



1           The Court issues this Order as a continuum to the Order (Doc. 2213) issued on April  
2 10, 2019 requiring an Executive Summary to be prepared prior to determining unitary  
3 status under the USP. Here, the Court considers substantive programmatic objections to  
4 the Notices of Compliance.

5 1.     AASSD and MASSD Operating Plans

6           As noted in the Order (Doc. 2213) issued on April 10, 2019, the sole objection was  
7 to granting unitary status. Neither Plaintiff made any substantive objection to the operating  
8 plans.

9 2.     FACE Update

10          The Mendoza Plaintiffs complain that the District has failed to develop the data  
11 tracking capabilities which this Court required, pursuant to its September 6, 2018, Order.  
12 According to the District, it attempted to purchase such a tracking system to no avail. It is  
13 now developing its own electronic tracking system which will be rolled out to schools for  
14 training by spring of this year, with preliminary data collection by April or May, and full  
15 implementation with the next school year. The District's rollout plans coincide with the  
16 FACE Update deadlines for implementing a "purchased" tracking system.

17          The Special Master reports that he has consulted with the District's expert, Dr.  
18 Epstein, and notes that it is extremely unusual for schools to keep a record of parent  
19 engagement for other than parent-teacher conferences, which record is kept by the District.  
20 (SM R&R (Doc. 2199) at 3.) He, also, mentions that too much tracking may discourage  
21 families with immigration concerns from participating in family and community  
22 engagement activities. He suggests the District "develop a process for tracking the  
23 ethnicity of family participation in academically-related and leadership development-  
24 related school activities." *Id.* at 5. It appears to the Court that this has been done. The  
25 District's tracking system requires the name of the attendee and the corresponding  
26 student's name. With the student name, attendee data can be matched to Synergy Student  
27 Information System (SIS) data to ascertain student ethnicity and provide aggregated reports  
28 by event, school, etc. as required.

1           The Mendoza Plaintiffs complain that the FACE Update failed to reflect whether,  
2 as directed by this Court in its September 6, 2018, Order, Dr. Epstein, considered ““the  
3 Special Master’s concern that the Academic Parent-Teacher Teams (APTT) is not a two-  
4 way family-teacher information sharing strategy and that Supportive and Inclusive  
5 Learning (SAIL) is an effective strategy for schools, not Family Centers.”” (Mendoza  
6 Supp. Response (Doc. 2165) at 6.) The Special Master appears to agree that the District  
7 has not yet fully modified its procedures and advice to teachers and administrators. He  
8 refers to the protocol for teacher-parent conferences as remaining fundamentally a one-  
9 way process. He suggests that the guidelines for family engagement be strengthened to  
10 clarify the importance of two-way communications. He suggests that there should be  
11 central staff assigned to assist school principals with their family and community  
12 engagement responsibilities, and that the District reduce the number of required reports to  
13 quarterly rather than monthly.

14           The Court has reviewed the District’s Reply.<sup>1</sup> The District reports that the FACE  
15 operation is continuing in collaboration with Dr. Joyce Epstein, the nationally recognized  
16 authority on family engagement. The District is now a member of the National Network of  
17 Partnerships (NNP) at Johns Hopkins University, of which Dr. Epstein is a member. The  
18 District has begun work to include approximately ten “pioneer” schools in the program for  
19 SY2019-20, which includes annual evaluations of program quality and progress. The NNP  
20 system is consistent with APTT and will address both supportive and inclusive learning  
21 and two-way communications.

22           The District reports FACE staff works through FACE Guidelines with schools in  
23 ways that should address the concern that two-way communications are not being  
24 sufficiently supported by FACE. (TUSD Reply (Doc. 2179) at 5) (FACE training for  
25 school site staff includes type2 communication, such as fostering two-way  
26 communications during parent-teacher conferences). FACE staff provides family and  
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28           <sup>1</sup> This is the type of information the Court hopes to see in the Executive Summary  
for all USP programs.

