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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Roy and Josie Fisher, et al., Plaintiffs, v. Tucson Unified School District No. 1, et al., Defendants.
Maria Mendoza, et al., Plaintiffs, v. Tucson Unified School District No. 1, et al., Defendants.

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

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

REQUEST FOR ADDITIONAL TIME FOR COMPLIANCE
WITH CERTAIN REQUIREMENTS OF ORDER (ECF 2486)

1 The District respectfully requests an additional 30 days to comply with certain
2 elements of the Court's order entered on June 4, 2020 (ECF 2471), as amended by the
3 Court's order entered on June 22, 2020 (ECF 2486). The District has separately filed
4 herewith its Second Supplemental Notice and Report of Compliance, describing the
5 elements of the Court's order with which it has complied, and attaching copies of the
6 compliance documents. However, despite a major effort, the District has not yet
7 completed the required academic improvement plans, and hereby requests an additional
8 30 days to complete these plans. Because the District has had to restructure all of its
9 instruction for on-line learning for at least the first academic quarter, the District does not
10 believe that this additional time will delay implementation of any plans.

11 The District has made a huge effort, in the midst of the upheaval occasioned by
12 the COVID-19 pandemic, to complete these plans in a good faith effort to comply with
13 the Court's orders. Beginning immediately after the Court's June 4, order, the District
14 consulted with the Special Master. The Special Master recommended a six step process
15 for each school, as follows:

16 1. Conduct a gap analysis to assess the difference between goals for student
17 outcomes and where students actually are in the attainment of those goals by grade level
18 and race.

19 2. Identify alternative explanations for the gap that exists between
20 performance and desired outcomes. These explanations may vary within the same school.

21 3. Identify two or three of the most likely strategies for improving student
22 outcomes and select among those outcomes those that the research suggests are the most
23 promising.

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1 4. Undertake a feasibility analysis of these alternatives. Do we have the
2 necessary resources and skills? What are the barriers to implementing the strategies and
3 what will it take to address them? For example, will we have parental support, or will we
4 need additional professional development, overcome possible barriers, etc.

5 5. Select the most promising and implementable strategy(ies).

6 6. Develop a timeline and name the individuals or groups responsible for
7 implementation

8 The Special Master also recommended a consultant to work with the District on
9 the plans, as ordered by the Court. The Special Master recommended Dr. Mark Smylie,
10 currently Visiting Professor of Leadership, Policy and Organizations at Peabody College
11 at Vanderbilt University, and Professor Emeritus of Education at the University of Illinois
12 at Chicago. The District immediately entered into a contract with Dr. Smylie, using
13 emergency provisions to bypass its normal procurement process.

14 District staff, led by its Assistant Superintendents of Curriculum and Instruction
15 (Dr. Flori Huitt), and its Assistant Superintendent for Equity (Dr. Kinasha Brown),
16 worked with Dr. Smylie over several weeks to develop a template for a continuous school
17 improvement process that could be used to develop the academic improvement plans, that
18 would capture each school's current realities, identify academic gaps, and articulate
19 evidence based strategies to address the identified gaps. The template provides a 10 step
20 equity oriented framework that strategically guides schools to improve student academic
21 achievement. The 10 steps are listed below:

- 22 Step 1. Describe the School You Aspire to Be
23 Step 2. Perform Gap Analyses
24 Step 3. Conduct Root Cause Analyses

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- 1 Step 4. Identify Primary Needs and Set SMART Improvement Goals
- 2 Step 5. Identify Evidence-Based Strategies
- 3 Step 6. Undertake Feasibility Analyses
- 4 Step 7. Select Most Efficacious, Feasibility Strategies
- 5 Step 8. Develop Action Steps
- 6 Step 9. Implement Strategies Via Action Steps
- 7 Step 10. Monitor, Assess, and Adjust

8 The template was completed, with instructions for principals, in late July, 2020.
9 A copy of the template is attached hereto as Exhibit A, and the guide for use of the template
10 in the planning process is attached hereto as Exhibit B.

11 On August 4, August 11 and August 18, 2020, the District met with all 20
12 identified schools and their leadership teams to introduce the template, to provide a space
13 for schools to have time to work in their school leadership teams and to provide support
14 to schools. The process so far has involved a team of central District staff, all five
15 Regional Assistant Superintendents, and the principals of the 20 schools at issue and
16 consumed over 500 hours of staff time.

17 While the District has made progress, including an initial draft of each plan, the
18 plans are not yet complete and are under review and revision. The District believes that
19 the plans will be complete within the next 30 days.

20 Accordingly, the District respectfully requests an additional 30 days to complete
21 the process for the Targeted Academic Improvement Plans for the three magnet schools
22 for which such a plan was required, and the 17 other schools receiving a D or F state letter
23 grade for the 2018-19 school year.¹

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25 ¹ The District makes this request subject to and without waiving its general objections set out in previously filed documents, incorporated herein by reference. These include in

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DATED this 1st day of September, 2020.

Respectfully submitted,

/s/ P. Bruce Converse
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District No. 1*

particular, but are not limited to, its objection to the Special Master’s 2018 Report and Recommendation (ECF 2099), its Supplemental Petition for Unitary Status (ECF 2460 and 2464), its objection to the Special Master’s Report and Recommendation (ECF 2477), and its motion for reconsideration of the Court’s order dated June 4, 2020 (ECF 2481), and its request for limited relief from the Court’s ALE order (ECF 2500).

CERTIFICATE OF SERVICE

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I hereby certify that on the 1st day of September, 2020, 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