

1 P. Bruce Converse (#005868)
bconverse@dickinsonwright.com
2 Timothy W. Overton (#025669)
toverton@dickinsonwright.com
3 **DICKINSON WRIGHT PLLC**
1850 N. Central Avenue, Suite 1400
4 Phoenix, Arizona 85004-4568
courtdocs@dickinsonwright.com
5 Phone: (602) 285-5000
Fax: (844) 670-6009

6 Robert S. Ross (#023430)
7 Robert.Ross@tusd1.org
Samuel E. Brown (#027474)
8 Samuel.Brown@tusd1.org
TUCSON UNIFIED SCHOOL DISTRICT
9 **LEGAL DEPARTMENT**
1010 East Tenth Street
10 Tucson, Arizona 85719
Phone: (520) 225-6040
11 *Attorneys for defendant*
Tucson Unified School District No. 1

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

14
15 Roy and Josie Fisher, et al.,
Plaintiffs,
16 v.
17 Tucson Unified School District No. 1, et al.,
Defendants.
18
19 Maria Mendoza, et al.,
Plaintiffs,
20 v.
21 Tucson Unified School District No. 1, et al.,
Defendants.

4:74-cv-0090-DCB
(Lead Case)

4:74-cv-0204 TUC DCB
(Consolidated Case)

22
23 **DISTRICT'S RESPONSE**
24 **TO PLAINTIFFS' OBJECTION (2282)**
25 **TO NOTICE OF COMPLIANCE**
REGARDING O&R ADDENDUM (2270-5)

1 The Court directed the District to prepare an Outreach and Recruitment Addendum
2 for both the Magnet Program and the Advanced Learning Experiences (ALE) Program.
3 [ECF 33-34, 149.] The District prepared an Outreach and Recruitment Addendum, filed
4 as Exhibit E to the 3-Year Plus Integration Plan. [ECF 2270-5.]

5 The Addendum begins with an overview of the outreach and recruitment process
6 for the magnet and ALE programs, identifying the district departments that are involved
7 in the process and their respective roles, the interdepartmental committee that oversees
8 and coordinates the overall effort, and implementation, assessment, and planning cycle
9 for the process. [ECF 2270-5, pp. 2-3.]

10 The major part of the Addendum consists of a detailed review and assessment of the
11 many outreach, recruitment and marketing efforts undertaken in SY18-19, describing
12 each and assessing whether the effort was successful and should be continued, expanded,
13 modified or discontinued for SY19-20. This section includes an attachment setting out
14 the site-based outreach and recruitment activities of each magnet school. [ECF 2270-5,
15 pp. 5-37.]

16 Finally, the Addendum concludes with the 2019-20 Plan for Outreach, Marketing
17 and Recruitment for Magnet and ALE Programs, which functions as the operating plan
18 for the District in the current year.

19 Each year, the cycle of implementation, assessment, and planning for the following
20 year will be repeated.

21 **A. The District Does Employ “Pro-Integrative” Marketing Strategies That**
22 **Broadly Promote Integration, But Are Not Tied to Specific Magnet or ALE**
23 **Programs, and Are Thus Outside the Scope of the O&R Addendum.**

24 The District uses both explicit and implicit strategies to promote integration within
25 the schools and district, in all settings, not merely those tied to magnets and ALE

1 programs. Explicit strategies directly address the benefits of an integrated educational
2 setting; implicit strategies convey a message through photos, videos, and written
3 descriptions. The Mendoza Plaintiffs complain that these “pro-integrative” strategies are
4 not addressed in the O&R Addendum. Most of these “pro-integrative” approaches are
5 not specific efforts tied to a particular magnet or ALE program, so they were outside the
6 scope of the O&R Addendum, which the Court had directed was to be focused on magnet
7 and ALE programs. Nonetheless, the District provides the following information for the
8 Court.

