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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,
Plaintiffs,
and
Maria Mendoza, et al.,
Plaintiffs,
v.
Tucson Unified School District No. One, et al.,
Defendants.

Case No. 4:74-CV-00090-DCB
**AMENDED APPENDIX OF EXHIBITS
SUPPORTING FISHER PLAINTIFFS'
OBJECTION TO SPECIAL MASTER'S
REPORT & RECOMMENDATIONS RE:
DEFENDANT TUSD #1'S
SUPPLEMENTAL PETITION FOR
UNITARY STATUS/REQUEST TO
STAY DISTRICT COURT'S DECISION
ON UNITARY STATUS DUE TO LACK
OF JURISDICTION & COVID 19
OUTBREAK AFFECTING LEGITIMACY**

(Assigned to: *Hon. David C. Bury*)

(Oral Argument Requested)

¶1 COMES NOW *Fisher* Plaintiffs, by and through counsel undersigned, respectfully submitting their Amended Appendix of Exhibits supporting *Fisher* Plaintiffs' Objection to Special Master's Report and Recommendations regarding Defendant TUSD #1's Supplemental Petition for Unitary Status/Request to Stay District Court's Decision on Unitary Status Due to Lack of Jurisdiction & COVID 19 Outbreak Affecting Legitimacy. It is noteworthy that each numbered, attached Exhibit corresponds to those

1 referenced in Plaintiffs *Fisher's* Objection to Special Master's Report and
2 Recommendations regarding Defendant TUSD #1's Supplemental Petition
3 for Unitary Status/Request to Stay District Court's Decision on Unitary Status
4 Due to Lack of Jurisdiction & COVID 19 Outbreak Affecting Legitimacy
5 filed in the present case.
6

- 7 1. Plaintiffs' Exhibit #1, *Fisher Plaintiffs' Executive Summary*
8 *of the African-American Student Services Department and It's*
9 *Future*
- 10 2. Plaintiffs' Exhibit #2, *TUSD #1's Plan for Restructuring the*
11 *African American Student Services Department (AASSD)*
- 12 3. Plaintiffs' Exhibit #3, *The 5 Year Achievement Gap Analysis*
13 *in Tucson Unified School District* by Dr. Halley Frietas
- 14 4. Plaintiffs' Exhibit #4, *African American Student Suspension*
15 *Disproportionality Study*
16

17 **RESPECTFULLY SUBMITTED** this 17th day of June, 2020.
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19
20 */s/ Rubin Salter, Jr.*

21 RUBIN SALTER, JR., ESQ.

22 ATTORNEY FOR PLAINTIFFS FISHER
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CERTIFICATE OF SERVICE

I hereby certify that on June 17, 2020, I electronically submitted the foregoing **APPENDIX OF EXHIBITS SUPPORTING FISHER PLAINTIFFS' OBJECTION TO SPECIAL MASTER'S REPORT & RECOMMENDATIONS RE: DEFENDANT TUSD #1'S SUPPLEMENTAL PETITION FOR UNITARY STATUS/REQUEST TO STAY DISTRICT COURT'S DECISION ON UNITARY STATUS DUE TO LACK OF JURISDICTION & COVID 19 OUTBREAK AFFECTING LEGITIMACY** to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECT registrants:

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Plaintiffs' Exhibit #1

Fisher Plaintiffs' Executive Summary of the African-American Student Services Department and It's Future

Executive Summary of the African-American Student Services Department and it's Future

Department Responsibility

The Fisher Committee has performed an exhaustive analysis and review of the African-American Student Services department (hereby AASSD). The Fisher Committee examined the performance of AASSD from both a historical and achievement based standpoint. This critique, which spans from inaugural director Argentina Coleman to standing director Jimmy Hart, included a review of TUSD's annual reports and evaluative discussion with stakeholders and former employees.

From its inception to its current state, it appears that the mission, direction and achievement goals of the AASSD remains stagnant regardless of the director. The responsibility for the failure of the Department's goals cannot lay solely with the Department. In fact, it was Special Master Hawley in his observations on May 26th, 2017 regarding Student Success Specialists who stated the following: *"it is not reasonable to expect a small team of under-funded, under-armed, under-paid and under-trained individuals to have a significant impact on over 3000 students."* The Fisher Committee agrees with Dr. Hawley's assessment. The crucial aspect missing from Dr. Hawley's critique is that it is the District who controls the purse strings, hiring and training qualifications that led to the stagnation of the AASSD. Thus, any attempts at improving achievement success for African American students starts

and ends with the District. The Fisher Committee believes it is necessary to analyze the influence of the party accountable for the oversight of the AASSD in order to completely understand the nature of the Department's failures.

District Responsibility

While the AASSD has not operated efficiently, the actions of the District contributed to the failure of the department to accomplish its tasks. One example of this is the interference of the District from a budget perspective. The AASSD has had in the past an original operating budget at its discretion. However, near the third quarter of the year, the District would place a hiring freeze on the budget and then re-appropriate the remaining funds to the M&O budget. This was a regular occurrence that inhibited the AASSD until Judge Bury ordered an end to the supplanting.

Additionally, the District failed the AASSD through an overall lack of administrative oversight. More vigorous administrative oversight on the part of the Superintendents and their administrative officers could have rooted out potential insufficiencies, and misguided efforts could have been identified and corrected. The District could have made a concerted and coordinated effort to redirect the AASSD. Instead, indifference towards the department and a general lack of

advocacy from the District allowed for the continued inadequate performance of the AASSD and its directors. The result has been ongoing educational malpractice for nearly four decades. The aforementioned failures of the District are not meant to absolve the AASSD and its leadership from poor performance. Rather, the Fisher Committee's review of the history of the AASSD and its observations put forth in the previous paragraph show the the District was complicit in this road to failure.

Outlook under Current AASSD

After four decades of underachievement by the AASSD, benign neglect on the part of the District, and after spending millions of tax payer dollars, there is no valid alternative for improving the quality of education for black students with the current status of the AASSD. Data shows that black children in TUSD have not closed the achievement gap, continue to be disproportionately suspended and remain with lower graduation rates and higher dropout rates than the Anglo students in the district. In sum, the longitudinal review of the failures of the District and the AASSD reveals that the plight of the black children in TUSD to achieve a quality education has not significantly changed over time. There is little evidence to suggest that the AASSD in its current iteration will find the success that its students deserve.

General Recommendations for Improvement

Far-reaching, structural improvements are necessary in order to alter the course of the department. The findings and recommendations of the Fisher Committee support the necessity for drastic measures to combat the current dire conditions and to correct past failures. Therefore, the Fisher committee would recommend that TUSD administration disband the AASSD immediately. There is considerable discussion and concern regarding the status of the African American Student Services Department. As we await the District's reorganization of the Department, the Fisher Representatives are taking this opportunity to clarify our position on the status of the Department.

Over the last 40 years, African Americans students have lagged academically and been disproportionately disciplined in TUSD. The African American Student Services Department was created to address these issues. At this point, with no appreciable change in the education or treatment of African American students and unitary status looming, we believe that a new approach needs to be taken. We believe that a "Department of Equity" which was part of the original Court Order

should be established. This would be a legacy department and would become embedded in the District's Curriculum. By name it does not engender divisiveness or controversy.

Due to the failure of the parties to find a suitable alternative to modernize the current antiquated AASSD structure, the Fishers hereby submit the following proposal as a replacement of AASSD. The Fishers would propose that the new department, would be structured as follows:

1. A Director at the Assistant Superintendent level who reports directly to the Superintendent and is part of the Cabinet. The Director would be responsible for evaluating all new policies and procedures and the effect they will have on African American students, prior to their implementation.
2. Monitor academic achievement of African American students and work with administration to develop and implement programs to address the achievement gap.
3. Monitor all suspensions, in and out of school, to ensure that students are not repeatedly short term suspended without due process.

4. Work with Assistant Superintendents to develop Corrective Action Plans at schools where African American students are not achieving and/or are being disciplined disproportionately.
5. Be an advocate for parents and students and be the vehicle by which they can lodge complaints and conduct investigations of the allegations.
6. Conduct mandatory annual workshops on race and gender issues throughout the District for all employees at schools and departments.
7. Prepare an annual report on the status of African American students.
8. Keep abreast of issues related to discrimination as it relates to schools and African American students.

Qualifications

The Director of the newly found Equity Department should have the following qualifications:

1. Doctorate Degree in education, counseling or related field.
2. Experience working in districts with diverse populations including African American students.

ATTACHMENT A

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proposal originally put forth by the Fisher Plaintiffs. Due to the failure of the District to respond as assured and as time is of the essence, the Fisher Plaintiffs now submit an edited proposal for the African-American Student Services department.

ATTACHMENT A

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African American Student Services Department

Mission

Student advocacy is a critical component of the educational system. Many students will find their own advocates and benefit greatly from those relationships. Yet, many other students will not search out their own advocates and may fall through the cracks of the current educational system. Research shows that African-American students benefit from having African-American teachers and other African-American adults in the school. The student success specialists in the African-American Student Services Department fill this role.

The purpose of the African-American Student Services Department is to insure that all African-American students in Tucson Unified School District receive a quality education and are given the opportunity to succeed. The student success specialist's role is to identify students needing targeted intervention and work with teachers and parents to intervention.

Goals of the department

1. Reduce the achievement gap for African-American students and provide direct academic and associated services to targeted elementary, middle, and high schools.
2. Reduce the rate of attrition for African-American students by collaborating with site administrators, teachers, and staff to identify African-American students at risk of dropping out, being suspended, or being expelled and providing prevention and intervention services where appropriate.
3. Assist with efforts to enhance equal access to GATE, Honors, and Advanced Placement courses for African-American students.
4. Serve as members of the MTSS teams to develop, plan and monitor progress of African-American students.
5. Work to reduce the overrepresentation of African-American students in special education classes and participate in child studies and IEP meetings.
6. Monitor the academic progress of African American students with failing grades or substandard performance on state and district assessments and work collaboratively with sites on developing student plans that are appropriately address academic deficits.

