R&R is warranted and do not believe the Court should overrule the Special Master’s recommendation based on a purported “clarification” offered by the District.

#### **E. Impact of Tully (TUSD ALE Response at 15:1-4.)**

The District challenges the Special Master’s statement that the significant increase in the enrollment of African American and Latino students in self-contained GATE

programs resulted in part from the implementation of the new “Open GATE” program at Tully, saying that students who qualified for GATE services at Tully would have received GATE services at their home school or “SC school.” This assertion seems to ignore the fact that for many students Tully was their “home school” or the school they already were attending as a magnet student and that the enrollment data set forth in the District’s 2016-17 Annual Report shows an increase in ALE enrollment at Tully (which Mendoza Plaintiffs understand to refer to the GATE program in the case of Tully) from eight students in 2015-16 to 66 in 2016-17. (2016-17 DAR, Doc. 2061-2, Appendix 33 at 18.)

**H. Progress in Pullout GATE (TUSD ALE Response at 15:18-22)**

The District challenges the Special Master’s statement that there has been virtually no progress in increasing the number of Latino and African American students in pullout GATE. It then provides numbers that it does not source. However, Table II in the Addendum to the ALE R&R supports the Special Master’s statement. It shows an increase of only one African American student in pullout GATE between 2015-16 and 2016-17 (from 80 to 81) and an increase of only nine Latino students (from 727 to 736).

**I. National Recognition for Increase in AP (TUSD ALE Response at 17:3-7)**

The District challenges the Special Master’s reference to the number of AP courses being offered in the District but does not contest his statement that the aggregate number of AP courses offered in the District declined from 2015-16 to 2016-17. That statement is supported by the Table III on page 16 of the ALE R&R which reflects an aggregate decline from 112 to 108 AP courses. While Table III does show increases in AP courses at schools in addition to UHS and Sahuaro (Catalina (an increase of 2) and Tucson (an increase of 3); it also shows that two of the schools referenced by TUSD in its ALE Response maintained a constant number of courses (Pueblo; Sabino). More significantly with respect to the Special Master’s finding is that the number of AP courses offered in other high school declined (Palo Verde (decrease of 1); Rincon (decrease of 4); Santa Rita (decrease of 8)). (With respect to Santa Rita, see also, ALE R&R at 19:18-17.)

**K. Expansion of GATE (TUSD ALE Response at 16:6-15.)**

In the guise of seeking a “minor correction”, the District challenges the Special Master’s finding that the District’s efforts to increase the number of cluster GATE programs “lack urgency.” (ALE R&R at 31:7.) Much of its discussion references activities unrelated to the creation of new (or reinstated) cluster GATE programs, which

are the subject of the Special Master's recommendation ("Increase the Number and Accessibility of Cluster GATE Programs).

If the District is indeed "urgently and diligently" seeking to expand its GATE program (TUSD ALE Response at 16:7-8), it should embrace the Special Master's recommendation that it "restore the number of GATE programs and increase the current number of 3 to at least 12 [cluster GATE programs] over the next three years" (ALE R&R at 30:4-5) rather than challenge the Special Master's finding with worthwhile but unrelated references to other aspects of the GATE initiative.