9 **1. Explicit Strategy**

10 The District developed its Knowledge Changes Everything campaign in the 2016
11 school year. The campaign content is research based and provides insights on how
12 schools and students are more successful in an integrated school environment than a non-
13 integrated environment. Its content promotes integration, diversity, and racial equality.
14 The campaign won the 2017 Excellence in Communication Award from the Arizona
15 School Public Relations Association and was presented at the National School Public
16 Relations Association in July 2017.

17 Knowledge Changes Everything remains an active campaign with the content on
18 the Tucson Unified website and is accessible through program links or the logo on the
19 footer of each page. Knowledge Changes Everything is included the Catalog of Schools
20 which highlights each school, their programs, and ethnically diverse student photos. This
21 is printed in both English and Spanish, and is distributed to every school, as well as is
22 available on the District Website. Additionally some departments and staff members use
23 it on their department pages or in their email footer.

24
25

1 **2. Implicit Strategies.**

2 The Communications department annually develops a number of printed materials
3 for schools, programs, and the District each year. Additional strategies and tactics that
4 are used to promote inclusivity and diversity in these materials are implicit. Written
5 content includes terms like “culturally-rich environment” “diverse students” and “global
6 minded” to share the ideas of inclusivity and ethnic diversity on our schools. Videos and
7 photographs highlighting events, students, or teachers show ethnically/racially diverse
8 individuals. Many times a culturally diverse student group is shown working together or
9 are featured as speakers in the video. Also, artwork and music programs are shown to
10 highlight not only the presence of fine arts education, but cultural diversity within the
11 school.

12 An example of a regular video series includes the superintendent’s weekly video
13 newsletter. In this video he promotes what is special about the school he is visiting, and
14 a culturally diverse group of students is featured. Below is a snapshot photo of a recent
15 group at Bonillas Traditional Magnet School. . To see the video for this school, go to
16 video link #1. ¹



22
23
24
25 ¹ Video Link #1: <https://www.youtube.com/watch?v=gCJfT0E3AaA>

1 District events of all types are promoted through websites, parent emails, shared
2 with local media and on social media, and Facebook live videos. These include events
3 like Adelante, Parent University, and cultural event nights at schools. Each event is
4 targeted at distinct parent groups dependent on who is hosting the event. The events are
5 followed up with photos, slideshows and videos on social media posts and school
6 website, many of which include diverse populations.

7 Rack cards are updated for school and programs each year, as requested, including
8 new photos that highlight the district's diverse student body. These are shared at schools
9 and enrollment events. District events of all types are promoted through websites, parent
10 emails, shared with local media and on social media, and Facebook live videos. These
11 include events like Adelante from MASSD, Parent University from the AASSD, and
12 cultural event nights at schools. Each event is targeted at distinct parent groups
13 dependent on who is hosting the event. The events are followed up with photos,
14 slideshows and videos on social media posts and school website, again showcasing a
15 diverse TUSD population.

16 In developing community outreach, it is important for a school district to promote
17 the value added of having a particular magnet in the district and educating the community
18 about its missions and achievements.² The focus is first on quality of the school education
19 and specialty program followed by the cultural diversity of the student body. Parents
20 who send students to Magnet schools are typically seeking a specific type of program,
21 making this the most important element of advertising.

22
23
24 ² No Child Left Behind, US Department of Education, 2008, Creating and Sustaining
25 Successful K-8 Magnet Schools, 39-41, <https://www2.ed.gov/admins/comm/choice/magnet-k8/magnetk-8.pdf>

1 **B. The District Properly Focused on Booth-Fickett, the Only Magnet School Not**
2 **Yet Integrated, and Assessed Marketing Efforts Directed to ALEs in an**
3 **Effort to Increase Participation in All ALEs.**

4 **1. Magnet Program: Booth-Fickett.**

5 Booth-Fickett is the only magnet school not yet integrated, and it was specifically
6 identified as a school that needed additional promotion. The District developed two
7 television commercials and a radio ad that specifically promoted the school and showed
8 diverse students participating. These ads ran in May and June 2019.

