

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.
22

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

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

23 **REPORT ON RESULTS OF**
24 **DIVERSITY PLAN FOR TEACHERS AND ADMINISTRATORS**
25 **FOR SY2019-20 (Orders 2217 and 2273)**
26

1 Pursuant to the Court's order in September, 2018 (ECF 2123), the District
2 prepared an analysis of the Teacher Diversity Plan, its implementation through SY18-
3 19, results, and resulting conclusions, and a review, study and analysis of the District's
4 Grow-Your-Own programs, in December, 2018. [ECF 2159-1 and 2159-3.] By order
5 dated April 22, 2019, the Court directed the District to modify its Teacher Diversity and
6 Grow Your Own programs, and to file a report on the results of the TDP program by
7 October 31, 2019. [ECF 2217.]

8 The primary directive for both programs in the Court's April, 2019, order
9 concerned personalized, focused recruiting among the District's administrative and
10 certified staff: (a) to find and recruit District teachers and administrators to transfer from
11 one District school to another, in order to improve diversity at the new school, and (b) to
12 find and recruit African American and Hispanic teachers in the District to enroll in the
13 District's Grow Your Own programs, to improve the number of qualified minority
14 candidates for administrator positions.

15 Accordingly, the District designated a central-staff, director-level employee to
16 conduct focused, directed efforts to recruit District teachers and administrators for the
17 programs. The District met with the Special Master in early May, 2019 to discuss the
18 approach to these issues, and then developed a detailed initial recruiting plan for both
19 programs based on the discussion in the meeting. The District provided a copy of the
20 plan to the Special Master, received comments back, and incorporated most of those
21 comments into the final plan. The resulting initial recruiting plan for both programs was
22 filed as an exhibit to the Supplemental Notice of Compliance on May 22, 2019. [ECF
23 2221-1.] In response the Court's order dated September 10, 2019 (ECF 2273), the
24 District filed a further revised Diversity Plan, combining both the transfer and Grow
25

1 Your Own programs, and integrating the new recruiting plan in a single document, on
2 October 10, 2019 (ECF 2329).

3 The District notes that the most intensive period for recruiting for the transfer
4 program each year is in January through March, when teachers and administrators make
5 the decisions either to remain at their particular school for the following year, or to
6 transfer to a different school. Because following-year teaching contracts are signed by
7 the end of March each year, most teachers have made decisions for the following year
8 by the end of March. Accordingly, the new recruiting plan, while implemented
9 immediately, will have its first year of measurable impact in SY2020-21.

10 Nonetheless, in early 2019, before the Court's April, 2019 orders and in
11 accordance with its original plan filed in December, 2018, the District did make some
12 changes that produced positive results. In addition to the widespread communication to
13 teachers about the availability and benefits of the Teacher Diversity Plan (as had been
14 used in each prior year of the plan), the District focused on communicating with
15 principals regarding the status of their faculty diversity and assisting them in identifying
16 the areas needing improvement. The HR Department created a "USP 15% Recruitment
17 Tool" that is an online tool for principals to manage the diversity of their staffs. This
18 readily available tool informs the principal of the current status of the school's diversity
19 as related to grade level average and highlights any area that needs improvement.
20 (Exhibit A: USP Recruitment Tool Sample). Additionally, shortly before the first job
21 fair, the HR Department sent e-mails to schools that were out of compliance with the
22 diversity goals and followed up with additional updates during the hiring season.
23 (Exhibit B: HR e-mail).

24
25

1 This additional effort appears to have paid off. In prior years, the numbers of
 2 teachers who joined the program each year began at 44 in SY2016-17 (significantly
 3 higher than the target number of 20-25 teachers), again hit the target in SY2017-18 with
 4 22 teachers joining the program, but fell off in the third year (SY2018-19) to only 4
 5 teachers joining the program. However, with the new methods employed in early 2019,
 6 the results for SY2019-20 rebounded: 31 teachers joined the program for SY2019-20.