1 community engagement support to individual schools. The Court finds the District in  
2 working with Dr. Epstein to implement the NNP system is implementing best practices in  
3 respect to FACE. The Court leaves it to the discretion of the District to determine how  
4 FACE staff should support school-site staff, including Principals, and to determine whether  
5 the reporting requirements should be monthly or quarterly. Unless, there is a specific  
6 showing of inadequacy in the Executive Summary revisions, the Court defers to the  
7 District's FACE operations.

8 This brings the Court to the last issue: implementation and monitoring of FACE  
9 Guidelines at school sites. The District shall ensure that the Guidelines, including the  
10 corresponding required task checklist, includes school websites and newsletters. These  
11 two avenues of communication are at the forefront of family and community engagement;  
12 the school website is the starting point for all family and community outreach, and it is  
13 unacceptable for it to be woefully out of date. The District shall immediately ensure that  
14 each schools website includes an updated newsletter and a current schedule for site counsel,  
15 PTA, SCPC, and Governing Board meetings, updated contact information for these  
16 committees and boards, and any relevant trainings to promote participation. The District  
17 shall consider and determine whether FACE staff should support this school-site  
18 responsibility beyond monitoring it, such as providing newsletter, web development or  
19 web-site management support services for the schools. Like school principals, school staff  
20 may have time constraints that warrant shifting some FACE task responsibilities from  
21 school staff to FACE staff.

### 22 3. ELL Plan

23 In the Order directing the District to prepare and Executive Summary, the Court also  
24 directed TUSD to add FACE strategies to the ELL Plan.

25 Here, the Court approves TUSD's graduation goal as follows: to graduate at least  
26 50% of African American and Latino ELLs and to graduate at least 75% of African  
27 American and Latino Re-classified ELLs. The Court questions the drop out goal, which  
28 is: the ELL dropout rate to be equal to or lower than the non-ELL rate.

1 In the ELL Plan, the graduation and dropout rates reflect graduation after four years,  
2 although many ELL students graduate after that. Due to State law requiring four hours a  
3 day of English immersion, it has been difficult for ELL students to complete the substantive  
4 course work necessary to graduate. State law has recently changed. The Special Master  
5 reports this should improve ELL graduation rates.

6 The existing goals have resulted in the following successes: 1) a TUSD dropout rate  
7 (0.6%) lower than other Arizona Districts (1.8%), and 2) a TUSD graduation rate (67.6%)  
8 higher than other Arizona Districts (52.1%).<sup>2</sup>

9 The graduation numbers in TUSD for the past three years reflect that the 50% goal  
10 was met for African American ELL students by SY2017-18 (56.7%). The 50% goal was  
11 met for Latino students by SY2017-18 (60.5%). Both are higher than the State 52.1% ELL  
12 graduation rate.

13 The dropout numbers in TUSD for the past three years reflect that the ELL dropout  
14 goal for ELL students' dropout rate, that it be equal to or lower than the non-ELL cohorts'  
15 dropout rate, has been met as follows: African American ELL SY2015-16 (1.7%) and  
16 SY2017-18 (3.4%); Hispanic SY2015-16 (.1%) and SY2017-18 (1.8%). Neither SY2017-  
17 18 dropout rate is below the State 1.8% ELL dropout rate.

18 Unlike TUSD's graduation goal which has resulted in graduation rates for ELL  
19 students being better than the state average,<sup>3</sup> the dropout goal has not been equally  
20 successful. In this year's annual review, the Dropout Prevention and Graduation (DPG)  
21 committee shall reconsider the dropout goal to determine whether it is sufficiently  
22 ambitious.

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24  
25 <sup>2</sup> The Special Master reports, over the past three years, the following: 1) graduation  
26 rates for Latino students increased by four percentage points, compared to graduation rates  
27 for Latino ELLs, which doubled, and 2) graduation rates for African American students  
28 increased by six percentage points, compared to graduation rates for African American  
ELLs, which increased by 36 percentage points.

<sup>3</sup> The Court assumes that ELL students in other Arizona Districts do not have the  
advantage of strategies similar to those being implemented in TUSD under the USP.