Central Tenets

1. The African-American Student Services department should be declared a new department with a new mission and procedures for supporting African-American students.
2. Once declared new, all currently employees will reapply for their jobs, including the director. In the process of hiring and restructuring, the Fisher Plaintiffs and the community wish to be involved.

ATTACHMENT A

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3. The Fisher Plaintiffs are ADAMANTLY OPPOSED to the creation of a coordinator/facilitator role for two reasons. First, the AASSD budget would be more appropriately spent in other categories to increase implementation of the mission of the department. Second, due to the size of the department, the roles and duties assigned to the director would overlap with those of the coordinator/facilitator, rendering the position superfluous.
4. The AASSD will operate with an independent, secured budget. The budget will be overseen by an advisory committee in order to ensure money is accurately appropriated and maintained within the department.
5. The AASSD director will report to the Superintendent of the District directly.

Staff

The African-American Student Services department will be led by a Director. Additional staff will include Student Success Specialists, a Data Specialist, and an Administrative Assistant. The Student Success Specialist requires a Bachelor's degree for consideration. Those formerly employed by the African-American Student Services department before this new declaration will be given four years to earn the credit for a Bachelor's degree, provided they are proving yearly progress.

The Director will be tasked with monitoring and reporting on the success of the African-American Student Services department. Specifically, the Director will develop and facilitate the necessary trainings for the Student Success Specialists, analyze the collected data on the impact of the department, report directly to the Superintendent on the status of the department, and prepare an annual report on the department's success for the District.

Tasks for K – 8 Implementation

1. Establish a system of benchmarks to monitor growth of students on a quarterly basis to identify students not making progress in reading, mathematics and writing.
2. Work with teachers to create a plan of targeted intervention.
3. Create before and after school tutoring sessions to extend learning time
4. Foster family communication and home-school connections via telephonic contact, email messages and home visits.
5. Monitor discipline of African American students and participate as an advocate as suspension hearings.
6. Create a personalized plan for each student not making progress towards graduation.

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Tasks for 9 –12 Implementation

1. Identify incoming 9th graders who are performing below grade level on AZMerits and/or did not pass all core subjects in 8th grade.
2. Set up parent conferences to review the students' middle school and/or achievement levels and develop monitoring plan.
3. Collaborate with Dropout Prevention Specialists to create regular contact with student in order to develop four year plan and review progress towards graduation.

Training

1. All Student Success Specialists will be trained in the reading, writing and math programs currently utilized in the schools where they are assigned. For example, if the school is using the "Success for All" program, Success Specialists must participate in the training of how to implement the program and then work in coordination with teachers to implement the intervention plans when necessary.
2. Student Success Specialists will be trained in strategies for in class intervention as well as out of class intervention.
3. Student Success Specialists will be trained on the differences in intervention strategies for elementary and middle school as opposed to high school intervention. (Denise Gibbs)

Expected Outcomes

1. Increased academic performance on AZMerits and other standardized assessments.
2. Increased graduation rates of African-American students and increased numbers of African American students enrolling in post-secondary education.
3. Reduced drop-out rate of African-American students.
4. Increased attendance rates of African-American students.
5. Increased communication with parents and increased African American parent participation at parent conferences, site councils and in parent-teacher associations.

ATTACHMENT B, AASSD PRIMARY FUNCTIONS

POSITION	PRIMARY FUNCTIONS
Director	<ul style="list-style-type: none"> • Supervise Curriculum Service Provider and Specialists • Serve on the internal Culturally Responsive Practices (CRP) committee • Work to assess and implement recommendations from the committee to ensure the alignment of AASSD activities and CRPI in multiple areas • Develop community partnerships including local colleges and universities • Foster African American Parent and Student Advisory Councils • Serve as a conduit connecting the African American community to TUSD • Coordinate efforts and serve as a collaborative consultant to improve academic achievement, provide mentorship and guidance, increase student retention and the college-going rates • Coordinate collaborative efforts to implement a reading program at eight elementary schools and a math program at six K-8 and middle schools targeting African American students. • Develop and distribute promotional materials on college and career readiness, ALE and credit recovery opportunities, social development, community partnerships, and parent quarterly events • Conduct quarterly events; leadership conferences • Organize student and parent leadership conferences • Collaborate with District and community resources (e.g. ALE, Child and Family Resources, etc.) • Increase communication with parents, and participation of parents at parent conferences, site councils and PTAs
Curriculum Service Provider	<ul style="list-style-type: none"> • Train Student Success Specialists in strategies to use when working with students individually and in small groups. • Observe Student Success Specialist at work with students and provide feedback. • Collaborate with the Student Success Specialist classroom teachers to develop intervention strategies. • Facilitate subject area training for Student Success Specialists. • Work with relevant staff to develop student success plans for identified at-risk students

POSITION	PRIMARY FUNCTIONS
Research Project Manager (A&E Dep't)	<ul style="list-style-type: none"> • Work with the Director, CSP, and Specialists to collect and analyze data to ensure student progress at targeted sites, including: <ul style="list-style-type: none"> ○ collecting and analyzing data on the impact of the AASSD ○ collecting and analyzing data on the impact of Task Force-related initiatives ○ establishing a system of benchmarks to monitor growth of students on a quarterly basis to identify students not making progress in reading, mathematics and writing ○ identifying incoming 9th graders who are performing below grade level on AZMerit and/or did not pass all core subjects in 8th grade.
Behavior Specialists (2.0 FTE)	<ul style="list-style-type: none"> • Identify at-risk African American students and implementing interventions • Work to prevent the overrepresentation of African-American students in special education classes and participate in child studies and IEP meetings • Collaborate with site MTSS teams to identify and strategize for student needs through Tier 2 and Tier 3 interventions • Assist in mediations and trainings with Restorative and Positive Practices Facilitators • Communicate progress and educational options with all African American students and parents • Respond to requests for support services online form

POSITION	PRIMARY FUNCTIONS
Student Success Specialists (10.0 FTE)	<ul style="list-style-type: none"> • Mentor African American students academically, socially, and behaviorally to increase achievement rates • Monitor discipline of African American students and advocate for students at suspension hearings. • Foster family communication and home-school connections via telephonic contact, email messages and home visits • Assist with efforts to enhance equal access to GATE, Honors, and Advanced Placement courses for African American students • Monitor the academic progress of African American students with failing grades or substandard performance on state and district assessments and work collaboratively with sites on developing student plans that are appropriately address academic deficits • Create personal plans for students not progressing towards graduation • Identify incoming 9th graders who are performing below grade level on AZMerits and/or did not pass all core subjects in 8th grade • Communicate effectively with African American parents about District educational resources and opportunities to promote academic achievement through site-based parent information events • Provide interventions, parent and student advocacy, college preparation, and mentoring support • Connect families and students with District and community resources • Act as an advocate and resource at designated sites for MTSS, RP, PBIS, and Discipline committees/hearings based on achievement, attendance, behavior/discipline, and college preparation and language acquisition data (i.e., refugee students in the US for more than three years) • Specialists working at the elementary and K-8 level will be trained in reading, writing and math strategies/programs currently utilized in the schools where they are assigned • Specialists working at the middle and high school level will: <ul style="list-style-type: none"> ○ collaborate with Dropout Prevention Specialists to create regular contact with student in order to develop four year plan and review progress towards graduation ○ set up parent conferences to review the students' middle school and/or achievement levels and develop monitoring plan

Plaintiffs' Exhibit #2

*TUSD #1's Plan for Restructuring the African American
Student Services Department (AASSD)*

**PLAN FOR RESTRUCTURING THE
AFRICAN AMERICAN STUDENT SERVICES DEPARTMENT (AASSD)**

On June 13, 2017, the Fisher Plaintiffs submitted recommendations for the African-American Student Services Department (AASSD) (See Attachment A, "Fisher Memo"). On June 27, 2017, the District's Governing Board directed staff to meet with the Fisher Plaintiffs in an attempt to address their outstanding concerns and continuing objections as expressed in the June 13th memo and in subsequent conversations related to the achievement of African American students. Between June and August 2017, District leadership met with the Fisher Plaintiffs several times to develop this plan for restructuring the AASSD.

The plan includes six key areas:

1. **General Strategy**
2. **Staffing**
3. **Adoption of the Six Proposed Goals for the AASSD**
4. **Adoption of the Nine Proposed Tasks for Implementation**
5. **Adoption of the Five "Expected Outcomes"**
6. **Metrics to Measure Progress Towards the "Expected Outcomes"**

1. **General Strategy**

For the 2017-18 school year, the District's general strategy for implementing and monitoring the work of the AASSD will include increased accountability (including direct oversight from the Superintendent and/or Assistant Superintendent of Curriculum and Instruction), the adoption of specific goals, tasks, and expected outcomes (see sections 3-5, below), and the utilization of specific metrics to monitor progress throughout the year (progress monitoring will occur every 4.5 weeks beginning in September).

During the 2017-18 school year, the District will assess the future structure of the AASSD. The District will evaluate the impact of the AASSD using the metrics outlined in this plan. The District will continue to search for better ways to serve African American students: the approach outlined herein should be seen as an interim strategy.

2. Staffing and Supervisory Plan

For the fall semester of the 2017-18 school year the District Superintendent, Dr. Gabriel Trujillo, will supervise District efforts to improve African American Academic Achievement. This will include oversight of initiatives and programs implemented in response to the African American Academic Achievement Task Force Recommendations, and direct oversight of the African American Student Services Department (AASSD). The Superintendent's oversight of the AASSD will include supervision of the AASSD Director who will regularly meet with the Superintendent's leadership team. The Superintendent will retain such oversight until the District hires an Assistant Superintendent for Curriculum and Instruction, at which time the District plans for the Assistant Superintendent to assume oversight of the initiatives, programs, and the AASSD.