9 The Communications department also worked with the school to help them create
10 a regular social media presence on Facebook in order to highlight the diverse school
11 events and programs and developed Magnet promotional fliers, rack cards, folders and
12 promotional give away items.



1 The department also created videos and Facebook live video shares at school
2 events. In addition, Booth Fickett participated in Magnet and ALE Enrollment events in
3 November and December 2018, as well as the Tucson Book Festival in March 2019

4 **2. ALE Program: GATE**

5 The District constantly creates new materials to distribute to families to encourage
6 them to enroll their eligible students in ALEs, and it works within its own units and with
7 outside organizations to distribute those materials. This is done through a collaborative
8 approach between the Communications department and the applicable department or
9 program.

10 For example, the GATE department holds GATE Night events prior to GATE
11 testing to inform parents, with special outreach to African American and Hispanic
12 families, about opportunities to participate in GATE programs as an ALE choice. The
13 District sends GATE Night invitations to each student's home address and posts GATE
14 Invitation to Test mailers and invitations at every site and on the Tucson Unified and
15 GATE websites and includes them in the District Team Update. In addition, the District
16 sends GATE Night notice postcards to every school office to distribute to parents, and
17 the sites also hand them out at parent-teacher conferences. The Communications
18 department assists with the design and creation of materials, posting relevant information
19 on websites, and information distributed to the broader Tucson community.

20 **a. Self-Contained GATE**

21 The Self-Contained GATE program is a tested-in program and, all district students
22 are tested in first and fifth grades for possible placement in this program. Outreach and
23 recruitment efforts for African American and Hispanic students are thus focused on
24 testing information and targeted outreach to accept offered placement.

25

1 As stated in the ALE Progress Report, “The District identified and implements
2 dozens of recruitment strategies for African American and Hispanic students and, as
3 explained throughout this report, African American and Hispanic enrollment in GATE
4 has increased significantly over the last five years. As discussed in more detail on pages
5 12-13 of the ALE Policy Manual, the District has continued the most effective strategies
6 and will continue to identify and implement actions to improve the enrollment of African
7 American and Hispanic students in the District’s GATE program.”

8 **b. Offering opportunities for peer-to-peer recruitment**

9 The District’s GATE department hosts parent events, including Family
10 Enrichment Night, parent information sessions, district-wide GATE open houses (one for
11 elementary self-contained sites and one for middle school self-contained sites), and site-
12 based open houses at every GATE self-contained school. These events provide a forum
13 for parents of GATE students to share their experiences with prospective parents and
14 provide more information about the program.

15 Additional peer-to-peer recruitment occurs as students present their positive
16 experiences at open houses and through videotaped testimonials of student experiences
17 in self-contained GATE that are shared with parents on the District website and at events.
18 This has been an effective strategy to recruit new GATE self-contained families.

19 **c. Providing parent outreach and education**

20 The District provides substantial parent outreach and education regarding the
21 benefits of GATE. For example, the GATE department collaborates with schools to hold
22 informational “Cafecitos” (morning meetings) to inform parents regarding the benefits in
23 participating in available ALEs. The GATE department also collaborates with the Family
24 Resource Centers (part of the Family and Community Engagement Department) to

25

1 present information at their parent meetings; with the Mexican American and African
2 American student services departments to attend parent open houses at designated sites
3 with GATE programs; and with the Communications and Media Relations Department
4 to attend District parent outreach events, resource fairs, and the Impact and School
5 Choice Fair. As shown above, GATE participation continues to grow, including for the
6 District's African American and Hispanic students.

7 **d. Designating a contact person for all GATE recruitment**
8 **information.**

9 The District designates a contact person and phone number in the GATE
10 department for all GATE recruitment information.

