

**TUCSON UNIFIED SCHOOL DISTRICT**

LEGAL DEPARTMENT  
1010 E. TENTH STREET  
TUCSON, AZ 85719

(520) 225-6040

Robert S. Ross (State Bar No. 023430)

[Robert.Ross@tusd1.org](mailto:Robert.Ross@tusd1.org)

Samuel E. Brown (State Bar No. 027474)

[Samuel.Brown@tusd1.org](mailto:Samuel.Brown@tusd1.org)

P. Bruce Converse (#005868)

[bconverse@dickinsonwright.com](mailto:bconverse@dickinsonwright.com)

Timothy W. Overton (#025669)

[toverton@dickinsonwright.com](mailto:toverton@dickinsonwright.com)

**DICKINSON WRIGHT PLLC**

1850 N. Central Avenue, Suite 1400

Phoenix, Arizona 85004-4568

[courtdocs@dickinsonwright.com](mailto:courtdocs@dickinsonwright.com)

Phone: (602) 285-5000

Fax: (844) 670-6009

*Attorneys for Tucson Unified School District No. 1*

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

<p>Roy and Josie Fisher, et al., Plaintiffs,</p> <p>v.</p> <p>Tucson Unified School District No. 1, et al., Defendants.</p>	<p>4:74-cv-00090-DCB (Lead Case)</p>
---	--

<p>Maria Mendoza, et al. Plaintiffs,</p> <p>v.</p> <p>Tucson Unified School District No. 1, et al., Defendants.</p>	<p>CV 74-204 TUC DCB (Consolidated Case)</p>
---	--

**NOTICE AND REQUEST FOR APPROVAL**

**MIDDLE SCHOOL REVITALIZATION: K-6 GRADE RECONFIGURATIONS  
(Banks, Bloom, Collier, Davidson, Fruchthendler, Henry, Hudlow, Oyama, Soleng Tom ES)  
(Magee and Valencia MS)**

1 The Tucson Unified School District, No. 1 (“TUSD” or the “District”), hereby submits  
 2 this Notice and Request for Approval to provide an option for parents in nine elementary  
 3 schools to have their child/children remain in that elementary school for the sixth grade, and  
 4 continue to provide a sixth grade option at two middle schools, albeit with smaller 6<sup>th</sup> grades.

5 **A. Background**

6 As part of the District’s middle school revitalization effort, it considered a district-  
 7 wide conversion from K-5 schools to K-6 schools. Research revealed pros and cons to this  
 8 approach, and public interest revealed a split among families for either grade configuration.  
 9 Districtwide, there was not a clear mandate either in the research or based on parent interest.  
 10 However, in some small pockets of the District there was substantial parent interest in the K-  
 11 6 elementary model and the 7-8 junior high model. The District evaluated these schools based  
 12 on space availability, 5<sup>th</sup> through 8<sup>th</sup> grade capture rates<sup>1</sup>, and other factors to identify a narrow  
 13 set of schools to conduct a first phase, or pilot, of grade reconfigurations.

14 This proposal has two components: (1) adding a modified 6<sup>th</sup> grade at nine elementary  
 15 schools, designed to better-prepare students for the transition into departmentalized  
 16 instruction in 7<sup>th</sup> and 8<sup>th</sup> grade, and (2) decreasing the size of target middle schools to provide  
 17 a focused setting to prepare 7<sup>th</sup> and 8<sup>th</sup> graders (socially, emotionally, and academically) for  
 18 their high school experience. The goal is not only to improve student retention, culture and  
 19 climate, and achievement at eleven sites, but also to evaluate the pilot and develop best  
 20 practices that can be applied at other elementary and middle schools in the future.

21 If approved, the District will seek to implement at the eleven schools for SY2020-21.  
 22 This pilot will be a key component in the District’s efforts to reform its middle schools by  
 23 improving student achievement, providing more parental choice in a climate of intense  
 24 competition from charter schools and other districts, retaining and attracting students, and  
 25 improving culture, climate, and inclusive school environments.

26 \_\_\_\_\_  
 27 <sup>1</sup> An area’s capture rate reflects the numbers of students who remain in, or leave, TUSD between  
 28 5<sup>th</sup> and 6<sup>th</sup> grades. Focusing on areas with low capture rates, the proposal provides more choice to  
 parents with a goal of retaining more students who leave TUSD after 5<sup>th</sup> grade.