The District will staff the AASSD as follows: Director (1 FTE); Administrative Assistant (1 FTE); Curriculum Service Provider (1 FTE); Research Project Manager dedicated at least half time to supporting African American Academic Achievement (1 FTE)(in the A&E Department); Behavior Specialists (2 FTE); and Student Success Specialists (10 FTE). **Attachment B** includes the primary functions for these positions.

For SY 2017-18, the District will require all Student Success Specialists to have, at minimum, a Bachelor's Degree.

3. Adoption of the Six Proposed Goals for the AASSD (see Att. A, page 4)

The District adopts the six proposed goals for the AASSD to assist District officials in meeting the needs of African American students (the AASSD is not solely responsible for the success of these students):

1. Assist with the reduction of the achievement gap for African-American students and provide direct academic and associated services to targeted elementary, middle, and high schools by collaborating with site administrators, teachers and staff.
2. Assist with the reduction of the rate of attrition for African-American students by collaborating with site administrators, teachers, and staff to identify African-American students at risk of dropping out, being suspended, or being expelled and providing prevention and intervention services as needed.
3. Assist with efforts to enhance equal access to GATE, Honors, and Advanced Placement courses for African-American students by collaborating with ALE.

4. Serve as members of the MTSS teams to develop, plan and monitor progress of African-American students.
5. Participate in child studies and IEP meetings to insure that African American students are properly evaluated and placed.
6. Assist in raising the academic performance of African American students with failing grades or substandard performance on state and district assessments by working collaboratively with site administrators and teachers to develop student plans that are appropriately address academic needs.
7. Assist in the reduction of disproportionate discipline of African American students by collaborating with site and district administrators.

Goals 1, 2, 4, and 6: AASSD will assign one Success Specialist per school – concentrating on high-needs school for maximum impact and increased accountability, based on the following criteria: AzMerit reading scores; AzMerit math scores; identified achievement gaps of 10% or higher between African American and Anglo students; a minimum n-size of at least 20 African American students tested the previous year; an enrollment size of at least 45 African American students; and discipline and attendance rates from the previous school year.

Each Student Success Specialists (ten in total) will serve on the MTSS team at their primary, assigned site to ensure alignment and fidelity to the MTSS process. Each specialist will be responsible for working with the Director to monitor the academic progress of African American students with failing grades or substandard performance on state and district assessments, and to work collaboratively with sites on developing student plans that are appropriately address academic deficits. Success and Behavior Specialists will seek to serve on at least 80% of all long-term hearings at their primary site and throughout the District.

Goal 3: AASSD will continue to work closely with the ALE/GATE office to promote ALE/GATE opportunities, invite ALE/GATE to quarterly parent events, provide culturally responsive practices training for ALE teachers, and promote ALE/GATE course offerings.

Goal 5: Behavior Specialists will continue to work to prevent the overrepresentation of African-American students in special education classes and participate in child studies and IEP meetings. Success Specialists at assigned sites will continue to advocate for the least-restrictive environment and to work closely with the Behavior Specialists to implement a behavior plan prior to schools making a recommendation to Exceptional Education.

4. Adoption of the Nine Proposed Tasks for Implementation (see Att. A, pages 5-6)

The District adopts the following nine proposed goals tasks for implementation. Tasks 1-6 should be directed primarily towards students in grades K-5; tasks 7-9 should be directed primarily towards students in grades 6-12.

1. Establish a system of benchmarks to monitor growth of students on a quarterly basis to identify students not making progress in reading, mathematics and writing.
2. Work with teachers to create a plan of targeted intervention.
3. Create before and after school tutoring sessions to extend learning time.
4. Foster family communication and home-school connections via telephonic contact, email messages and home visits
5. Monitor discipline of African American students and participate as an advocate as suspension hearings
6. Create a personalized plan for each student not making progress towards graduation
7. Identify incoming 9th graders who are performing below grade level on AZMerits and/or did not pass all core subjects in 8th grade
8. Set up parent conferences to review the students' middle school and/or achievement levels and develop monitoring plan
9. Collaborate with Dropout Prevention Specialists to create regular contact with student in order to develop four-year plan and review progress towards graduation.

5. Adoption of the Five “Expected Outcomes” (see Att. A, page 6)

The District adopts the five “expected outcomes” and will design mechanisms for monitoring, reporting, transparency, and accountability.

1. Increased academic performance on AZMerits and other standardized assessments.
2. Increased graduation rates of African-American students and increased numbers of African American students enrolling in post-secondary education.
3. Reduced drop-out rate of African-American students.
4. Increased attendance rates of African-American students.
5. Increased communication with parents and increased African American parent participation at parent conferences, site councils and in parent-teacher associations.

DRAFT

6. Metrics to Measure Progress Towards the “Expected Outcomes” (see Att. A, page 6)

Expected Outcomes	Metric
1. Increased academic performance on AZMerits.	Increase African American student performance by 10% between 2016-17 and 2017-18.
2. Increased academic performance on District benchmarks.	Increase African American student performance by 10% by the third quarter benchmarks (as compared to the first quarter scores) for the 2017-18 school year.
3. Increased graduation rates of African-American students.	Increase the African American graduation rate by three percent between 2016-17 and 2017-18. (see DPG Plan). ¹
4. Increased numbers of African American students enrolling in post-secondary education.	Increase the numbers and percentage of African American students enrolling in post-secondary education to 55% by the summer of 2019. The 2016-17 enrollment, based on students graduating in 2015-16, was 50%. The District can no longer affect the 2017-18 enrollment, based on students who graduated in 2016-17.
5. Reduced drop-out rate of African-American students.	Reduce the African American dropout rate by 0.2 percentage points between 2016-17 and 2017-18. (see DPG Plan). ²
6. Increased attendance rates of African-American students.	Increase the African American attendance rates by 0.05 percent three percent between 2016-17 and 2017-18. (see DPG Plan). ³
7. Increased communication with parents.	Increase the number of communications in schools year 2017-18 initiated by the AASSD through ParentLink compared to school year 2016-17.
8. Increased African American parent participation at parent conferences, site councils and in parent-teacher associations.	Monitor African American participation at parent conferences, site councils, and parent-teacher associations to develop baseline data for 2017-18. Set goals for improvement for 2018-19.

¹ The four-year graduation rate for African American students in 2015-16 was 76.5% (the goal for 2016-17 is 80.3%).

² The four-year dropout rate for African American students in 2015-16 was 2.5% (the goal for 2016-17 is 2.3%).

³ The attendance rate for African American students in 2015-16 was 91.1% (the goal for 2016-17 is 91.15%).

Plaintiffs' Exhibit #3

*The 5 Year Achievement Gap Analysis
in Tucson Unified School District
by Dr. Halley Frietas*

5 Year Achievement Gap Analysis in Tucson Unified School District

A longitudinal Study using AzMERIT Scale Scores Broken out by Ethnicity and Free/Reduced Lunch Status with a Matched Student Cohort in Grades 4 – 8: 2014-15 to 2017-18

Purpose of the Study

The purpose of this study is to add to the body of literature that examines the achievement gap between ethnicities while controlling for socio-economic status (SES). Research on the achievement gap typically examines mean performance scores by ethnicity to draw conclusions. This study, conversely examines the highest performers (Upper 25%) and the lowest performers (Lower 25%) by ethnicity as well as by Free/Reduced lunch status (FRL), a proxy measure for poverty.

Overview

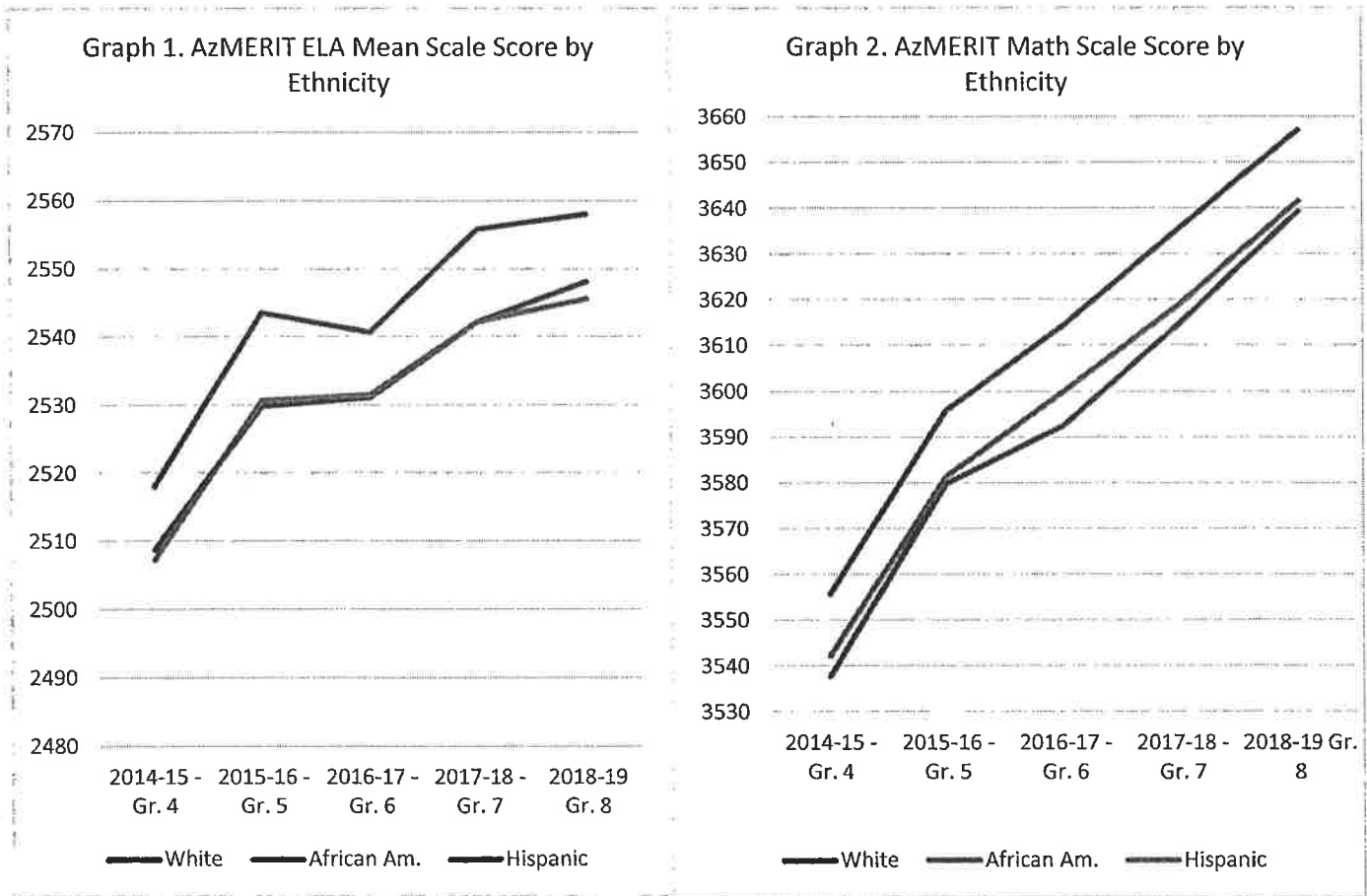
This study examines the achievement gap among White, African American, and Hispanic students in Tucson Unified School District (TUSD) over five years from 4th grade to 8th grade. This study simulated a study conducted by the Program for international Student Assessment (PISA) in 2019 by examining academic trends over time among the highest and lowest performers. The PISA study concluded that the lowest performers in the United States were losing academic ground over time when compared to other countries. According to the PISA study,