11 **e. Improving GATE participation through staff training on the**
12 **open-access philosophy and identifying and recruiting African**
13 **American and Hispanic students.**

14 The District developed a comprehensive professional development program,
15 which provides district-wide training on how to identify prospective students for ALEs
16 (including GATE), how to contact parents to encourage ALE participation, and how to
17 encourage African American and Hispanic students to enroll in ALEs. The District also
18 holds professional development meetings, providing information about identifying
19 African American and Hispanic students for ALEs by utilizing test scores and site visits.

20 Additionally, the ALE Director visits schools on a regular basis, sharing the
21 District's open-access policy with counselors and principals and encouraging them to
22 share this information with AAC teachers, students, and families.
23
24
25

1 **3. ALE Program: Advanced Placement.**

2 The District employs several strategies for outreach and recruitment of African
3 American and Hispanic students to enroll in AP courses. The strategies are identified in
4 the assessment portion of the O&R Addendum. [2270-5, pp. 12-13.], in r

5 As noted there, the District uses the AP Potential Report to identify and recruit
6 African American and Hispanic students to Advanced Placement courses. “In
7 conjunction with College Board, provide PSAT AP Potential Training to school
8 administrators and counselors. Each year students in grades 9, 10, and 11 take the PSAT.
9 The results of this test are used help identify students with potential to do well in AP,
10 Dual Credit, or IB classes. The College Board trains counselors and administrators in the
11 development of the AP Potential Report. The ALE Director also prepares a Parent Link
12 automated message to all students showing potential to do well, encouraging them to
13 register for AACs. Student Success Specialists from African American and Mexican
14 American Student Services make individual phone calls to all African American and
15 Mexican American students and families encouraging them to enroll in AACs.”³

16 The ALE and other departments work together on many of these listed and
17 described below.⁴

- 18 a. Expanding the availability of AP classes, including those of high interest
19 to African American and Hispanic students.
20 b. Distributing new AP recruitment flyers and/or rack cards created for
21 interested students and parents.
22

23
24 _____
³ ALE Operations Manual (Document 2267-3), page 16.

25 ⁴ ALE Progress Report (Document 2267-2), pp. 49-53.

- 1 c. Providing professional development to designated staff to consistently
- 2 and more effectively use the AP Potential Report for student
- 3 recruitment.
- 4 d. Increasing family communication and engagement at Tucson High
- 5 School to increase AP participation and add counselors to help with
- 6 recruitment and retention of students in AP classes.
- 7 e. Creating and implementing an AP support program for AP recruitment
- 8 and support for African American and Hispanic students.

9 The success of these strategies is evidenced by increased enrollment in AP courses.
10 Tucson Unified has also “received awards for its AP participation and success with
11 minority students. The District is the only Arizona district that made the College Board’s
12 Annual AP District Honor Roll two years in a row. An important part of this award was
13 increased access to AP courses and increased levels of participation among African
14 American and Hispanic students.”⁵

15 **4. ALE Program: UHS**

16 The District identified and assessed its specific outreach and recruitment efforts
17 for UHS in the assessment portion of the Addendum. [ECF 2270-5, pp. 13-16.] UHS
18 works closely with the Communications department to create appropriate outreach
19 materials and to advertise its many events as appropriate. The outreach is also discussed,
20 in narrative format, in the District’s ALE Progress Report, incorporated herein by
21 reference. UHS outreach and recruitment is thorough, intensive, and constantly analyzed
22 and assessed by a very assiduous administration that is constantly seeking ways to

23
24 _____
25 ⁵ ALE Progress Report (Doc. 2267-2, p.52). Information also in the DAR for 2016-17,
p. 198.

1 increase minority enrollment. UHS consistently ranks within the top three high schools
2 in the country in diversity of its student body, among exam-based high schools.

