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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,
Plaintiffs,

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

v.

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

Maria Mendoza, et al.
Plaintiffs,

CV 74-204 TUC DCB
(Consolidated Case)

v.

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

**NOTICE AND REQUEST FOR APPROVAL
NO-BOUNDARY ATTENDANCE AREA FOR
ROSKRUGE TWO-WAY DUAL LANGUAGE K-8 MAGNET SCHOOL**

1 The Tucson Unified School District, No. 1 (“TUSD” or the “District”), hereby submits
 2 this Notice and Request for Approval to create a no-boundary attendance area for Roskruge
 3 K-8 Magnet School by eliminating its K-5 boundary. TUSD’s Governing Board approved
 4 this action on July 9, 2019.¹

5 **A. Background**

6 Roskruge does not have a neighborhood boundary for grades 6-8, but does have a K-
 7 5 boundary comprised of the original boundary and the former Richey boundary (“Annex”).
 8 Roskruge offers a research-based, early-immersion “90/10” dual language model,²
 9 recognized as the most effective form of dual-language instruction.³ The District’s Dual
 10 Language Access Plan requires “a two classroom TWDL structure to reduce programmatic
 11 isolation....”⁴ Other TWDL schools have two dual language classroom strands *and* a non-
 12 dual language strand. Roskruge is a school wide TWDL program where all students
 13 participate in TWDL as the site can only accommodate two grade strands (two classrooms
 14 for every grade level). Currently, Roskruge and Richey neighborhood students must
 15 participate in TWDL regardless of their level of interest in dual language because Roskruge
 16 does not have physical space for a third, non-TWDL strand.

17 ¹ The District considered removal of magnet status at Roskruge but is not proposing to do so at
 18 this time. As the District and its community considered the magnet and boundary questions
 19 simultaneously, some of the attached materials refer to the magnet-removal proposal and analysis.

20 ² Under this model, students in grades K-1 receive 90% of their instruction in Spanish and 10%
 21 in English to build students’ academic and linguistic foundation in Spanish early at the entry
 22 grades. TWDL students receive 80% Spanish instruction in 2nd grade, 70% in 3rd grade, and 60%
 23 in 4th grade. By 5th grade, teachers provide instruction in Spanish and English equally.

24 ³ See Order re Magnet Status, ECF 2205 at 3:7-10 (“the recommended most effective dual
 25 language program is [TWDL]”); and see “*Dual Language Education Can Close Achievement
 26 Gap*,” Joint Nat’l Cmtee. for Languages – Nat’l Council for Languages and Int’l Studies (2013)
 27 (finding that “there must be at least 50% of instruction in the partner language. According to their
 28 report, **the most effective method in the early years of dual language education is to have 90%
 of instructional time in the partner language and 10% in English (90:10)**” (emphasis added)).

⁴ TWDL Access Plan pg. 2, #10 (ECF 2061-6 at 3)(In its Order on the 2015-16 USP Budget,
 this Court ordered the District to engage one or more nationally recognized consultants to develop
 this dual language access plan (see ECF 1879 at 9)).

1 **B. The Point-of-Entry Issue**

2 The appropriate point-of-entry into TUSD’s TWDL programs is in kindergarten or in
3 the first semester of first grade. A “late enrollee,” for example, is a seven-year-old second
4 grader, with no Spanish language foundation, thrust into a classroom where 80% of the daily
5 instruction is in Spanish. The other students in her classroom have a solid Spanish
6 foundation, having received Spanish instruction for 90% of the day in grades K-1. The
7 District’s dual-language expert, Rosa Molina, made the following observations related to
8 point-of-entry and “late enrollees” in grades 2-5:

9 By starting [at] kindergarten or first semester of first grade, students have an
10 early immersion experience that allows them to build their foundational literacy
11 skills in the target language ... The point of entry into TWDL programs for
12 English-speakers is strictly at the kindergarten level or the first semester of first
13 grade. After this time frame, experienced [TWDL] teachers at this level found
14 that most English-speaking students were unable to keep up with their peers
15 linguistically and academically...

