

Brown, Samuel

From: Willis D. Hawley <wdh@umd.edu>
Sent: Friday, October 31, 2014 8:58 AM
To: 'rsjr3@aol.com'; 'jrodriguez@MALDEF.org'; Thompson, Lois D.; 'Bhargava, Anurima (CRT)'; Savitsky, Zoe (CRT); Brown, Samuel; TUSD; Tolleson, Julie
Subject: Update on SM Activities
Attachments: USP SM Report to parties October 31(2).docx

Please see attached..

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

October 31, 2014

To: Parties

From: Bill Hawley

Re: Update on Pending Activities

Because there are so many issues at play at the moment, I thought it would be useful if I provided you with report about my efforts to address some of those issues.

Comprehensive Boundary Plan



Comprehensive Magnet Plan





Revision of the Implementation Addendum

You will recall that there's been an exchange of emails relating to the timing of the submission of the revisions of the Implementation Addendum. The Court has required the submission to the plaintiffs and the special master of the revision of the Implementation Addendum by November 1. In collaboration with me and Implementation Committee, the District has restructured the activities in the previous Implementation Addendum from 107 to 64. The purpose of this restructuring is to better facilitate monitoring and, most important, the tracking and allocation of funds to activities specified in the USP and the subsequent audit of the actual expenditures.

I believe that the District will be submitting these restructured activities to the plaintiffs for consideration by November 1.

You may recall that the Implementation Addendum also includes a more detailed description of steps needed to implement these activities. The plan agreed upon by the parties last year was that these detailed descriptions would be approved and monitored by the implementation committee and the special master except for those instances in which action plans specified particular activities and timelines. For those Action Plans agreed to by the plaintiffs or ordered by the Court, those details are to be embedded in the milestones to be added to the descriptions of the 64 implementation activities.

As we move forward, I will provide quarterly reports to the plaintiffs with respect to progress being made on each of these activities or, if progress has been stalled, I will report to the plaintiffs accordingly so that action can be taken, if necessary, to speed implementation. This could include an R&R should the plaintiffs so request.

My assumption is that these ground rules would apply to the revision of the activities so that the specific timelines, other than those specified in Action Plans, would be approved by me with the help of the Implementation Committee.

In order to ensure that the District can meet the December 1 deadline for submission to the Court, it would be very helpful if the plaintiffs could respond to the restructured list of activities by November 14.

Expenditure of Carryover Funds



October 22 Court Order Relating to the 2014-15 Budget

As you know, there are several issues to be addressed as a result of the October 22 court order. As I understand the court order, the budget expert and I are to prepare proposals within 30 days of the order and the District will have an additional 45 days to comment on those proposals in discussions with Vicki Valentine and the District, we've agreed to work together in the development of the proposals so that actions can be undertaken much sooner than the 2 ½ months anticipated in the order. As soon as the initial drafts are developed, they will be submitted to the plaintiffs for their review and comment. The budget process is already underway and the sooner we can agree on the issues raised by the Court, the better. In addition, the Court is essentially requiring the District to revise its proposed budget about which I comment further below.

1. I am working with budget expert on the criteria and process for the 2015-16 school budget. We will share this with the District and with the plaintiffs.
2. I am working on student criteria and "forms" (methods?) For evaluating student engagement/student support services, including the evaluation of the effectiveness of Learning Support Coordinators.

With respect to the LSC's, the District has shared with me it's procedures for monitoring their work and that will be helpful in developing the assessment.

3. I will be developing "research-based" criteria for determining when desegregation funds can be appropriately used. My proposal will incorporate what I described in my commentary to the Court on the budget as a "formula plus rule".
4. The District will need to revise the budget with respect to the use of 910G fund to support CRC and dual language teachers. In addition, it will need to justify the proposed expenditures for psychologists and social workers in terms other than those used in the budget explanations and respond to the Court's concurrence with the Mendoza objection transferring students support personnel dealing with discipline to special education.

The Court addressed only part of the concerns related to fine arts, namely the Mendoza concerns about funding for fine art teachers in magnet programs and seems to employ the same criteria used with respect to the CRC and dual language teachers. The continuing concern about overall 910G spending for arts teachers is not addressed and I assume that this issue will be joined in the context of the criteria I will be proposing with respect to point three above.

These budget revisions will "free up" a significant amount of funds the reallocation of which should be proposed by the District to the plaintiffs and to me for review and comment.

The District is required to provide a relatively detailed explanation for its expenditures for professional development. Since the Court did not agree that funds should be set aside to remedy any shortcomings, the practical implications of this activity by the District appear to be (a) establishing a baseline and providing information for the development of the 2015-16 budget and (b) facilitating the monitoring of the revised Implementation Addendum.

Other Issues

[REDACTED]

Brown, Samuel

From: Patricia L. Victory <PVictory@rllaz.com>
Sent: Friday, October 31, 2014 4:28 PM
To: Willis D. Hawley; Thompson, Lois; Rodriguez, Juan; Rubin Salter, Jr.; Savitsky, Zoe; Bhargava, Anurima
Cc: TUSD; Desegregation; Tolleson, Julie
Subject: 2015 IA
Attachments: 23K8017-2014-15 Revised IA (Summary Table).pdf

Dr. Hawley and Counsel:

Pursuant to the Court's April 2, 2014 order and TUSD's discussions with the Special Master regarding the IA (as explained in the Special Master's 10/31/14 memorandum), TUSD submits the 2015 IA Summary Table developed by TUSD in collaboration with the IC members and the Special Master. The District will also be providing additional information by November 7 related to the timing for submission of the remaining two action plans (multiyear facilities and multiyear technology plans).

Thanks,

Patricia

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Summary Table: Implementation Plan

This section follows the order of the USP.