3 UHS is intentional in its recruitment of African American and Hispanic students
4 to increase the number of these qualified students who accept placement at the school.⁶
5 Admission to UHS is based on students meeting a set of criteria, including exam scores,
6 GPA, and a behavioral-attitudinal measure. Freshman UHS students take both AP and
7 pre-AP courses, transitioning into a schedule of almost all AP coursework as they advance
8 through their high school careers. UHS's principal and assistant principal meet with the
9 Recruitment and Retention Coordinator weekly to strategize regarding efforts to recruit
10 African American and Hispanic students. UHS also hosts a yearly counselor breakfast
11 where middle school counselors, principals, and other staff learn how to help students
12 meet UHS requirements and how to recruit African American and Hispanic students to
13 accept admission and attend UHS. The principal also regularly meets with the African
14 American and Mexican American student services departments to provide them with
15 information about UHS requirements and assist in recruiting future students and sharing
16 information with families for home visits.

17 The District also implemented additional strategies to improve
18 participation, as discussed in more detail below.

19 **a. Identifying recruitment strategies for African American and**
20 **Hispanic students and determine whether these strategies are**
21 **effective**

22 UHS identified and implements several strategies to improve recruitment
23 of African American and Hispanic students. For example, UHS engages African

24 ⁶ The following discussion is take from the ALE Progress Report, ECF 2267-2, pages 66
25 – 71, but is relevant to the issue raised by the Mendoza Plaintiffs regarding prioritization
for outreach and recruitment efforts for ALEs in which African American and Latino
students may be underrepresented.

1 American and Hispanic families from the school to call 8th grade students who qualified
2 for UHS admission to answer questions and encourage enrollment.

3 Additionally, the UHS Parent Association, with support from UHS
4 Administration, sets up zip code parties and meetings for new to UHS families to help
5 increase the diversity of parent participation. Current UHS families host gatherings at
6 their homes and invite new UHS families, make welcoming phone calls and engage with
7 families in their general neighborhood to build a community of support, and promote
8 involvement on campus and with the Parent Association.

9 The Parent Association is involved in several parent events in which UHS parents,
10 including African American and Hispanic parents, share tips about parenting prospective
11 UHS students and UHS freshmen; experiences for getting in and succeeding at the school;
12 and ideas for parent engagement on campus and with other UHS families. The parent
13 meetings and events have been held during BOOST (one evening and one morning
14 meeting) and during the BLAST middle school program, which UHS hosts.

15 For SY18-19, UHS hosted its annual welcome night and completely changed the
16 format and theme, making it a formal event called “Freshman Acceptance Gala.” Students
17 were encouraged to bring their entire family, dress up, and walk a red carpet where
18 photographers snapped pictures of students and their families with their acceptance
19 certificates. The gala included performances, testimonies from current students, and an
20 inspirational video about UHS (<https://youtu.be/s1B0Em3FOJ8>). After the formal event,
21 families were surprised with a firework show outside before they entered the gym to meet
22 with more than 100 different academic departments, clubs, fine arts programs, and athletic
23 teams. More than 1,200 students and family members attended this year’s event.

24
25

b. Developing strategies for family peer-to-peer recruitment.

1 UHS provides peer-to-peer recruitment at several events held throughout the year,
2 connecting diverse students and parents to attract African American and Hispanic
3 students to UHS. As noted above, UHS holds and sponsors events where current UHS
4 families host parties based on zip codes around Southern Arizona to welcome all
5 incoming students. Current UHS families make connections with new parents and
6 students to provide family mentoring and additional support. UHS recruits diverse
7 families as hosts so that incoming students and families can connect with them, providing
8 additional peer-to-peer recruiting. Additionally, the Parent Penguin to Penguin program
9 supports parents new to UHS through ongoing contact with current parents. Parents also
10 share their experiences at other events where appropriate, such as the Freshman
11 Acceptance Gala, BLAST parent workshops, and the Annual Multicultural Scholars
12 Dinner.