U.S. scores for the 90th percentile of student performance increased by a statistically significant margin between 2015 and 2018 while scores for the 10th percentile of student performance saw a statistically significant decrease between 2012 and 2018. (National Center on Education and the Economy, <https://mailchi.mp/ncee/us-pisa-reading-scores-good-and-bad-news?e=222ebaad3e>)

The approach of assessing the academic extremes is different from conventional studies where only mean scores are examined. Mean score analyses often demonstrate that an achievement gap exists but cannot differentiate if the gap is consistent within all members for each ethnicity. For example, Graphs 1 and 2 below reveal that an achievement gap exists and appears relatively stable over time for African American and Hispanic students when compared to White students in ELA and Math in TUSD. The unit of measure is the scale score points from the AzMERIT, the standardized assessment for Arizona. The gap is evident in 4th grade and persists to 8th grade.

5 Year Achievement Gap Analysis in Tucson Unified School District

- Graph 1: In English Language Arts (ELA), the gap in 4th grade between White students and African American/Hispanic students was about 10 scale score points and in 8th grade, the gap was equivalent with a 10 point scale score gap for African Americans and slightly larger for Hispanic students with a 13 scale score gap when compared to White students.
- Graph 2: In math, the gap in 4th grade between White students and African American and Hispanic students is about 14 scale score points for Hispanic students and 18 points for African American students. By 8th grade, the gap remained equivalent with about a 15 point scale score gap for Hispanic students and a 18 scale score gap for African American students when compared to White students.



5 Year Achievement Gap Analysis in Tucson Unified School District

This study reviewed the 75th percentile (the Upper 25%) and the 25th percentile (Lower 25%) of AzMERIT performance broken out by ethnicity. Additionally, students were grouped according to whether they received FRL or did not receive FRL. Using the performance extremes and breaking students out by socio-economic status (SES) using FRL/Non-FRL was an attempt to refine the achievement gap analysis to identify more accurately where the achievement gap is greatest or least evident.

Free and Reduced Lunch Status

TUSD serves a majority of students who qualify for the Free and Reduced Lunch Program (FRL) under the National School Lunch Program. In order to qualify for free and reduced price meals in 2018-19, a family of four must earn less than \$32,630 to be eligible for free meals (130% of the poverty level) or \$46,435 to be eligible for reduced meals (185% of the poverty level).

Students who do not participate in the FRL program may not qualify for the program because their family income is too high. Any family of four that makes more than \$46,435 annually does not qualify for the program. In TUSD, the largest percent of students receiving FRL services come from the elementary and middle school levels. Please see Table 1 for a breakdown of FRL status by ethnicity for the matched student cohort used in this study.

Table 1. Matched Cohort Free/Reduced Lunch Status		
Ethnicity	Yes FRL	No FRL
White	47%	53%
African American	78%	22%
Hispanic	77%	23%
All Students	71%	29%

5 Year Achievement Gap Analysis in Tucson Unified School District

Methodology

This study compared the highest performers and the lowest performers on Arizona' state standardized test called, the Arizona Measurement of Educational Readiness to Inform Teaching (AzMERIT) over 5 years. Results were broken out by ethnicity and FRL status. Ethnicity and FRL status data were determined during the baseline year of 4th grade level and held constant for the study. A total of twelve groups were created:

- FRL Status:
 - Whites in English Language Arts
 - Whites in Math
 - African Americans in English Language Arts
 - African Americans in Math
 - Hispanics in English Language Arts
 - Hispanics in Math

- Non-FRL Status:
 - Whites in English Language Arts
 - Whites in Math
 - African Americans in English Language Arts
 - African Americans in Math
 - Hispanics in English Language Arts
 - Hispanics in Math

Achievement gap studies that break student performance out into different groupings to show the extremes, such as in the 10th and the 90th percentile with the before-mentioned PISA study, frequently use a large population to draw from. Conversely, this study had a relatively small sample size, especially among African American students. As a consequence, the grouping criteria for the performance extremes needed to be enlarged to the 75th percentile or the 'Upper 25%' and the 25th percentile or the 'Lower 25%' to produce a large enough sample size for reliable results. All students in 4th grade in 2014-15 were rank ordered according to their AzMERIT scores for ELA and again for Math. All students who scored in the 75th percentile were designated to the 'Upper 25%' and all students who scored in the 25th percentile were designated to the 'Lower 25%' regardless of ethnicity. This approach ensured that all students conformed to the same scale score criterion for the groupings in this analysis. The N sizes for the subgroups are described in Table 2 below.

5 Year Achievement Gap Analysis in Tucson Unified School District

Ethnicity	Free/Reduced Lunch Status		Totals
	Yes	No	
White	168	191	359
African American	124	36	160
Hispanic	1,100	337	1,437
All Students	1,392	564	1,956

A matched cohort was used over five years to assess the academic performance of students in TUSD. This longitudinal approach evaluated TUSD's direct impact on student performance. To be included, students needed five years of AzMERIT achievement data from 4th grade (2014-15) to 8th grade (2018-19) in ELA and Math. Although some students may have moved schools within TUSD during the five-year period, they were still included in the cohort if they had performance scores for all five years.

The total number of students in 4th grade in 2014-15 with a valid AzMERIT test score was N=3,105. TUSD is a mobile district with an influx of both out-migration and in-migration of students. This fluid mobility resulted in student attrition. The attrition rate among the matched cohort (N=3,105) from 4th grade to 8th grade was 37%. In other words, of the 4th grade students in 2014-15 who took the AzMERIT test, 63% (N=1,956) had test scores each year for the following 4 years to 2018-19, whereas 37% of students (N=1,258) did not. This attrition rate was due to the fact that students either did not have a valid test score for one or more of the subsequent 4 years or they left the district altogether. When broken out by ethnicity, the attrition rate from the matched cohort was:

- White = 49%
- African American = 42%
- Hispanic students = 37%

It should also be noted that about 790 new students also entered into the district sometime between 2015-16 and 2018-19 and had a valid AzMERIT test score in 8th grade in 2018-19.

In summary, two methods were used to examine this data. The first method was a simple comparison of scale scores by ethnicity over time. This approach is valuable to illustrate visually the performance trends of the upper 25% and the lower 25% and to see if the academic gap has increased or decreased over time among the designated groups. The second method was a regression analysis to assess if the achievement gaps by ethnicity were significantly different from one another as well as to determine which variables contributed most towards academic performance.