1           4.     Middle School Courses for Highschool Credit

2           The District has shown good cause for why no further action is needed from this  
3 Court. The District is providing middle school courses for high school credit at all middle  
4 and K-8 schools. It has plans for continued expansion of the program, especially for  
5 Algebra. The District's DAR shall include passage rates for comparison between middle  
6 school AGAVE courses and in-person classroom middle school for high school courses.

7           5.     Centralized Hiring Process and Certification for Placing Beginning Teachers  
8 at Underperforming and Racially Concentrated Schools

9           The Court was not, and is not, confused by the allegations addressed on September  
10 6, 2018, that approximately 75% of beginning teachers are/were being assigned to  
11 underperforming or racially concentrated schools. The Court welcomes the news from the  
12 District that "for the past four years, first year teachers at the District were only 5% or less  
13 of the overall classroom workforce." (Notice of Compliance (Doc. 2155) at 2.) But that  
14 is not the issue—the issue is the total number of beginning teachers being placed at  
15 underperforming or racially concentrated schools. The District's own numbers reflect that  
16 for the current school year (2018-2019), it hired 54 first-year teachers and placed them in  
17 29 schools; 23 were placed at underperforming schools and ten were placed at racially  
18 concentrated schools. There was an overlap with four first-year teachers being placed one  
19 each at four schools designated as both underperforming and racially concentrated and four  
20 first-year teachers being placed at a racially concentrated school. (Notice of Compliance  
21 (Doc. 2155-2) at 2.)

22           The District assures the Court that placement for beginning teachers is "not a major  
23 issue," *id.* at 3, and besides little can be done because in all instances of these placements  
24 there were no other more experienced teacher applicants, (Reply (Doc. 2180) at 3). The  
25 District asks the Court to release it from the directive issued in the September 6, 2018,  
26 Order that it conduct a study of effective strategies concerning placement of beginning  
27 teachers, including mitigating strategies for any such placements.

28

1 To the Contrary, the District shall show good cause why it has not fully complied  
2 with the directive to conduct the study, unless without the study it can complete the  
3 requirements for individual case-by-case certifications for placing beginning teachers at  
4 underperforming and racially concentrated schools.

5 To be clear, the Court approves the District's centralized process for hiring teachers,  
6 except its omission of the certification criteria, including mitigating strategies, that the  
7 Superintendent applies when determining when to certify placing a beginning teacher at an  
8 underperforming and racially concentrated school. The Court approves as a certification  
9 criteria the District's proposed exemption: "3 years of above District average AZMerit  
10 scores in ELA and Math." (Centralized Process for Hiring Teachers (Doc. 2155-1) ¶8(b).  
11 There is no need for a blanket exception. As directed in the September 6, 2018, Order,  
12 certification shall be made on a case by case basis. The Court assumes another criteria  
13 might be the unavailability of experienced applicants. The need for this assumption reflects  
14 the failure in the Centralized Process for Hiring Teachers to include the relevant criteria  
15 being applied by the Superintendent or his appointee to determine when to certify the  
16 placement of a beginning teacher at an underperforming or racially concentrated school.

17 Perhaps the Court was not clear on September 6, 2018, but it envisioned a check list  
18 of acceptable certification criteria which when applied reflect that the appointment is  
19 appropriate or not. To be clear, one certification criteria must be an individualized  
20 mitigation plan for the placement.

21 The mitigations currently proposed by the District are not enough. The District  
22 informs the Court that every first-year teacher is assigned a teacher mentor to provide extra  
23 support and that every school has a common planning period in the seven-period day which  
24 gives new teachers daily structured interaction with more experienced teachers at the  
25 school. These mitigation strategies are nothing more than support strategies offered for all  
26 beginning teachers. The District shall identify strategies aimed at placing beginning  
27 teachers in hard-to-teach schools, such as: reduced class size, reduction in the number of  
28 classes taught, limiting the number of beginning teachers at any given school, and having

1 classes co-taught. Unless it can act without it, the District shall conduct the study to  
2 identify strategies which focus specifically on supporting new teachers being placed at  
3 underperforming and/or racially concentrated schools.<sup>4</sup>