c. Conducting specific outreach to 8th grade students identified through CogAT

13 UHS invites all 8th graders who meet the CogAT criteria to spend a day on campus
14 to participate in leadership activities; learn about UHS academic classes, clubs,
15 extracurricular activities, and athletics; and make new friends. The staff matches
16 prospective students with current UHS students to serve as mentors. More than 600
17 students from both District and non-District schools attended in SY18-19.

d. Improving marketing for UHS testing and admissions

18 The District continually conducts recruitment and outreach activities to
19 prospective and incoming students to attract more African American and Hispanic
20 students to qualify and accept placement at UHS. The UHS Admissions Office shares
21 information with 6th and 7th grade students to introduce them to the opportunities
22
23
24
25

1 available at the school and familiarize them with the admissions criteria earlier so they
2 can better plan middle school course selections during fall and spring. In addition, UHS
3 holds two evening presentations for families of 7th grade students in the spring. All
4 families of 7th graders receive a ParentLink email and phone call with information about
5 the events. Other outreach activities include visits to every school, home visits, campus
6 tours, and personal phone calls by the Recruitment and Retention Coordinator and UHS
7 staff. In addition, the coordinator, UHS counseling staff, and a group of Hispanic and
8 African American families call every African American and Hispanic student who
9 qualifies for admission to offer congratulations and support, answer questions, and ask to
10 arrange a social gathering and/or a home visit.

11 The District focuses middle school student enrollment efforts on improving
12 recruitment through personal outreach, visits to all middle schools, flyers and television
13 outreach for general communication, attendance at community events, UHS campus visits
14 for potential student applicants, and collaboration with the Family Resource Center staff.
15 The District shares these strategies with parents at several events, and the ALE Director
16 is working to combine these various strategies into a Parent Handbook.

17 **e. Major Recruitment and Outreach Events**

18 (i) Step Up Day: UHS invites all 8th graders who meet the CogAT
19 criteria to spend a day on campus to participate in leadership activities; learn about UHS
20 academic classes, clubs, extracurricular activities, and athletics; and make new friends.
21 The staff matches prospective students with current UHS students to serve as mentors.
22 Hundreds of students from both District and non-District schools attend.

23 (ii) Annual Multicultural Scholars Dinner: The District invites all
24 Tucson Unified 6th, 7th, and 8th grade African American students who had a minimum
25

1 of a 2.5 GPA to attend the dinner with their families. UHS recently expanded the event
2 to include 6th and 7th graders as a way of engaging students at an earlier age to consider
3 UHS as a high school option and to inform them of the admissions process. This dinner
4 brings together many visiting African American parents and students with current UHS
5 African American families.

6 (iii) Freshman Celebration: More than 1,000 parents and students
7 who qualify for UHS admission learn about course selection, clubs, athletics, and
8 activities.

9 (iv) Penguin Parent to Parent: This UHS Parent Association has a
10 parent support program that trains parents on the UHS admissions policy, curriculum,
11 course requirements, and other important topics and sparks more supportive and engaging
12 conversations with new African American and Hispanic families. The UHS Parents
13 Association also is involved in meetings to share important information with incoming
14 families about the school and provide mentoring.

15 (v) Welcome Wagon Events: During the summer, UHS families host
16 dozens of back-to-school parties to welcome new students who live within their zip codes.
17 Families provide food, share stories, promote the school, and create opportunities for
18 carpools and parent support.

19 (vi) BLAST: This program focuses on African American and
20 Hispanic student recruitment and brings hundreds of students to the UHS campus during
21 the first two weeks of June. The goal of BLAST is to provide an intensive academic
22 enrichment camp for African American and Hispanic students who just completed 6th or
23 7th grade. This camp provides admissions, coursework, and other information about UHS
24 and incorporates fun, hands-on learning opportunities that include leadership,
25

1 socioemotional learning, extracurricular activities, and free breakfast and lunch. The
2 Penguin-to-Penguin program has expanded to focus on freshmen mentoring to guide these
3 students as they complete their 7th and 8th grade years.