1 The District has discussed these options with the parties, including a draft  
2 Desegregation Impact Analysis (DIA) submitted to the parties on December 3, 2019. The  
3 Department of Justice responded that it did not oppose this proposal; the other parties did not  
4 provide written feedback. The District presented the draft DIA to its Governing Board on  
5 December 10, 2019 and, subsequently, made some minor revisions. The Revised DIA  
6 projects virtually no impact to race and ethnicity for any of the eleven schools, or surrounding  
7 schools. The school most affected (Gridley MS) is expected to change just a few percent  
8 toward the district average, moving it closer to the definition of an integrated school (or,  
9 becoming integrated). This proposal will not significantly affect surrounding schools or  
10 negatively impact the District's ability to fulfill its obligations under the USP. For these  
11 reasons, as described below, the District requests approval of this request.

12 **B. Desegregation Impact Analysis (DIA)**

13 The proposal has four key objectives: 1) reduce the size of some middle schools to  
14 allow a greater level of staff-student focus on improved academics and social-behavioral  
15 skills to improve discipline, both of which will help prepare students (socially, emotionally  
16 and academically) for their high school experience; 2) prepare 6th graders for the  
17 departmentalized instruction in middle schools while they are in the familiar, comfortable  
18 environment of their elementary school; 3) improve the transition of students from  
19 elementary school to middle school and reduce the loss of students typical to this transition;  
20 and, 4) increase parental choice. See Exhibit 1, Revised DIA.

21 The initial proposal was to convert middle schools (grades 6-8) to junior high schools  
22 (grades 7-8). However, the lack of a clear mandate from parents resulted in a modified  
23 proposal that would offer 6<sup>th</sup> grade at several elementary schools and middle schools. In this  
24 manner, the District can gauge actual interest as reflected by parent action rather than relying  
25 solely on survey responses. As a pilot, the District will evaluate the impact of the changes  
26 on academics, social and emotional learning, and behavior and discipline at the 6<sup>th</sup> grade level  
27 in both settings.

**C. Impacts to Desegregation Obligations**

There will be virtually no racial or ethnic impact on the middle schools that will lose the 6<sup>th</sup> grade students, or on the elementary schools that will keep 5<sup>th</sup> grade students as they transition into 6<sup>th</sup> grade. Gridley MS, the school most affected in terms of racial-ethnic composition, is expected to change a few percent toward the district average, resulting in an integrated sixth grade.

The proposal is designed to improve quality of education by improving 6<sup>th</sup> graders’ preparedness for departmentalized instruction in 7<sup>th</sup> and 8<sup>th</sup> grade, and by lowering school enrollment in target middle schools to create smaller learning communities. The proposal is also designed to improve social-emotional learning for 7<sup>th</sup> and 8<sup>th</sup> graders to improve culture and climate, and to reduce behavior and discipline issues.

Middle schools typically provide more extracurricular activity offerings, although 6<sup>th</sup> graders typically have lower participation rates. In this case, 6<sup>th</sup> grade at a K-5 or at a 6-8 is a parental and student choice so no student is compelled to choose one option over another.

**D. Impacts to Other Schools**

The District loses many students after 5<sup>th</sup> grade – thus the expected impact to most elementary schools is that they – and the District – will retain their current fifth graders and thereby increase enrollment. The impact on diversity is virtually nil.

Four middle schools will be impacted, all projected to decrease the number of 6<sup>th</sup> graders – consistent with the goal of decreasing middle school size in some areas. Doolen is projected to decrease by 17 students, Valencia by 30, Gridley 54 (and should move closer to becoming an integrated school), and Magee by 70.

**Conclusion**

On December 10, 2019, the Governing Board approved the submission of this request to the Court for approval. The Department of Justice and has indicated preliminary support for the proposal. The District looks forward to continuing conversations with the plaintiffs to respond to requests for information or to address remaining concerns, if possible, prior to

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  
26  
27  
28

1 the Special Master’s report and recommendation. For these reasons, as described above and  
2 in the attached DIA, the District respectfully requests approval.

3 Respectfully submitted on December 17, 2019.

4 **TUCSON UNIFIED SCHOOL DISTRICT**  
5 **LEGAL DEPARTMENT**

6 *s/ Samuel E. Brown*

7 Robert S. Ross

8 Samuel E. Brown

9 Attorneys for Tucson Unified School District No. 1

10 **STEPTOE & JOHNSON LLP**

11 P. Bruce Converse

12 Timothy W. Overton

13 Attorneys for Tucson Unified School District No. 1

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Tucson Unified School District – Legal Department  
1010 East 10<sup>th</sup> Street, Room 24  
Tucson, Arizona 85719  
Telephone: (520) 225-6040

**Certificate of Service**

**ORIGINAL** of the foregoing filed via the CM/ECF Electronic Notification System and transmittal of a Notice of Electronic Filing provided to all parties that have filed a notice of appearance in the District Court Case.

*s/ Samuel E. Brown*

**Tucson Unified School District – Legal Department**  
1010 East 10<sup>th</sup> Street, Room 24  
Tucson, Arizona 85719  
Telephone: (520) 225-6040

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  
26  
27  
28