16 [In TUSD], TWDL teachers at the intermediate levels were forced to
17 dramatically alter their program in an effort to accommodate the English
18 proficient students who had entered after first grade often to the detriment of
19 the TWDL program designed for the students who entered at the kinder and
20 first grade levels. ... it is critical for TUSD to establish an Enrollment Policy
21 for TWDL programs that clearly outlines the “point of entry” into TWDL
22 programs for both the schools and families.⁵

23 Based on Ms. Molina’s recommendations, the District set the point-of-entry at kindergarten
24 and the first semester of first grade, and created a screening process to ensure students
25 enrolling in grades 2-8 could “demonstrate near or at grade-level proficiency in Spanish
26 reading and writing in order to enter the program.”⁶

27 At Roskruge, these issues create barriers to academic success because teachers must
28 not only differentiate instruction by content-area (for example, for a student struggling in

26 ⁵ TWDL Program Review pp. 12-13 (ECF 2061-6 at 23-24).

27 ⁶ See “District Guidelines for Recruitment & Enrollment of Students into the TWDL Program”
28 Section I.B. “Grade Levels for Entry” (ECF 2061-6 at 146-147).

1 math), but must also differentiate instruction for *language proficiency* (for students not
 2 proficient in Spanish).⁷ According to Ms. Molina, these issues affect students' social and
 3 emotional well-being (late enrollees often lack skills to engage fully in grade-level work in
 4 Spanish and are often frustrated and disengaged) and academic achievement (late enrollees
 5 negatively affect and skew achievement results for the whole program).

6 As a magnet and as a dual-language program, Roskruge must offer a competitive
 7 academic program. The point-of-entry issue is a structural hindrance to achieving the type
 8 of academic and linguistic results that 90/10 programs across the country are able to achieve.
 9 This situation is unfair to students who started in grades K-1 and to those struggling after
 10 enrolling in grades 2-5, and frustrating to dual-language elementary teachers who support the
 11 proposal, and have voiced their positions in writing:

12 “Teachers and students are equally frustrated because of the need to bridge such a huge
 13 linguistic gap when students enter at grade[s] other than K & 1. It’s detrimental to
 14 student progress when they are not only working on attaining grade level content but
 15 having to do it without any foundational skills in Spanish. It’s also detrimental to the
 16 students that have been in TWDL from K-1 who are now in the upper grades because
 17 it slows down their program in order to support those new to the program....If we really
 18 want to integrate and attract families from the north and east sides, we have to be able
 19 to offer them an excellent program. These issues are preventing us from doing that.”

20 The lack of academic progress translates to frustrated efforts to attract non-Hispanic students
 21 to further integrate the school. Thus, the present point-of-entry issue negatively affects both
 22 academic achievement and integration efforts at Roskruge.

23 **C. A Home School for Roskruge- & Richey-Area Students Not Interested in TWDL**

24 Over 120 neighborhood students living in the Roskruge and Richey attendance areas
 25 attend TUSD schools. Of those, a little more than half attend Roskruge (64) and the other
 26 half attend other TUSD schools (60). Every year, staff and parents scramble to find other

27 ⁷ Point-of-entry is a non-issue at one other school-wide TWDL program, Davis, for two reasons.
 28 First, retention is high at Davis: most students start in K-1 and tend to stay through 5th grade. There
 are very few opportunities for students to enter after first grade. Second, the Roskruge boundary is
 three times the size of the Davis boundary, creating greater potential for neighborhood students to
 seek entry in grades 2-5.

1 educational options for Roskruge neighborhood students who are not interested in the TWDL
2 model at Roskruge. Where possible, TUSD seeks to provide transportation to alleviate the
3 burden on parents, but this is not always feasible. The District examined multiple options for
4 creating a suitable “second home school” for students and parents in the area that were not
5 interested in enrolling in a dual language program. As stated by a Roskruge teacher in written
6 feedback to the proposal, two-way dual language “should be a choice,” and not forced on
7 students “just because we are their neighborhood school.” The proposal supports parental
8 choice and identifies Cragin as the most viable option for neighborhood students not
9 interested in TWDL, supported by free transportation. In effect, Roskruge and Richey
10 neighborhood students will have an option that no other students have in TUSD, two home
11 schools: Roskruge (through the special attendance area for grades K-1) and Cragin (for
12 students not interested in the 90/10, two-way dual language model).

