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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,

Plaintiffs,

vs.

Tucson Unified School District No. 1,
et al.,

Defendants.

4:74-cv-00090-DCB
(Lead Case)

Maria Mendoza, et al.,

Plaintiffs,

vs.

Tucson Unified School District No. 1,
et al.,

Defendants.

CV 74-204 TUC DCB
(Consolidated Case)

**DISTRICT REPLY IN SUPPORT OF ITS
RESPONSE TO ORDER TO SHOW CAUSE
RE MIDDLE SCHOOL COURSES FOR HIGH SCHOOL CREDIT**

1 In its September 6, 2018 Order, the Court ordered the District to “show good
2 cause why a Dual Credit program (MS-HS) is not offered at: Borman, Dietz, Lawrence
3 3-8, McCorkle (RC), Morgan Maxwell (RC), Rose (RC), and Secrist.” [ECF 2123.] The
4 District filed its Response to Order to Show Cause Re Middle School Courses for High
5 School Credit on December 6, 2018, explaining that each District school with middle
6 school grades provides students with the opportunity to take at least one middle school
7 course for high school credit. [ECF 2157.] The Mendoza Plaintiffs filed a
8 Supplementary Response seeking additional information [ECF 2171], and the Court
9 issued an Order directing the District to include four categories of information in its
10 reply: (1) an updated chart showing the physical location of middle school courses for
11 high school credit; (2) an explanation of how students are informed of these courses
12 when they are not held at the students’ home schools; (3) enrollment data for these
13 courses broken down by home school and student race/ethnicity; and (4) the District’s
14 actual use or planned use of the AGAVE program to provide these courses and the
15 information upon which the District relied to determine this program’s efficacy [ECF
16 2173]. This Supplementary Reply includes this information.

17 **A. Physical Location of Courses and Enrollment by Home School and Ethnicity**

18 Exhibit A shows the physical location where middle school courses for high
19 school credit are offered and the number of students in each course by ethnicity.

20 **B. Information to Students When MS for HS Courses Not Held at Home School**

21 Middle school students are informed by teachers, school administrators and
22 school counselors regarding the availability of middle school courses for high school
23 credit both when those courses are held at the home school and when there are options
24 to attend at other schools or through AGAVE. With slight variations among schools
25 based on their assessment of what may be most effective, schools inform students and
26 their families of middle school for high school courses not held at their home school
27 through personal consultation with students by administrators, teachers and counselors,
28 flyers that are discussed in school and sent home with students, telephone calls home to

1 parents, social media targeted toward parents, recruitment events, student assemblies,
2 classroom presentations, ParentLink, and as a part of the process for registering for
3 courses with specific outreach to students based on results from benchmark and
4 AZMerit assessments. The District also shares these various methods with school
5 administrators to help provide additional information that could inform the most
6 effective practices at each school.

7 **C. Use of AGAVE for MS for HS Courses**

8 AGAVE Middle & High School, a formal District school, serves students in
9 grades 6-12 by giving them a complete curriculum through online learning. AGAVE
10 effectively helps students obtain necessary courses according to their own pace and
11 availability. Its mission is to provide equal access to a rigorous, standards-based high-
12 quality curriculum in a virtual environment to meet the educational needs of all middle
13 and high school students. AGAVE online courses provide additional opportunities for
14 advanced learning experiences for students in grades 6-8 to enroll in high school level
15 courses, which is particularly beneficial for smaller K-8 schools. AGAVE also allows
16 students to take high school courses such as health during middle school to free up their
17 future high school schedules so they may opt for more rigorous courses when they get to
18 high school.¹

19 For the past five years, Miles Pre-K–8 has successfully collaborated with
20 AGAVE to offer Algebra 1 as a middle school course for high school credit, allowing its
21 students to obtain high school credit by taking and passing the course through AGAVE.
22 Miles students have been extremely successful in passing the Algebra 1 class and
23 receiving high school credit online through AGAVE.

24 In SY 2018-19, two additional schools (Borman and Hollinger) collaborated with
25 AGAVE to offer middle school courses to earn high school credit in an effort to expand

26 ¹ AGAVE is an established school appearing in the District's list of schools.
27 Pages from the District website for AGAVE are attached as Exhibit B. AGAVE online
28 coursework also exposes students to online learning, which is growing at every
educational level, and particularly at the collegiate level.

1 the availability of these courses to as many students as possible. Based on Miles' past
2 success and on the effective offering of a complete middle school and high school
3 curriculum through this platform historically, the District anticipates AGAVE will
4 effectively allow students at Borman and Lawrence to study rigorous, high-school level
5 courses (AGAVE also functions as a high school) while continuing to attend their home
6 school.

7 The District plans to continue to utilize AGAVE to offer middle school courses
8 for high school credit when that is the most effective option to provide middle school
9 courses for high school credit, such as when an onsite teacher is unavailable or when the
10 specific school and the District together decide that offering the course through AGAVE
11 will provide the best opportunities for learning, integration and credit. Lawrence plans
12 to offer an MS for HS course in a traditional classroom in SY 2019-20, rather than
13 through AGAVE or Edgenuity. At the end of SY 2019-20, the District will again
14 analyze the best way to provide these courses in each situation.

15 **Conclusion**

16 As reported herein and in the District's Response to Order to Show Cause (ECF
17 2157), students at every District middle and K-8 school have the opportunity to take
18 middle school courses for high school credit, and the District continues to seek
19 innovative and effective ways to expand these courses' availability and participation.
20 Accordingly, the District hereby provides notice that it is in compliance with the Court's
21 orders on this subject.

22 RESPECTFULLY SUBMITTED this 22nd day of January, 2019.

23 **STEPTOE & JOHNSON LLP**

24 By /s/ P. Bruce Converse
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25 **TUCSON UNIFIED SCHOOL DISTRICT**
26 **LEGAL DEPARTMENT**

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28 No. 1

CERTIFICATE OF SERVICE

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The foregoing document was filed with the Court electronically through the CM/ECF system this 22nd day of January, 2019, causing all parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ Diane Linn
Employee of Steptoe & Johnson LLP