4 6. Teacher Diversity, Grow-Your-Own-Programs, and Attrition

5 In 2016, the parties in conjunction with the Special Master developed a Teacher  
6 Diversity Plan. (TDP (Doc. 2159-1)). The TDP targeted 26 schools with significant racial  
7 disparities, meaning the teaching staff at a school is not within a 15-percentage point  
8 variance of the district-wide percentages for African American and Latino teachers at  
9 schools at comparable grade levels. In other words, the percentage of teacher diversity at  
10 a school should reflect within a 15% variance district-wide teacher diversity at comparable  
11 grade levels. USP § IV.E.2.<sup>5</sup> “The assessment of significant disparities shall also take into  
12 account the percentage of African American and Latino students on each school campus.”

13 *Id.*

14 Because there were so few African American teachers in the District, the Special  
15 Master did not consider them in the variance analysis unless to do so would increase the  
16 diversity at a school. The District points out that under the USP the variance applies to  
17 African American or Latino certified staff, not White teachers. Nevertheless, in producing  
18 the list of target schools for the TDP the Special Master applied the variance to White  
19 teachers too. To have done otherwise would have made no sense because a school with an  
20 entirely White teaching staff would in fact not be racially diverse. The Special Master  
21 omitted from consideration schools that were dual language, schools where moving a single  
22 teacher would bring the school into compliance, or where there was substantial faculty  
23 diversity even if the school did not technically meet the USP diversity provisions for

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25 <sup>4</sup> See Teacher Diversity (another criteria for placing a beginning teacher at an  
26 underperforming or racially concentrated school may be to promote teacher diversity; the  
27 need for teacher diversity, which in part may be addressed by new-hires including  
beginning teachers, makes mitigating strategies of paramount importance to the USP).

28 <sup>5</sup> The Mendoza Plaintiffs correctly note that this Court accidentally omitted § E.2 in  
its supporting citations when it ordered the District to file the 2018-19 TDP. (Order (Doc.  
2123) at 149, ln24.)



1 addressing racially concentrated teaching staff. The TDP targeted 26 schools: Bloom,  
2 Collier, Dunham, Fruchthendler, Gale, Henry, Holladay, Howell, Hudlow, Kellond,  
3 Lineweaver, Marshall, Miles, Miller, Myers-Ganoung, Hughes, Roberts-Naylor, Soleng  
4 Tom, Steele, Tolson, Whitmore, Booth-Fickett, Dietz, Safford, Mail, and UHS. The TDP  
5 allowed three years for the District to attain diversity at target schools.

6 Beginning in SY2016-17, the District incentivized transfers of 44 teachers, resulting  
7 in 10 out of the 26 targeted schools being diversified as defined for teaching staff under the  
8 USP. By SY2017-18, the District had incentivized 22 additional teacher transfers but only  
9 33 of the original transfers remained. According to the District this resulted in 16 of the  
10 26 targeted schools attaining a diverse teaching staff by the end of SY2017-18 and 18 of  
11 the 26 target schools attaining a diverse teaching staff by the beginning of SY2018-19. The  
12 Mendoza Plaintiffs disagree. They argue that the District has failed to account for staff  
13 losses, such as the above mentioned 11 original transferred teachers who did not stay.  
14 According to the Mendoza Plaintiffs, by the end of SY2016-17 only 14 not 16 of the 26  
15 targeted schools met the USP definition for having a diverse teaching staff. By the end of  
16 SY2017-18, only 13 not 16 of the 26 targeted schools had sufficiently diverse teaching  
17 staff to not have significant racial disparities. The Mendoza Plaintiffs note that the data for  
18 SY2018-19 appears in error because the racially identified percentages of teachers at a  
19 school does not total 100% as follows: Holladay Magnet ES (101%), Howell ES (101%),  
20 Kellond ES (99%), Marshall ES (101%), Tolson ES (101%), Booth/Fickett K-8 Magnet  
21 (101%), and University High School (101%).

