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22
23 **IN THE UNITED STATES DISTRICT COURT**
24 **FOR THE DISTRICT OF ARIZONA**

25 Roy and Josie Fisher, et al.,
26 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)

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28 **THIRD SUPPLEMENTAL NOTICE AND REPORT OF COMPLIANCE:**
29 **TARGETED ACADEMIC IMPROVEMENT PLANS (MAGNET) &**
30 **STUDENT ACHIVEMENT ACTION PLANS (NON-MAGNET)**
31 **(ECF 2486)**

1 Subject to and without waiving its objections previously stated and referenced
2 herein, the District hereby provides notice of compliance with the Court's order entered
3 on June 4, 2020 (ECF 2471), as amended by the Court's order entered on June 22, 2020
4 (ECF 2486), related to targeted academic improvement plans for three magnet schools
5 and student achievement action plans for seventeen non-magnet schools. With this
6 notice, the District reports that it has completed the processes and tasks directed by the
7 Court in these two orders.

8 **A. Background**

9 Beginning immediately after the Court's June 4, order, the District consulted with
10 the Special Master. The Special Master recommended a six step process for each school,
11 as follows:

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

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

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

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

24 5. Select the most promising and implementable strategy(ies).
25

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

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

9 District staff, led by its Assistant Superintendents of Curriculum and Instruction
10 (Dr. Flori Huitt), and its Assistant Superintendent for Equity (Dr. Kinasha Brown),
11 worked with Dr. Smylie over several weeks to develop a template for an overall
12 continuous school improvement plan, that, among other areas and issues, would address
13 and contain the elements of the academic improvement plans directed by the Court. The
14 process was designed to capture each school’s current realities, identify academic gaps,
15 and articulate evidence based strategies to address the identified gaps. The template
16 provides a 10-step equity oriented framework that strategically guides schools to improve
17 student academic achievement. The 10 steps are listed below:

- 18 Step 1. Describe the School You Aspire to Be
19 Step 2. Perform Gap Analyses
20 Step 3. Conduct Root Cause Analyses
21 Step 4. Identify Primary Needs and Set SMART Improvement Goals
22 Step 5. Identify Evidence-Based Strategies
23 Step 6. Undertake Feasibility Analyses
24 Step 7. Select Most Efficacious, Feasibility Strategies
25 Step 8. Develop Action Steps
 Step 9. Implement Strategies Via Action Steps
 Step 10. Monitor, Assess, and Adjust

1 The template was completed, with instructions for principals, in late July, 2020.
2 A copy of the template was attached to the District's Request for Additional Time filed
3 September 1, 2020 (ECF 2518-1) and the guide for use of the template in the planning
4 process was also attached (ECF 2518-2).

5 On August 4, August 11, and August 18, 2020, the District met with all 20
6 identified schools and their leadership teams to introduce the template, to provide a space
7 for schools to have time to work in their school leadership teams and to provide support
8 to schools. The process involved a team of central District staff, all seven Assistant
9 Superintendents, and the principals of the 20 schools at issue. By the end of August,
10 schools had developed draft school improvement plans that ranged from 30 pages to more
11 than 70 pages for each school, and addressed many factors in addition to directly
12 addressing academic improvement.

13 From these overall school improvement plans, the teams then extracted the
14 academic improvement elements to create the Targeted Academic Improvement Plans
15 (for the three magnets involved) and Student Achievement Action Plans (for the non-
16 magnet schools). Several sections of the larger continuous school improvement plan
17 involved components that were critical for development, but are not critical for
18 implementation.¹

19 In essence, each school created a working development plan with multiple
20 components based on Dr. Smylie's six-step process. Then, from this larger plan, each
21 school created a focused academic improvement plan that contained the key elements for
22 academic improvement. Though each school based its implementation plan on its

23 ¹ For example, in the internal plan, each school spent considerable time developing "fish bone
24 diagrams," analyses of each gap to identify root causes. This exercise resulted in the
25 identification of root causes for each gap, and informed the development of evidence-based
strategies. The analyses themselves did not need to be included in the final implementation plan.

1 development plan, not all implementation plans include the same exact content, or take
 2 the same approach to addressing identified gaps. Plans are school-specific, based on the
 3 needs, implementation strategy, and/or focus area of each particular school.

4 **B. Targeted Academic Improvement Plans (Magnet Schools)**

5 Due to the need to align work across the District, and to make the most effective
 6 use of the best practices shared by, and developed in conjunction with, Dr. Smylie, the
 7 District included the three magnet schools in this process for the development of the
 8 targeted academic improvement plans. The resulting plans appear as Exhibit A.

9 **C. Student Achievement Action Plans (Non-Magnet Schools)**

10 The Student Achievement Action Plans for non-magnet schools appear as Exhibit B.
 11 For the Court’s convenience, the District includes the list of plans, by priority year, (also
 12 available in the Non-Magnet Project Priorities Plan (*see* ECF 2517-4 at 4-5)). The
 13 District prioritized the seventeen schools as year 1 priority (racially concentrated schools)
 14 or year two priority (non-racially concentrated schools), but to the extent possible will
 15 begin implementation all seventeen schools immediately. The resulting plans appear as
 16 Exhibit B.

Year 1 Priority		Year 2 Priority	
1. Mission View ES	6. Pistor MS	9. Blenman ES	13. Doolen MS
2. Grijalva ES	7. Utterback MS	10. Davidson ES	14. Gridley MS
3. Robison ES	8. Valencia MS	11. Dietz K-8	15. Magee MS
4. Maxwell K-8		12. Lawrence 3-8	16. Vail MS
5. Safford K-8			17. Catalina HS

21
 22 The District respectfully submits that it has complied with the Court’s orders on magnet
 23 and other school improvement (ECF 2471 and 2486).²

24 _____
 25 ² The District submits this notice subject to and without waiving its general objections
 set out in previously filed documents, incorporated herein by reference. These include

1 **DATED** this 1st day of October, 2020.

2 Respectfully submitted,

3 /s/ P. Bruce Converse

4 P. Bruce Converse

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in 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 October, 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