School Year	Number of Teachers Joining the Program
SY 2016-17	44
SY 2017-18	22
SY 2018-19	4
SY2019-20	31

7
 8
 9
 10
 11 The District also analyzed the path of the original cohort, which received a three-
 12 year stipend. This year was the first year beyond the stipend. Of the teachers who
 13 completed the three-year commitment, all but three continued at their receiving school
 14 into the fourth year, despite no longer receiving a stipend. The three who did not stay
 15 left the District altogether for reasons unrelated to the school or the program (they did
 16 not merely transfer back to their original school, or move to another District school to
 17 get another stipend for another three year period).

18 The District drew three conclusions from this result, and from the operation of
 19 the program over the last three years, of importance to the design of the program on a
 20 going forward basis. First, the current stipend level is not so high that expiration of the
 21 stipend leads to mass departures from the target school after the expiration of the
 22 stipend period. Second, and relatedly, the three year commitment appears to be
 23 sufficient for teachers to establish roots at the school. Third, the continuous existence of
 24 the program is not leading to instability or gaming of the system through successive
 25

1 transfers. None of the teachers left to get another stipend; there does not seem to be any
2 “revolving door” effect caused by the program.

3 Contrary to the argument by plaintiffs, through this transfer program and efforts
4 to improve diversity through new hires, the District has made steady progress at
5 improving diversity. Merely counting the number of schools who meet the 15% rule
6 masks progress towards diversity; as reported previously, many schools are within one
7 or two teachers of meeting the 15% rule, and these schools can thus bounce in and out
8 of compliance from year to year.

9 Although the Court’s order required this report only with respect to the transfer
10 plan, the District also here reports on the results of its recruiting for the Leadership Prep
11 Academy, one of the District’s principal Grow Your Own programs for administrators.
12 As noted in prior filings, the LPA program content itself is neither unique nor limited to
13 any racial or ethnic group; the program derives its focus on administrators of color
14 through its targeted recruitment of program candidates.

15 In contrast to the transfer program, recruiting for the LPA takes place after the
16 beginning of the school year, and thus benefitted this year from the targeted recruiting
17 practices developed in conjunction with the Special Master. This year (SY2019-20),
18 the District sent e-mails to all African American and Hispanic teachers with at least
19 three years of teaching experience, and who had not already attended the LPA, to invite
20 them to consider applying to participate in the LPA set to begin in late October. A
21 widespread announcement was also published on the TUSD intranet. In addition to the
22 initial targeted recruitment of African American and Hispanic teachers, the Regional
23 Assistant Superintendents sent a follow-up email to all African American teachers to

24
25

1 further encourage them to apply, and made individual phone calls in many cases. The
 2 results are shown below and reflect the most diverse applicant pool to date.

3 **2019-20 SY Number of LPA Applicants by Race/Ethnicity**

Race/Ethnicity	Number	Percentage
African American	25	45%
Hispanic	14	25%
White	17	30%
TOTAL	56	

4
 5
 6
 7 The 2019-20 LPA cohort was limited to 30 participants for logistical reasons. The
 8 District used screening criteria to consider when determining which applicant would be
 9 selected to participant in this year's LPA cohort, as follows:

- 10
- 11 • Number of years of teaching experience
 - 12 • Additional leadership roles
 - 13 ○ Principal designee
 - 14 ○ Dean of Students
 - 15 ○ MTSS Facilitator or Lead
 - 16 ○ Curriculum Service Providers
 - 17 • Complete LPA Application Packet
 - 18 ○ Recommendation from an individual of the applicant's choosing
 - 19 ○ Application form itself
 - 20 ○ Resume or Vita

21 The District considered all of these factors and selected the 30 strongest applicants to
 22 include in the 2019-20 cohort. The 2019-20 LPA Cohort is the most diverse cohort to
 23 date as shown below.

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

2019-20 SY LPA Applicants Selected to Participate

Race/Ethnicity	Number	Percentage
African American	13	43%
Hispanic	9	30%
White	8	27%
TOTAL	30	

The District is pleased with this result, and will evaluate the results of the academy in formulating its plans for the next academy.

Dated this 31st 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

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 31st day of October, 2019, I electronically transmitted the attached 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