22 The Court does not spend a lot of time crunching numbers or trying to figure out the  
23 correctness and/or statistical significance of the data. Assuming the data were accurate, it  
24 reflects that teaching staff remains racially concentrated at nine of the 26 targeted schools  
25 at the end of the three-year TDP. (2018-19 TDP (Doc. 2159-1) at 15.) The number of  
26 schools targeted for diversification that remain racially concentrated is relevant but not  
27 determinative.  
28

1 As explained by the Special Master, there is fluidity in teacher transfers that creates  
2 a moving target. This reflects a need for periodic, not necessarily annual, target updates.  
3 It is not a matter of moving goal posts; it is a matter of ensuring that the District has a plan  
4 for addressing the chronic problem of racially concentrated teachers in its schools. The  
5 Court notes that this problem, expressly addressed in § E.2 of the USP, was one of the  
6 *Green* factors addressed in the original 1978 Settlement Agreement in this case.  
7 (Stipulated Settlement (Doc. 393) ¶¶ 9-11.) Lack of staff diversity was a problem then,  
8 remained a problem addressed in the 2013 USP, and continues to be an issue now. It is not  
9 a problem unique in TUSD. As the District notes, it does better than the State average of  
10 13% by employing 29% Hispanic teachers and meets the State average of 3% for Black  
11 teachers. (Reply (Doc. 2183) at 3 n. 2.) Racially concentrated, non-diverse teaching staff  
12 is a vestige of the *de jure* and *de facto* discrimination that existed in the past in this country,  
13 the State of Arizona, and the TUSD school district.

14 With this background, the Court reviews the TDP not to determine whether the  
15 District successfully diversified its teaching staff in three years but rather the Court  
16 considers whether the District moved forward as planned under the TDP and what the  
17 District plans to do going forward. There are several important take-aways from the 2018-  
18 19 TDP and the original 2016 TDP.

19 All parties agree that mandatory reassignment of teachers is not an acceptable  
20 strategy. Instead, the District offered a monetary stipend and other incentive options as  
21 follows: cash stipend; reduced or modified teaching schedule (Master Teacher Team  
22 Initiative); technology package including lap top and printer for classroom use and to take  
23 home for professional use; National Board Certification support, and Master's degree  
24 support. (TDP (Doc. 2159-1) at 10.) All teacher transfers were secured through the stipend  
25 offer of \$2500 per year for a two-year commitment, with the possibility for an additional  
26 \$2500 for a third-year extension to continue teaching at the target school. The District  
27 believes it has exhausted the TDP incentive program and “achieved close to its practical  
28 maximum effect.” (Reply (Doc 2183) at 3.)

1           While this may be true in the context of the three-year TDP, it is not true in the  
2 context of the USP goal to develop a plan “to enhance the racial and ethnic diversity of its  
3 administrators and certified staff through its recruitment, hiring, assignment, promotion,  
4 pay, demotion, and dismissal practices and procedures,” (USP § IV.A.1) (emphasis added).  
5 The question is whether there is any more that can practicably be done to promote teacher  
6 diversity by way of teacher assignments? For this answer, the Court starts with the  
7 District’s TDP. What was primarily a stipend program, effectively reassigned at least 66  
8 teachers: 44 transfers the first year and 22 the second year. Both the District and the Special  
9 Master appear to believe that transferred teachers will leave these schools where it is harder  
10 to teach at the end of the stipend period. The District reports that at least 11 of these  
11 transfers did not stick, but the Court does not know how many “diversity-transfers”  
12 remained beyond the end of the stipend period. By 2019-20, the District will have operated  
13 under the TDP long enough for at least one stipend period to have ended, and the District  
14 will know this answer.<sup>6</sup>

15           According to the District, the stipend incentive is not a long-term strategy for  
16 addressing the issue of racially concentrated non-diverse teaching staff. For this the Court  
17 looks to the Special Master’s recommendation for a “custom” incentive program which  
18 can be laser-focused on transfers to maximize the impact of each teacher assignment. He  
19 describes custom incentives developed on a case-by-case basis for a particular teacher with  
20 specific strengths needed at a particularly targeted school. This is the exact opposite of the  
21 District’s approach under the TDP which was the “wide dissemination” of standardized  
22 incentives to all teachers in the District. *See* (TDP (Doc 2159-1) at 5.) To operate such a  
23 custom program will require active management of the transfer recruiting process. *Id.* at  
24 10 (describing TDP as active recruitment plan for incentivized transfers).