5 Year Achievement Gap Analysis in Tucson Unified School District

Scale Scores

AzMERIT scale scores were used to compare change over time between White, African American, and Hispanic students. Scale scores are a more sensitive measure than proficiency levels (Minimally Proficient, Partially Proficient, Proficient, and Highly Proficient). For ELA and Math, a continuous scale score model was used by the state so that scale scores automatically increase from one year to the next with a range of about 60 scale score points from 3rd grade to 8th in ELA and about 200 scale score points from 3rd to 8th grade in Math. The challenge when using scale scores is to understand the magnitude of difference between years and across years. To help clarify if, for example, a change of 10 scale scores points is meaningful over 5 years, the following guidelines can be used:

Table 3. AzMERIT Scale Score Proficiency Cut Ranges												
AzMERIT ELA	Minimally Proficient		MP Point Range	Partially Proficient		PP Point Range	Proficient		P Point Range	Highly Proficient		HP Point Range
	Grade 3	2395		2496	101		2497	2508		11	2509	
Grade 4	2400	2509	109	2510	2522	12	2523	2558	35	2559	2610	51
Grade 5	2419	2519	100	2520	2542	22	2543	2577	34	2578	2629	51
Grade 6	2431	2531	100	2532	2552	20	2553	2596	43	2597	2641	44
Grade 7	2438	2542	104	2543	2560	17	2561	2599	38	2600	2648	48
Grade 8	2448	2550	102	2551	2571	20	2572	2603	31	2604	2658	54
Grade 10	2458	2566	108	2567	2580	13	2581	2605	24	2606	2668	62
AzMERIT Math	Minimally Proficient		MP Point Range	Partially Proficient		PP Point Range	Proficient		P Point Range	Highly Proficient		HP Point Range
	Grade 3	3395		3494	99		3495	3530		35	3531	
Grade 4	3435	3529	94	3530	3561	31	3562	3605	43	3606	3645	39
Grade 5	3478	3562	84	3563	3594	31	3595	3634	39	3635	3688	53
Grade 6	3512	3601	89	3602	3628	26	3629	3662	33	3663	3722	59
Grade 7	3529	3628	99	3629	3651	22	3652	3679	27	3680	3739	59
Grade 8	3566	3649	83	3650	3672	22	3673	3704	31	3705	3776	71
Grade 10	3609	3672	63	3673	3696	23	3697	3742	45	3743	3819	76

Adopted by the Arizona State Board of Education August 2015

5 Year Achievement Gap Analysis in Tucson Unified School District

Findings

Scale Score Comparison Analysis

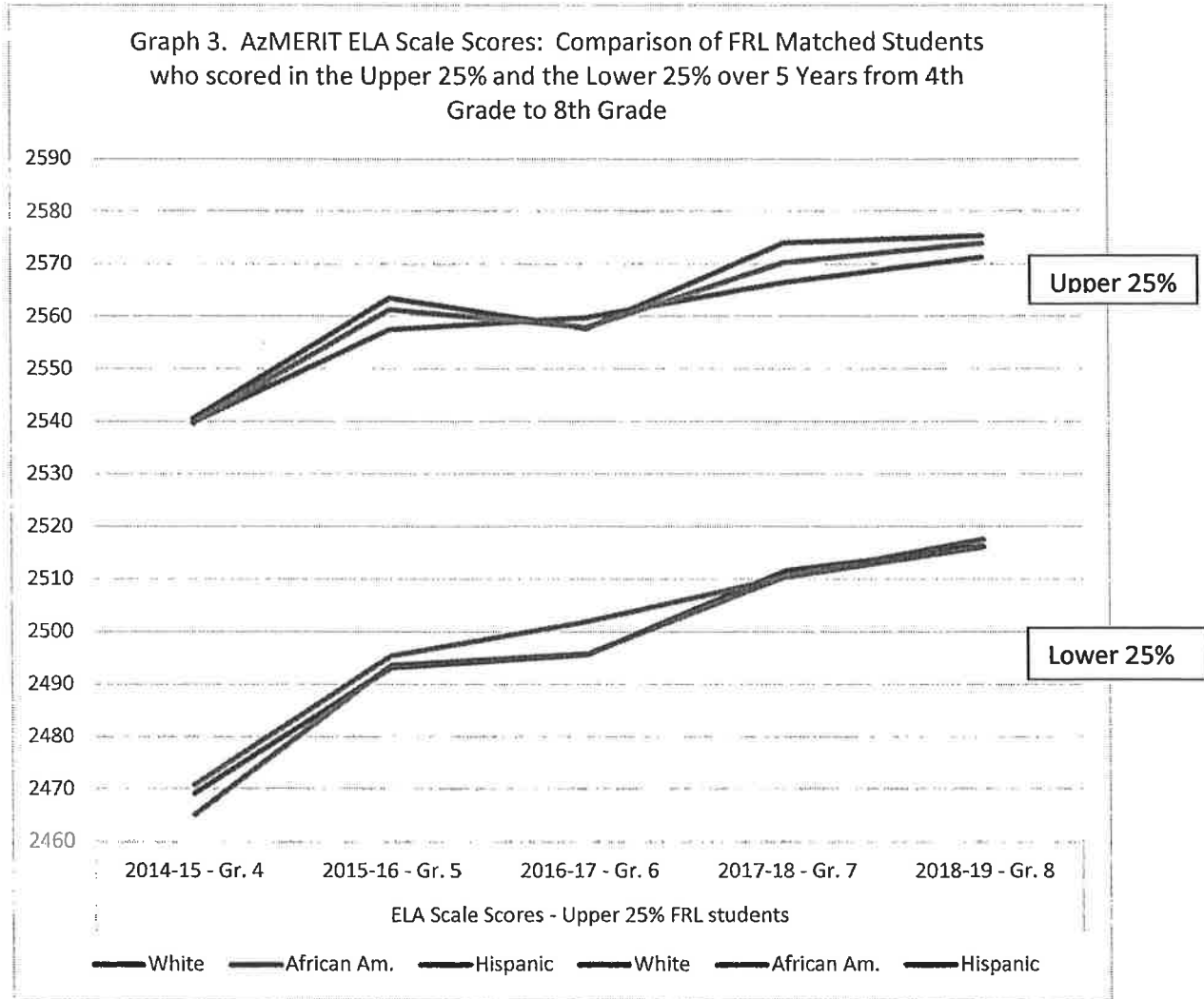
1. Free and Reduced Lunch Status

Students who participate in the Free/Reduced Lunch National Food Program (FRL) scored very similar to one another in ELA and Math regardless of ethnicity over 5 years from 4th grade to 8th grade. Graph 3 illustrates the ELA scale score performance of the Upper 25% of FRL students and the Lower 25% of FRL students and Graph 4 illustrates the Math scale score performance of the Upper 25% of FRL students and the Lower 25% of FRL students.

FRL Students ELA (Graph 3):

- Upper 25%: White, African American, and Hispanic students scale scores were almost the same (around 2540 scale score points) in 4th grade and scored within the 'Proficient' level. The three groups tracked each other time with a maximum spread of about 7 scale score points. By 8th grade, the spread was only about 4 scale score points. These groups all maintained 'Proficiency' over 5 years.
- Lower 25%: White, African American, and Hispanic students were within 6 scale score points of each in 4th grade with a range from 2465 to 2471 and were all 'Minimally Proficient'. The three groups tracked each other time with a maximum spread of about 6 scale score points in 6th grade. By 8th grade, they all scored about the same from 2516 to 2518. These groups all maintained 'Minimal Proficiency' over 5 years.

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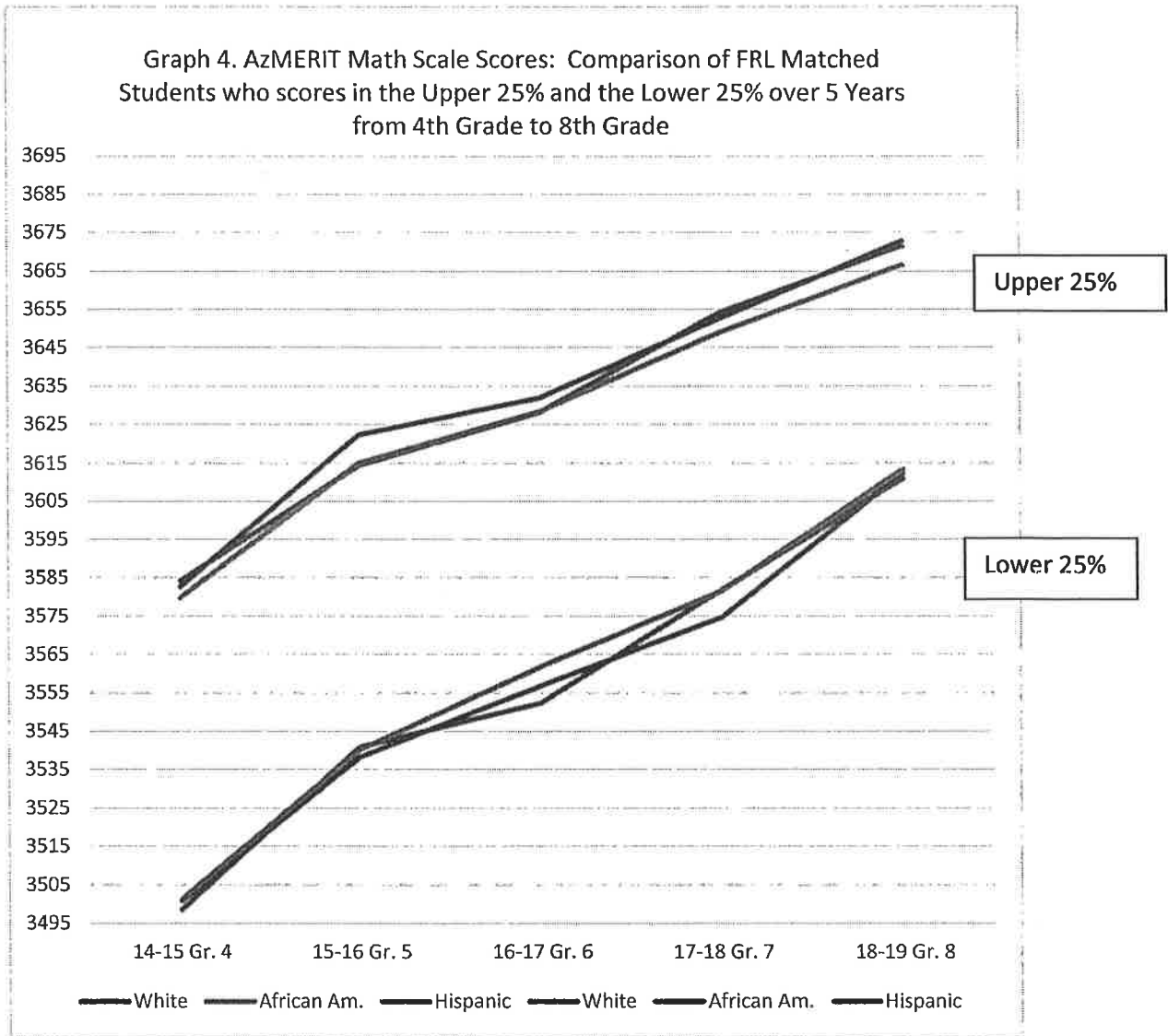


FRL Students Math (Graph 4):

- Upper 25%:** White, African American, and Hispanic students scored within 4 scale score points of each other in 4th grade ranging from 3580 to 3584 or within the ‘Proficient’ level. The three groups tracked each other time with a maximum spread of about 7 scale score points. These groups all maintained ‘Proficiency’ in grades 4 and 5. In 6th and 7th grade, White and African American students maintained ‘Proficiency’ and Hispanic students fell just below the cut score into ‘Partially Proficient’. By 8th grade, the spread was about 6 scale score points and all three groups scored at the ‘Partially Proficient’ level. White and African American students were only about 1 or 2 scale score points away from the ‘proficiency’ cut off or less than a question on the test. The drop in proficiency to partially proficiency can be seen from 7th to 8th grade in the flattening out of the line in Graph 4.