4 In addition to student support, UHS parents host workshops for the parents of
5 students who attend BLAST, as mentioned earlier. At these workshops, UHS African
6 American and Hispanic parents share their experiences at UHS and provide advice and
7 guidance for how parents can help their students prepare for admission into UHS. During
8 the next school year, current UHS parents follow up with parents who attended BLAST
9 parent meetings to confirm that families have the resources and support they need.

10 **f. Implementing a summer program for 7th and 8th grade students**
11 **who have qualified for UHS**

12 As discussed above, the District's innovative BLAST program brings hundreds of
13 students to the UHS campus during the first two weeks of June to provide an intensive
14 academic enrichment camp for students who just completed 6th or 7th grade. This camp
15 provides admissions, coursework, and other information about UHS and incorporates fun,
16 hands-on learning opportunities that include leadership, socioemotional learning,
17 extracurricular activities, and free breakfast and lunch.

18 **g. Investigating and documenting why each African American and**
19 **Hispanic student has declined a UHS enrollment invitation and**
20 **developing a remedial strategy**

21 The District regularly investigates why each African American and Hispanic
22 student declines a UHS enrollment invitation, and it develops remedial strategies to
23 address this issue. For the 2018-19 UHS Freshman class, sixteen African American
24 students qualified for admission to UHS. Seven students accepted the invitation by March
25 1. Five African American UHS parents, in collaboration with the UHS counseling team,
called the remaining African American students. An additional three students accepted

1 placement, for a total of ten African American students accepting placement for SY18-
2 19. Documented reasons for declining placement have included wanting more athletic
3 options and a more flexible academic curriculum. Students who declined indicated they
4 would be attending Cholla, Sabino, Tucson High, BASIS, and Salpointe. For the 2018-
5 19 UHS Freshman class, 139 Hispanic students qualified for admission to UHS. Eighty-
6 eight students accepted the invitation by March 1. Five Hispanic parents, in collaboration
7 with the UHS counseling team, called the remaining students. UHS also arranged ten
8 tours as follow-up. An additional twelve students accepted placement, for a total of 100
9 Hispanic students accepting placement for SY18-19.

10 **5. ALE Program: Internationale Baccalaureate**

11 The District identified and assessed its specific outreach and recruitment efforts in
12 the assessment portion of the Addendum. [ECF 2270-5, pp. 13-16.] The Internationale
13 Baccalaurate program at Cholla High School is an open access ALE and is open to all
14 students district-wide who choose to participate. Outreach to all students is done
15 throughout the year through participation in all district-wide events where the program
16 can be showcased and/or explained.

17 Cholla worked directly with the Magnet and ALE departments to attend and host
18 as many recruitment events as possible to attract students to the program. The Cholla IB
19 department also established a working relationship with the School Community Services
20 department for magnet placement using open enrollment priorities within IB Prep and
21 Diploma programs. Many IB Prep students continue into the IB Diploma Programme. In
22 addition, as an open-access ALE, Cholla conducts school-wide recruitment of all 10th
23 graders for the Diploma program. The District also distributes the IB recruitment flyers,
24 Student Guidelines for International Baccalaureate (IB) Courses, to parents and students.

25

1 **C. The District Properly Assessed its Existing Outreach and Marketing**
2 **Strategies and Adopted Any Strategies Suggested by the Surveys it did**
3 **Conduct and This Court's Earlier Rulings**

4 The District carefully and thoroughly went through all of the District's outreach
5 and recruitment efforts related to magnet and ALE programs. Each one was assessed,
6 and decisions regarding the following year's efforts were made based on that assessment.
7 In addition, the District conducted a survey of all parents in the District, and collected and
8 analyzed the results. In the face of this effort – part of an annual review and assessment
9 process that will continue each year, the Mendoza Plaintiffs assertion that the District did
10 not catalog and assess its outreach and recruitment efforts is simply and flatly incorrect.