13 **D. Proposal Development Process**

14 These issues (point-of-entry, late enrollees, negative impacts to academic achievement
15 and integration efforts, and no designated option for students and parents not interested in
16 TWDL), have negatively affected the only District magnet school that is not yet integrated.
17 Based on Ms. Molina’s identification of these issues in 2016, the District has spent two years
18 developing a proposal to strengthen the TWDL program at Roskruge while minimizing
19 negative impacts to neighborhood students in a manner aligned with its TWDL Access Plan
20 (see ECF 2126-1 at 356, 2017-18 DAR Appendix II-18).

21 To ensure students are at the best school for their educational interests, the District
22 developed a boundary change proposal based on the following objectives:

- 23 • strengthened TWDL program
- 24 • improved academic achievement
- 25 • minimized impacts to existing/future students in the Roskruge/Richey neighborhoods
- 26 • increased access for 5th graders from other K-5 TWDL programs
- 27 • a designated receiving school for students not interested in, or qualified for, TWDL

1 Pursuant to Governing Board Policy JC, District staff formed boundary and advisory
 2 committees to develop and evaluate options. Pursuant to USP §I.D.1, §II.D.2, and the DIA
 3 and NARA processes, the District invited each plaintiff class and the Special Master to
 4 provide one representative to participate as a voting member of the boundary review
 5 committee. Dr. Hawley provided an IC member, the Mendoza Plaintiffs provided a
 6 representative, and the Fisher Plaintiffs provided two representatives.

7 The District sent a draft Desegregation Impact Analysis (DIA) to the Special Master
 8 and plaintiffs on February 1, 2019. Subsequently, the District discussed the Roskruge
 9 proposal at-length with both the Mendoza and Fisher counsel and representatives during
 10 monthly meetings with Superintendent Trujillo. Further, the District held several phone
 11 meetings with the Mendoza Plaintiffs and an in-person meeting with the District's consultant,
 12 Ms. Molina, and the Mendoza Plaintiffs' consultant, Dr. Beatrice Arias. The District used
 13 feedback from the community, the boundary and advisory committees, and the Special
 14 Master's IC member and plaintiff representatives to inform all provisions of the proposal.

15 **E. Proposal to Revise the Boundary for Grades 2-5 at Roskruge Magnet**

16 After many months of analysis, public meetings, boundary committee meetings,
 17 advisory committee meetings, and meetings with plaintiffs, the advisory committee
 18 recommended the creation of a special attendance area, giving enrollment preference to K-5
 19 students in the Roskruge and Richey neighborhoods to attend Roskruge or Cragin, based on
 20 the following conditions:

- 21 • Grandfather existing students: all existing students are “grandfathered” and may remain
 22 at Roskruge through 8th grade, including those starting Roskruge in 2019-20
- 23 • No student is affected in 2019-20: the proposal takes affect for the 2020-21 school year
- 24 • Nothing changes for K-1 neighborhood students: future Roskruge/Richey area students
 25 may enroll at grades K-1 as if they were neighborhood students

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- Grade 2-5 neighborhood students qualify through a language proficiency review: future Roskruge/Richey area students may qualify for “late-grade entry” (grades 2-5) through a language proficiency review, with priority over other qualified students
- K-5 neighborhood students can enroll in Cragin by right: future Roskruge/Richey area students who are not interested in TWDL may directly enroll in Cragin as neighborhood students
- K-5 neighborhood students can get free transportation to Cragin: future Roskruge/Richey area students who are not interested in TWDL qualify for free transportation to Cragin
- K-5 neighborhood students can still attend Mansfeld/THS: future Roskruge/Richey area students will keep Mansfield and Tucson High as their neighborhood middle and high school

The full Roskruge Magnet K-5 Boundary Proposal is attached hereto as Exhibit 1.

F. Desegregation Impact Analysis

In addition to the benefits to students (academic, linguistic, and social/emotional), parents (increased choice, transportation support), and teachers (fidelity to the TWDL model), this proposal supports the District’s ability to meet its USP obligations under student assignment and quality of education. After analyzing potential integration, student assignment, and USP-related impacts over the past 10 months, the District has determined that this action will have minimal immediate impact, but the potential for long-term positive impact at Roskruge. See Exhibit 2, Roskruge DIA.