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- Lower 25%:** White, African American, and Hispanic students scored about the same around 3500 scale score points and were all Minimally Proficient. The three groups tracked each other time with a maximum spread of about 5 scale score points by 6th grade. By 8th grade, they scored the same at 3616 scale score points. These groups all maintained 'Minimal Proficiency' over 5 years.



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2. Non-Free and Reduced Lunch Status

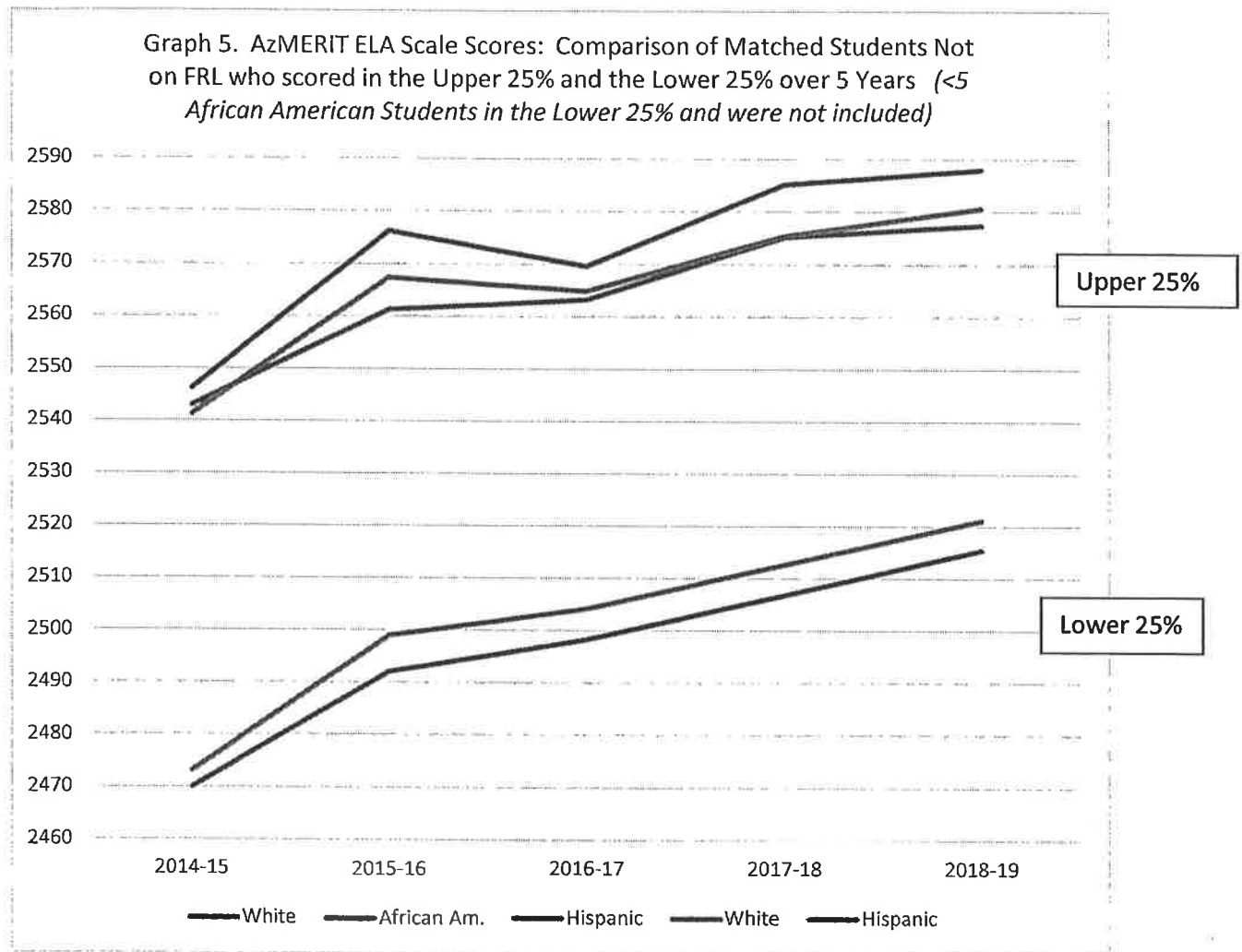
Students who did not participate in the Free/Reduced Lunch National Food Program (FRL) demonstrated a greater spread of scores by ethnicity in ELA and Math over 5 years from 4th grade to 8th grade. The students in the non-FRL grouping came almost exclusively from families that did not qualify for the FRL program with perhaps some additional families opting not to participate even though they would have qualified. Within this grouping, the income disparity can be enormous ranging from lower middle class families to very wealthy upper class families.

Graph 5 illustrates the ELA scale score performance of the Upper 25% of the Non-FRL students and the Lower 25% of Non-FRL students and Graph 6 illustrates the Math scale score performance of the Upper 25% of Non-FRL students and the Lower 25% of Non-FRL students. The number of African Americans in this matched cohort who were Non-FRL was small. Moreover, this study examines only the Upper 25% and the Lower 25%, effectively removing about half of the students who scored between the 25th and the 75th percentile. In the Non-FRL Lower 25% group, less than 5 Non-FRL African American students met this study's criteria in ELA and Math and therefore were not included in that grouping's analysis.

Non-FRL Students ELA (Graph 5):

- Upper 25%: White, African American, and Hispanic students were within 5 scale score points of each in 4th grade from 2541 to 2546 and scored within the 'Proficient' level. The three groups generally tracked each other time with a maximum spread of about 15 scale score points. By 8th grade, the spread was about 10 scale score points. These groups all maintained 'Proficiency' over 5 years. White students consistently scored somewhat higher than both African American and Hispanic students beginning in 4th grade and continuing to 8th grade.
- Lower 25%: African American students were not included in this grouping because of the low N size. White and Hispanic students were within 3 scale score points of each in 4th grade with a range from 2470 to 2473 and all were 'Minimally Proficient'. The two groups tracked each over time with a maximum spread of about 7 scale score points in 5th grade. By 8th grade, the two ethnicities scored within 5 scale score points of one another. The two ethnicities maintained 'Minimal Proficiency' over 5 years. Hispanic students consistently scored somewhat higher than White students from 4th grade to 8th grade.

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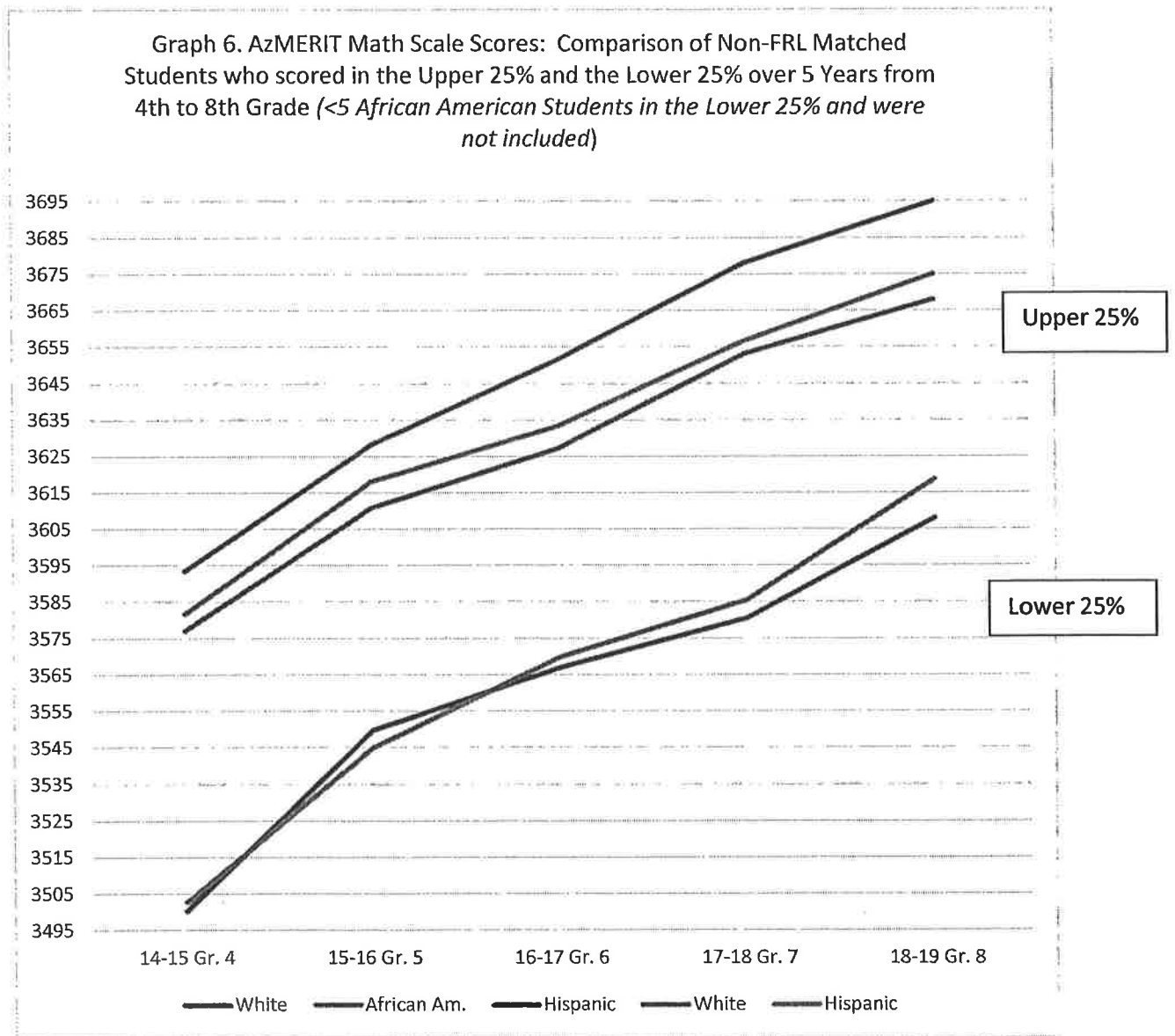