11 To the extent that the Mendoza Plaintiffs take issue with the particulars of the
12 survey, they miss the mark. The key is that the District did the survey, tabulated the
13 results, and used the results in decision-making for the following year. The law does not
14 require more as a condition for termination of supervision. The District selected the
15 methodology that would provide the most salient information the District needed – to
16 assess which Magnet OR strategies had proven most effective in promoting integration
17 and to assess whether these strategies could be effective for promoting integration for
18 ALE schools/ programs. In the spring of 2019, online surveys were sent out to all families
19 in the district. The District chose to conduct a survey that went out to all District families
20 rather than a random sample of families because the District wanted responses from
21 families in all situations - those that had already chosen to send their children to Magnets
22 or had their children in ALE programs, and those that had not. The survey focused on
23 what marketing tactics helped a family learn about a Magnet or ALE. The majority of
24 responses noted they learned about a program through word of mouth. However,
25 information about advertising shares that it takes multiple touchpoints to recognize a

1 program and invest time in determining its value to that person. So it is likely that each
2 respondent learned about the Magnet and ALE programs through 2-3 forms of
3 communication.

4 The Mendoza Plaintiffs limit their discussion of the study findings to the fact that
5 a subset of respondents had personal knowledge or experience with GATE, while
6 ignoring that the study found that the more common communication vehicles were
7 personal contacts, which include but is not limited to informal networks, telephone calls,
8 and events where district staff have direct personal communications with
9 families. Current outreach/ recruitment activities such as open houses, events, personal
10 outreach via phone, email and in-person are all examples of effective personal contacts
11 between school or district personnel.

12 The Mendoza Plaintiffs question the efficacy of the study as a result of these
13 findings, but actually such findings provide the District with valuable information as to
14 how to move forward and indicate that the activities that take the most effort from District
15 staff – direct personal contact, at events, (events, personal outreach) can have an
16 impact. This confirms that the District’s existing heavy emphasis on the various forms
17 of personal contact should continue to be a significant focus of the District’s overall
18 outreach and recruitment effort.

19 Finally, the Mendoza’s mention peer to peer recruitment. It is an essential
20 component in UHS recruitment and retention strategies. Current UHS students attend
21 and manage aspects of the Blast and Boost programs, and the UHS Penguin-Penguin
22 program is precisely the peer-to-peer recruiting raised by the Mendoza Plaintiffs.

23
24
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

Conclusion

The District respectfully submits that these documents meet the requirements of the Court’s order, and that District is entitled to unitary status in this area of operations, as shown by the record herein, including its annual reports and its prior assessment of compliance.⁷ Accordingly, the District requests that the Court grant unitary status in this area of District operations (USP § II).⁸

Dated this 7th day of October, 2019.

Respectfully submitted,

/s/ P. Bruce Converse

P. Bruce Converse

Timothy W. Overton

DICKINSON WRIGHT, PLLC

1850 N. Central Avenue, Suite 1400

Phoenix, Arizona 85004-4568

Attorneys for Tucson Unified School

District No. 1

⁷ Compliance with USP requirements for magnet schools is addressed in the record at the following specific locations incorporated herein by reference: ECF 2057-1, pp. 43-79 and appendices cited therein; ECF 2124-1, pp. 17-34 and appendices cited therein; ECF 2075-2, and documents cited therein.

⁸ The District submits this notice filing without waiver of its position that there is no basis in fact or law for continued federal court supervision of the District in this or any other area, given the findings of Judge Frey in 1978, subsequent rulings of this Court, and the record herein. The District recognizes that the Court has overruled these objections, but wishes to make clear that they are preserved for appeal.

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I hereby certify that on the 7th day of October, 2019, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to all CM/ECF registrants.

/s/ P. Bruce Converse