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26           <sup>6</sup> The Court does not know whether teachers teaching in these harder-to-teach  
27 schools are paid more than other teachers or receive any other financial or non-financial  
28 incentives for these more difficult teaching assignments; the stipend is narrowly tailored to  
incentivize voluntarily changes in school assignments but does not reach the issue of  
keeping teachers teaching in harder teaching assignments rather than transferring to less  
demanding assignments.

1 Active management means a diversity leader shall: “identify promising candidates  
2 and work with them as individuals to find the right spots with the right package of  
3 incentives. For example, teachers nearing retirement would find that an increase in pay  
4 would yield much higher retirement pay (at no cost to the District). Moving two teachers  
5 at a time who are interested in working together and could be productive.” (R&R (Doc.  
6 2203) at 4.) In short, actively targeting specific schools needing diversity and then actively  
7 pursuing a teacher assignment for that school, including customizing incentives aimed  
8 specifically at the desired teacher, could make a difference.

9 The Special Master has generated an updated target list. The Special Master is not  
10 moving the goal posts. He instead recognizes that given the fluidity of teacher assignments  
11 there is a need for periodic updates. This is especially true if the District seeks to customize  
12 transfer incentives for maximum effectiveness.

13 Like teacher diversity, the USP requires the District to promote administrative  
14 diversity. The primary mechanism available to the District to attain this goal is through  
15 grow-your-own programs. Over the past six years, the District has indiscriminately grown  
16 as many White administrators as it has grown administrators of color. *See* (TUSD:GYOP  
17 Study (Doc. 2159-3) at 21) (SY2013-14--SY2018-19 Site Administrators: 375 White and  
18 410 minority (65 African American, 323 Hispanic, 2 Asian, 20 Native American). Over a  
19 four-year period, participation in its Leadership Prep Academy (LEP) has been almost  
20 50/50. *Id.* at 5.

21 The District’s reliance on school principals to identify candidates for career  
22 acceleration is ineffective because it asks principals to give up their strongest teachers. The  
23 District shall place more emphasis on recruiting minority administrators for these programs  
24 by identifying a point person to provide central leadership and coordination to improve  
25 program cohesiveness. The District shall modify its recruitment process for its BYOPs to  
26 increase the number of nominees who are African American and Latino, through proactive  
27 identification of candidates that does not rely on school principals.

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1           “To ensure that the LPA<sup>7</sup> fulfills the USP goal of diversifying the leadership staff,  
2 the District encourages administrators to identify prospective and aspiring African  
3 American and Hispanic candidates.” (TUSD: GYOP Study (Doc. 2159-3) at 3.) But it  
4 must do more. The District must ensure that this GYOP is a TOC. To satisfy the USP, the  
5 LPA, the Masters Cohort in Educational Leadership, and all the GYOPs must do more than  
6 address staff shortages.<sup>8</sup> TUSD GYOPs must be specifically aimed at growing Teachers  
7 of Color (TOC) or Administrators of Color (AOC). The District is free to do the former,  
8 but only the latter satisfies the USP. Growing TOC is linked to growing administrators of  
9 color because administrators come from the District’s teaching ranks. The District’s  
10 strategies moving forward are: 1) maintain and expand the Make the Move program, and  
11 2) redouble efforts with Arizona Teaching Fellows program. Make the Move is directed  
12 at TUSD employees with a bachelor’s degree to become a certified teacher at TUSD.  
13 Arizona Teaching Fellows partners with University of Arizona College of Education to  
14 help selected employees acquire their BA with financial support and the promise of  
15 employment with the District. Neither of these GYOPs are innately TOCs.

16           Compare instead, the District’s intention “to explore” partnering with Pima College  
17 and the University of Arizona to offer increased financial support to graduating seniors  
18 who have shown an aptitude for teaching in exchange for each recipient’s commitment to  
19 study education and teach in the district for a minimum of three years after graduating with  
20 an education degree. This GYOP draws from the District’s own student community which  
21 is a majority minority community. Also compare, the BYOP option of developing a  
22 culturally relevant curriculum (CRC) pathway through university work,” again, there is a  
23 direct link to communities of color.