Non-FRL Students Math (Graph 6):

- Upper 25%:** White, African American, and Hispanic Non-FRL students showed the greatest achievement gap than any other group. In 4th grade, the gap between White and Hispanic students was 12 points and between White and African American students was 17 points. African American and Hispanic students tracked each other time with a maximum spread of about 7 scale score points. However, the gap between African American and Hispanic students compared to White students began to widen by 6th grade and continued gradually to increase to 8th grade. By 8th grade, the spread was about 20 scale score points between White and Hispanic students and about 27 scale score points between White and African American students. These groups all maintained 'Proficiency' over 5 years with the exception in 8th grade where African American students fell into the 'Partially Proficient' level.

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- Lower 25%:** African American students were not included because of low N size. White and Hispanic students were within 3 scale score point of each in 4th grade with a range from 3500 to 3503 and were all Minimally Proficient. The two groups tracked each other time with a maximum spread of about 11 scale score points at 8th grade. These two groups maintained 'Minimal Proficiency' over 5 years. Hispanic students consistently scored somewhat higher than White students from 6th grade to 8th grade.



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Multiple Regression Analysis

A Regression analysis was conducted to understand statistically if the AzMERIT performance differences between FRL/Non FRL students and ethnicity was significant. Students who receive FRL services make up the majority of the students in TUSD (about 65%). In this study, African American and Hispanic students who received FRL services represented the majority of (about 77%) of their ethnicity's total sample size. Conversely, less than half of White students (47%) received FRL services.

Table 4. Regression Analysis of the Matched Cohort using 4 th Grade Students AzMERIT Math Scores 2014-15 as the Dependent Variable						
R= .354 R ² = .125 Adjusted R ² = .122						
	BETA	St. Err. of BETA	B	St. Err. of B	t(515)	p-level
Intercept			3554.769	3.760685	945.2451	0.000000
White-African Am.	.137155	.043029	11.154	3.499415	3.1875	.001522
FRL	-.289116	.043029	-21.895	3.258648	-6.7191	.000000

Table 4 illustrates the results using FRL/Non FRL and Ethnicity (White and African American) as the independent variables with AzMERIT Math being the dependent variable. This equation shows that 3554.769 is the intercept or the grand mean and takes all students in this study (N= 1,956) into account. Students on FRL were coded as '1' to create a dichotomous coding between FRL ('1') and Non-FRL ('0'). The regression coefficient for FRL was -21.9 which can be interpreted as the effect of FRL on the grand average math performance. In other words, students receiving FRL services, on average, scored about -21.9 fewer scale score points when compared to students not receiving FRL services.

Additionally, this dichotomous coding procedure was also used with the ethnicity grouping so that White students were coded as '1' and African American students were coded as '0'. The regression coefficient for ethnicity was 11.15 which can be interpreted as the effect of being White on the grand average math performance. In other words, White students on average, scored about 11.15 more scale score points when compared to African American students.

This regression analysis explains that students who receive FRL services accounted for more of the variance on 4th grade math scores when compared to whether a student was White or African American. The magnitude of the B weights explain in general terms that if a student is on FRL, the Math scale scores will be fewer by 21.9 scale score points on average, while being White only adds 11.2 points to the scale score on average. This regression analysis was conducted to determine the relative contribution of the two demographic variables on academic performance. Some covariance must be taken into account between FRL/Non FRL and ethnicity results because less than half of the White students in this study

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received FRL services. Both independent variables of FRL/Non-FRL and ethnic break outs were statistically significant. Please refer to Graph 2 to see the mean distribution of scale score points of all students by ethnicity.

Table 5. Regression Analysis of the Matched Cohort using 4 th Grade Students AzMERIT ELA Scores 2014-15 as the Dependent Variable						
R= .344 R ² = .12 Adjusted R ² = .11						
	BETA	St. Err. of BETA	B	St. Err. of B	t(511)	p-level
Intercept			2524.398	3.100106	814.2941	0.000000
White-African Am.	.047296	.043274	3.161	2.892106	1.0930	.274929
FRL	-.327661	.043274	-20.275	2.677713	-7.5718	.000000

Table 5 illustrates the results using FRL/Non FRL and Ethnicity (White and African American) as the independent variables with AzMERIT ELA being the dependent variable. This equation shows that 2524.398 is the intercept or the grand mean and takes all students in this study (N= 1,956) into account. Students on FRL were coded as '1' to create a dichotomous coding between FRL ('1') and Non-FRL ('0'). The regression coefficient for FRL was -20.275 which can be interpreted as the effect of FRL on the grand average math performance. In other words, students on FRL on average, score about -20.3 fewer scale score points when compared to students not on FRL.

The regression coefficient for ethnicity was 3.161 which can be interpreted as the effect of being White on the grand average ELA performance. In other words, White students on average, scored about 3.2 more scale score points when compared to African American students.

This regression analysis explains that FRL accounted for much more of the variance on 4th grade ELA scores compared to whether a student was White or African American. The magnitude of the B weights explained that if a student received FRL services, the ELA scale score was fewer by -20.3 on average, while being White only added 3.2 points to the scale score on average. This regression analysis was conducted to determine the relative contribution of the two demographic variables on academic performance. Only the independent variables of FRL/Non-FRL was statistically significant. The independent variable of White was not significant and, therefore, the difference could be attributed to chance alone. Please refer to Graph 1 to see the mean distribution of scale score points of all students by ethnicity.

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Table 6. Regression Analysis of the Matched Cohort using 4 th Grade Students AzMERIT Math Scores 2014-15 as the Dependent Variable						
R= .25 R ² = .06049205 Adjusted R ² = .060						
	BETA	St. Err of BETA	B	St. Err. of B	t(1785)	p-level
Intercept			3553.008	1.582081	2245.781	0.000000
White-Hispanic	.111149	.023778	9.254	1.979776	4.674	.000003
FRL	-.192130	.023778	-14.048	1.738614	-8.080	.000000

Table 7. Regression Analysis of the Matched Cohort using 4 th Grade Students AzMERIT Math Scores 2014-15 as the Dependent Variable						
R= .25 R ² = .061 Adjusted R ² = .060						
	BETA	St. Err. of BETA	B	St. Err. of B	t(1785)	p-level
Intercept			2516.378	1.310362	1920.368	0.000000
White-Hispanic	.105518	.023769	7.286	1.641354	4.439	.000010
FRL	-.196799	.023769	-11.928	1.440619	-8.280	.000000

The regression results for Math and ELA performance for White students compared to Hispanic students followed the same pattern as those for White students compared to African American students. Tables 6 and 7 illustrate the results using FRL/Non FRL and Ethnicity (White and Hispanic) as the independent variables with AzMERIT Math (Table 6) and AzMERIT ELA (Table 7) being the dependent variables. This equation shows that 3553.008 is the math intercept and 2516.378 is the ELA intercept or the grand means and takes all students in this study (N= 1,956) into account. The regression coefficient for FRL was -14.048 in math and -11.928 in ELA which can be interpreted as the effect of FRL on the grand average math and ELA performance. The regression coefficient for ethnicity was 9.254 in math and 7.286 in ELA which can be interpreted as the effect of being White on the grand average math performance.

In summary, using Math and ELA as the dependent variables produced similar results for African American students and Hispanic students when compared to White students. This analysis confirmed that little or no achievement gap existed among White, African American, and Hispanic students who received FRL services. Thus, FRL status contributed more to student academic performance than ethnicity did in both ELA and Math. Some smaller differences between the ethnicities revealed that African American students receiving FRL services showed a larger scale score difference when compared with White students than Hispanic students did. Additionally, being White contributed more scale score points in Math (11.2) than in ELA (3.2) when compared to African American students whereas with Hispanic students, the contribution was more comparable (9.3 in Math and 7.3 in ELA).

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This regression analysis was also conducted at the 8th grade (2018-19) for this cohort and a similar pattern was revealed. In other words, the magnitude of the effect of FRL/Non-FRL and ethnicity on AzMERIT performance remained relatively constant over time.

Summary and Recommendations

A longitudinal gap analysis was conducted using AzMERIT scores from the 75th percentile (Upper 25%) and the 25th percentile (Lower 25%) of a matched cohort from 4th grade in 2014-15 to 8th grade in TUSD in 2018-19. This study examined if grouping students into performance extremes by socio-economic status using FRL as a proxy would reveal significant trends. The students were grouped by ethnicity and by FRL/Non FRL status. Two major findings resulted from this study. They were: (1) For FRL students, little to no academic gap existed, regardless of ethnicity among students who met the criteria for the grouping into the Upper 25% and the Lower 25%; and (2) For Non-FRL students, an academic gap was evident by ethnicity in 4th grade and persisted to 8th grade among students who met the criteria for the grouping into the Upper 25% and Lower 25%.