1. Minimal impact to future Roskruge and Richey neighborhood students

Due to the creation of a special attendance boundary for Roskruge/Richey students in grades K-1, the proposal will only affect future neighborhood students in grades 2-5 who do not qualify through the screener. As noted, 64 K-5 neighborhood students attended Roskruge in 2018-19. Of those 64, 49 started Roskruge in grades K-1. Had this proposal been in place this past school year, 15 neighborhood students who entered in grades 2-5 may have been affected. However, of the 15, five were ELL, Reclassified-ELL, or IFEP students who would

1 likely have passed the Spanish proficiency screener. Thus, only 10 neighborhood students
2 may not have passed the screener and may have not qualified to attend Roskruge.

3 The District has an opportunity to enhance educational quality and provide a more
4 rigorous dual-language experience for more than 600 future students. As a result,
5 approximately 10 future neighborhood students may no longer qualify if they do not start in
6 kindergarten or first grade. To mitigate this impact, the District will strengthen marketing and
7 recruitment within the former neighborhood boundary area so families are clear about the
8 importance of enrolling their child at Roskruge in the entry grades.

9 2. Providing more students an opportunity to attend an integrated school

10 Cragin is an integrated school with capacity to increase its enrollment. The proposal
11 includes free transportation and an alternative neighborhood school for students not interested
12 in two-way dual language. Future students could decide to go from a 79% racially
13 concentrated school that offers a program they do not want, to an Integrated school with a
14 unique, school wide focus on diversity, equity, and inclusion.⁸

15 3. Positively affect integration at Roskruge over time.

16 “Because there are many options for Roskruge and Richey neighborhood students to
17 attend the school, this is a relatively small change, and as there is very little difference in the
18 composition of non-neighborhood students and neighborhood students, there is virtually no
19 impact on the ethnic composition by this change” for Roskruge. Exhibit 2, Roskruge DIA at
20 2. While the boundary change will not affect integration immediately, the District designed
21 the proposal to improve academic achievement over time, thereby increasing the school’s
22 attractiveness for future magnet students that will in turn improve integration.

23 4. Teachers and other stakeholders support the proposal

24 While not every stakeholder supports the proposal, written and verbal feedback reveals
25 overwhelming support for the proposal from parents and teachers – indicating a positive

26 ⁸ In 2018-19, Cragin participated as one of a select-number of schools in a yearlong pilot
27 program by Harvard Graduate School of Education focused on improving inclusivity and
28 integration called RIDES (Reimagining Integration: Diverse and Equitable Schools).

1 impact on family engagement in the future. Stakeholders who provided written feedback
2 supported the proposal by a margin of **28 to 7** (see Ex. 1, at 13-14, Attachment 3 pages 1-2).
3 The District will continue to work with stakeholders who opposed the proposal to find
4 solutions to any identified issues.

5 **Conclusion**

6 On July 9, 2019, the Governing Board approved the proposal subject to Court
7 approval. This action will strengthen a dual language magnet program by improving
8 academic and linguistic achievement, addressing the point-of-entry issue raised by the dual
9 language expert, minimizing impacts to existing and future Roskruge and Richey
10 neighborhood students, creating more choice for parents, and increasing opportunities for
11 students to attend an integrated school. In addition, a majority of stakeholders support this
12 proposal. As this action supports the District’s ability to meet its USP obligations under
13 student assignment and quality of education (and does not negatively impact any other USP
14 area), the District respectfully requests approval of the request to create a no-boundary
15 attendance area for Roskruge K-8 Magnet School by eliminating its K-5 boundary, beginning
16 in the 2020-2021 school year.

17 Respectfully submitted on July 16, 2019.

18 **TUCSON UNIFIED SCHOOL DISTRICT**
19 **LEGAL DEPARTMENT**

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Certificate of Service

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2 **ORIGINAL** of the foregoing filed via the CM/ECF Electronic Notification System and
3 transmittal of a Notice of Electronic Filing provided to all parties that have filed a notice of
4 appearance in the District Court Case.
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7 s/ Samuel E. Brown
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