24           In short, the District must identify how its BYOG’s are TOCs or AOCs. If not so

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26           <sup>7</sup> Leadership Prep Academy cultivates leadership skills of the District’s certified  
27 staff interested in pursuing administrative position. The District designed the LPA to  
28 produce a cadre of qualified candidates to fill positions for site principals, assistant  
principals, or central office directors.” (TUSD: GYOP Study (Doc. 2159-3) at 3.)

<sup>8</sup> See (TUSD Teacher Attrition Study (Doc. 2159-2) at 7-8 (describing national teacher shortage).

1 fashioned, the District must refashion them and/or implement others to serve the purposes  
2 of the USP. The District shall revise the TUSD GYOP: Review of Current Programs,  
3 Analysis, and Conclusions.

4 The District is monitoring attrition rates which are less than the national and state  
5 averages, generally: TUSD (12.7%); Arizona (24%), and national (16-17%). The Hispanic  
6 and Black teacher attrition rates in TUSD are substantially lower than the national average  
7 for minority teachers.

8 7. Inclusive School Environments and Cultures of Civility

9 The District, in collaboration with the Special Master, undertook a study of students'  
10 sense of inclusiveness at its schools. There are no objections to the study, its findings, or  
11 the conclusions drawn by the District based on the study. The objections relate to the  
12 District's failure to determine the effectiveness of the strategies it has used to improve  
13 inclusive school environments and identify these and other effective strategies it intends to  
14 use now, and in the future, to improve and retain the sense of inclusiveness at its schools.  
15 The District did not collaborate with the Special Master in this regard.

16 The District shall immediately comply with this Court's directive issued on  
17 September 6, 2018, to work in collaboration with the Special Master in assessing the  
18 effectiveness of existing strategies and identifying possible additional strategies. (Order  
19 (Doc. 2123) at 123-124.) The Court is confident that with this collaboration the District's  
20 plan for maintaining inclusive school environments will comply with the Court's  
21 substantive directives, also, issued September 6, 2018. (Order (Doc. 2123) at 143-45.) By  
22 its objection to this Court's jurisdiction to order such compliance, "[t]he District does not  
23 mean to suggest . . . that the Special Master's recommendation [of compliance] is not  
24 sound, or the District should not adopt it." (TUSD Objection to SM R&R (Doc. 2207) at  
25 3 n.1.)

26 The District shall comply with the directives issued by this Court on September 6,  
27 2018 and file a Supplemental Notice of Compliance and Revised Professional Learning  
28 Plan" Inclusive School Environments and Cultures of Civility.

1           7.     Professional Learning for Technology

2           The District objects to the Special Master's recommendations that the Professional  
3 Learning Plan for Teacher Proficiency in Using Technology be revised to reflect a focus  
4 on the use of technology to facilitate student learning. (Order (Doc. 2123) at 151.)  
5 Nevertheless, without waiving its objections, the District has commenced efforts to comply  
6 with the Special Master's recommendations and agrees to report further on these efforts.  
7 The District shall revise the plan, accordingly.

8                                     Conclusion

9           The District shall make the above described revisions to comply with the  
10 directives issued by the Court September 6, 2018, as soon as possible.

11           **Accordingly,**

12           **IT IS ORDERED** adopting in part as described herein the Special Master's  
13 Report and Recommendations (Docs. 2185, 2187, 2193, 2195, 2199, 2202-2204) for the  
14 December 2018 Notices of Compliance.

15           **IT IS FURTHER ORDERED** that the District shall make the revisions described  
16 herein as soon as possible, but no later than 30 days from the filing date of this Order.

17           **IT IS FURTHER ORDERED** that the District shall show good cause<sup>9</sup> for any  
18 further delays in compliance.

19           Dated this 22nd day of April, 2019.

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24 Honorable David C. Bury  
25 United States District Judge

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28 <sup>9</sup> For example, if a study is required before the District can develop effective mitigating strategies for placement of beginning teachers at underperforming and/or racially concentrated schools.