- Finding #1: For FRL students, little to no academic gap exists, regardless of ethnicity among students who met the criteria for the Upper 25% and the Lower 25%. (See: Graphs 3 and 4)

The results of this study suggests that students receiving FRL accounts for more than ethnicity in academic performance of students in TUSD. In other words, poverty is a stronger indicator of academic performance than ethnicity. In 2018-19, about 65% of all students in TUSD participated in the FRL program. Among Hispanic and African American students, the percent is much higher at 70% and 77%, respectively. Also, about 43% of White students participated in the FRL program. The overall profile of poverty in TUSD is similar to the matched cohort used in this study.

These findings add to a body of literature that has argued that poverty continues to be the primary catalyst for the achievement gap. According to Dr. Sean Reardon's most recent study (2019), he concluded that "the racial "achievement gap" in standardized-test scores shouldn't be considered a racial gap at all...Instead, it's more accurate to call it a "poverty gap." (<https://www.edweek.org/ew/articles/2019/10/02/poverty-not-race-fuels-the-achievement-gap.html>).

This TUSD study used a matched cohort of students from 4th grade to 8th grade. Other studies that have researched much younger students found that the achievement gap, starting in kindergarten, is already substantial. These studies have demonstrated that academic achievement gaps at kindergarten entry are established, heavily influenced by SES, and remain stable across schooling. For example, research by Reardon & Portilla (2016) showed that gaps in language and math skills between children from the 90th and 10th income percentiles have closed slightly in recent years but still show about one standard deviation difference at the start of kindergarten. Work by von Hippel et al. (2018) has shown that income-

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and race-based achievement gaps shrink slightly in early elementary school but stay consistent for the most part through elementary school. The effects of poverty affect more than schooling. It also affects the type and amount of opportunities that are available to children. According to a review from a recent study from Brandeis University about the country's 100 largest metropolitan areas that includes TUSD's students,

Tucson's children have far fewer opportunities than many other kids in the U.S. for a bright future, in economic mobility as an adult, health and life expectancy, a recent study says. Tucson came in ninth-worst in both overall child opportunity and the proportion of children in low-scoring neighborhoods, according to Brandeis University's Child Opportunity Index, which rates neighborhoods and chances for success within the country's 100 largest metropolitan areas. The study focuses on resources and conditions that affect a child's development, health and ability to reach their potential. Factors include access to good schools, the quality of peer and adult influences, economic resources, environmental quality and resources for healthy living. In Tucson, the study shows, 32% of the children live in low-opportunity neighborhoods...That lack of opportunity not only affects a child as he or she grows, the report shows, it also lowers life expectancy rates, and living in these neighborhoods diminishes a family's chances of improving its economic status. (<https://childcarecompliancecommunity.com/news/news-ethics/02/2020/opportunities-for-a-successful-long-life-lacking-for-many-tucson-kids-study-says/>)

A&E Recommendations

Recommendation #1: To level the socio-economic playing field for students to be academically successful, **quality universal preschool** is recommended to provide students who come from financially stressed households the opportunity to experience enriching academically-focused environments. Additionally, partnerships with families and communities are recommended to recognize and integrate their unique cultural resources into student academic learning and to provide opportunities for relevant skills building in STEM, the arts, and sports.

Recommendation #2: Teachers need **increased professional development** about how families in poverty make choices in order to be sensitive to environments that the majority of TUSD students experience on a regular basis. A body of research indicates that 'implicit' or subconscious bias affects student achievement in how teachers communicate expectations to students. (Brophy & Good, 1984, Weinstein et al., 1987, Rubie-Davies, 2006). This training would also give insight to TUSD teachers on how to keep expectations high for all students rather than basing expectations on outside factors such as a student's home life or what is commonly referred to in TUSD as the 'probrecito syndrome'.

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- Finding #2: For Non-FRL students, an academic gap is evident by ethnicity among students who met the criteria for the Upper 25% and Lower 25% (See: Graphs 5 and 6)

In TUSD, about one-third of students overall do not participate in FRL services. These families do not participate because they do not qualify, based on income. African American and Hispanic students who came from middle or wealthier class families (Non-FRL group) exhibited an achievement gap by 4th grade when compared to White students in the same grouping and the gap persisted to 8th grade. Please note that Non-FRL African American and Hispanic students represented only about 23% their ethnicity's total sample size in this study. Additionally, some caution is advised in the interpretation of the African American scores in the Non-FRL grouping because the sample size is relatively small (N=36). Conversely, Non-FRL White students represented more than half (53%) of their ethnicity's total.

The results from the Non FRL Lower 25% grouping presented a reversal of the typical achievement gap profile where White students outperform other ethnicities. **Within this grouping, Hispanic students consistently outperformed White students in both ELA and Math each year over the 5 years.** Additionally, among the Non-FRL Lower 25% grouping, the sample size of African American students was too small to meet the study's criteria for inclusion. **Of those African American students who met the criteria for the Non-FRL grouping, the vast majority (95%) performed above the 25th percentile.**

The results for Non FRL Upper 25% showed that African American and Hispanic student performance essentially tracked one another and consistently performed as 'proficient' over time. When White students were included, they showed higher performance in both ELA and Math when compared to Hispanic and African American students in 4th and 5th grade. Subsequently, when this Non-FRL Upper 25% grouping reached middle school in grades 6 - 8, this gap widened slightly in both subjects. **However, all African American, Hispanic, and White students still scored, on average, as 'proficient' over five years.** The only exception was with African American students who just missed the 'proficient' cut off in 8th grade math and scored as 'partially proficient'.

This data revealed that our minority middle/wealthier class students scored somewhat lower than White students in math and, to a lesser degree in ELA, in the transition to middle school. For example, Hispanic students when compared to White students, doubled the gap from a 10 point scale score gap in 5th grade to a 19 point scale score gap in math in 6th grade. The gap also increased for African Americans when compared to White students in this transition from 5th to 6th grade from a 17 point gap in 5th grade to a 25 point scale score gap in 6th grade. More research is needed to understand what combined conditions have cumulated in a widening of the achievement gap during the transition to middle school.

5 Year Achievement Gap Analysis in Tucson Unified School District

A&E Recommendations

Recommendation #3: Increased expectations and student engagement activities are needed to challenge all students academically with established data accountability structures to ensure success in middle school. This study showed that minority students who performed at grade level or higher during elementary school and who came from families in the middle to wealthy socio-economic class need to be challenged along with increased support/supervision in middle school. Moreover, the transition from 5th to 6th grade may be difficult for these higher performing minority students academically. To encourage a more successful transition, **smaller learning environments** such as pods or teams could be created at 6th grade. This structure can help students develop built-in peer networks and develop relationships with a limited number of core teachers. Inherent to this structure would be a **greater emphasis on culturally responsive practices** from school staff with a focus on those students new to the departmentalized school culture with rotating classrooms that is typical in 6th grade. Additionally, increased opportunities for **individual leadership roles** and **positive team projects** are recommended for all 6th grade students.

Plaintiffs' Exhibit #4

*African American Student Suspension
Disproportionality Study*

From: kellangfo@aol.com,

To: rsjr3@aol.com,

Subject: Fwd: Comparison of Suspension Rate

Date: Mon, May 11, 2020 10:06 am

Attachments: Comparison of Rate of Suspensions by E and R - Langford.docx (18K)

-----Original Message-----

To: wdh@umd.edu

Sent: Wed, Apr 22, 2020 10:20 am

Subject: Fwd: Comparison of Suspension Rate

Good morning Bill,

Can we talk about this chart/information after our meeting.

Comparison of Rate/Percentage of Suspensions by Ethnicity/Race
for 2017-18 and 2018-19 School Years

SY	17/18 Enrollment Number 40 th Day	17/18 Enrollment Percentage 40 th Day	17/18 Total Number of Suspensions	17/18 % of Suspensions within Each Ethnic/Racial Category	17/18 % of Suspensions within Total Suspensions	Comment Comparison In % Within Total Population
White	9,660	20.45%	7332	75.90%	17.37%	No Disparity shown
African Am.	2,848	6.03%	6971	244.77%	16.52%	Significant Disparity- More 2 X representation in suspensions than within population
Hispanic	30,164	63.85%	23,662	78.44%	56.07%	No Disparity shown
Native Am.	1,713	3.6%	2191	127.90%	5.19%	Significant Disparity. shown
Asian Pacific Isl.	1000	2.12%	264	26.40%	.63%	No Disparity
Multi-racial	1,856	3.93%	1879	101.23%	4.45%	Disparity shown
Total	47,241		42,199			

SY	18/19 Enrollment Number 40 th Day	18/19 Enrollment Percentage 40 th Day	18/19 Total Number of Suspensions	18/19 % of Suspensions	18/19 % of Suspensions	Comment Comparison In % Within

				within Each Ethnic/Racial Category	within Total Suspensions	Total Population
White	9,252	20.20%	5,802	62.71%	17.16%	No Disparity shown
African Am.	2,830	6.18%	4,957	175.16%	14.67%	Significant Disparity- More 2 X representation in suspensions than within population
Hispanic	29,307	63.98%	19,267	65.74%	57.01%	No Disparity shown
Native Am.	1,713	3.6%	2081	121.48%	6.16%%	Significant Disparity.
Asian Pacific Isl.	972	2.12%	236	24.28%	.70%	No Disparity shown
Multi- racial	1,806	3.94%	1454	80.51%	4.30%	Disparity
Total	45,807		33,797			

40th Day Enrollment for Each School Year from TUSD Website

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