I. GENERAL

	Provision of USP	Section(s) of USP
I.1	Internal Compliance Monitoring	All
I.2	Annual Report	All
I.3	Court Orders and Miscellaneous	All

II. STUDENT ASSIGNMENT

	Provision of USP	Section(s) of USP
II.1	Comprehensive Boundary Plan	II.D.2-3
II.2	Comprehensive Magnet Plan	II.E.3
II.3	Application and Selection Process (including Admissions Process for Oversubscribed Schools)	II.D.4, II.G.1, II.G.2.a-b
II.4	Marketing, Outreach, and Recruitment Plan (including providing transportation information to families)	II.I.1, III.A.5, VII.B
II.5	Student Assignment PD	II.J.1

III. TRANSPORTATION

	Provision of USP	Section(s) of USP
III.1	Magnet Transportation	III.A.3
III.2	Incentive Transportation	III.A.3

IV. ADMINISTRATIVE AND CERTIFICATED STAFF

	Provision of USP	Section(s) of USP
<i>Outreach, Recruitment, Hiring, Assignment, Retention</i>		
IV.1	Hire or Designate USP Positions	All
IV.2	Outreach, Recruitment, Retention Plan	IV.C.3
IV.3	Interview Committees, Instrument, and Applicant Pool	IV.D.1-3 IV.B.1
IV.4	Evaluate Applicant Offer Rejections	IV.D.4
IV.5	Diversity Assignment	IV.E.1-4
IV.6	Experience Assignment	IV.E.5
IV.7	Retention	IV.F.1.a-c
IV.8	Reduction in Force (RIF) Plan	IV.G

<i>Professional Development and Support</i>		
IV.9	USP-Related PD and Support	IV.B.3
IV.10	First-Year Teacher Pilot Plan	IV.E.6
IV.11	Evaluation Instruments	IV.H.1
IV.12	New Teacher Induction Program	IV.I.1
IV.13	Teacher Support Plan	IV.I.2, IV.J.4
IV.14	Aspiring Leaders Plan	IV.I.3
IV.15	PLC Training	IV.I.4
IV.16	USP Training Plan	IV.J.1-3
IV.17	Ongoing PD on Hiring Process	IV.J.5
IV.18	Observations of Best Practices	IV.J.6

V. QUALITY OF EDUCATION

	Provision of USP	Section(s) of USP
V.1	ALE Access and Recruitment Plan	V.A.2-4
V.2	UHS Admissions/Outreach/Recruitment	V.A.5
V.3	Pursue OELAS Extension	V.B.1
V.4	Build/Expand Dual Language Programs	V.C.1
V.5	Placement Policies and Practices	V.D.1
V.6	Dropout Prevention and Retention Plan	V.E.2.b-c
V.7	Data Dashboard (Flags and Policies)	V.E.3
V.8	CRC and Student Engagement PD	V.E.4.c
V.9	Multicultural Curriculum	V.E.6.a.i
V.10	Culturally Relevant Courses	V.E.6.a.ii
V.11	Targeted Academic Interventions and Supports (including PD and Funding)	V.E.7.a-c, & f V.E.8.a-c, & f
V.12	Quarterly Information Events	V.E.7.d, V.E.8.d
V.13	Collaborate with Local Colleges and Universities	V.E.7.e, V.E.8.e
V.14	AAAATF Recommendations	V.E.7.g, V.E.8.i
V.15	Referrals, Evaluations, and Placements	V.F.1
V.16	Supportive and Inclusive Environments	V.F.2.a-c, V.F.3, V.E.5.a

VI. DISCIPLINE

	Provision of USP	Section(s) of USP
VI.1	Restorative Practices and PBIS (RPPSCs)	VI.B.1, VI.C.1-2, VI.E.1
VI.2	GRR and Policy Revisions/Translation/Distribution/Info	VI.B.2.a-c, VI.D.1-2
VI.3	Student Discipline Training for Sites	VI.E.2
VI.4	Communicate and Monitor Discipline Roles and Responsibilities	VI.E.3 & 5
VI.5	Discipline Data Monitoring	VI.E.4, VI.F.1, 2, 6
VI.6	Corrective Action Plans	VI.F.2 & 5
VI.7	Successful Site-Based Strategies	VI.F.3-4

VII. FAMILY AND COMMUNITY ENGAGEMENT

	Provision of USP	Section(s) of USP
VII.1	Family Center Plan	VII.C.1.a, e-g; VII.D.1
VII.2	Family Engagement Resources	VII.C.1.d
VII.3	Tracking Family Engagement	VII.C.1.c
VII.4	Translation and Interpretation Services	VII.D

VIII. EXTRACURRICULAR ACTIVITIES

	Provision of USP	Section(s) of USP
VIII.1	Extracurricular Equitable Access Plan	VIII.A;III.A.2
VIII.1	Data Reporting System (Extracurricular)	VIII.B

IX. FACILITIES AND TECHNOLOGY

	Provision of USP	Section(s) of USP
IX.1	Multi-Year Facilities Plan (including Biennial Assessment of Facilities)	IX.A.1-3
IX.2	Multi-Year Technology Plan (including Biannual Assessment of Technology)	IX.B.1-3
IX.3	Technology PD for Classroom Staff	IX.B.4

X. ACCOUNTABILITY AND TRANSPARENCY

	Provision of USP	Section(s) of USP
X.1	EBAS	X.A.1-2
X.2	EBAS Training and Evaluation	X.A.3-4
X.3	Budget Process/Development	X.B.1-5
X.4	Budget Audit	X.B.7
X.5	Notice & Request for Approval	X.C

Brown, Samuel

From: Brown, Samuel
Sent: Monday, November 03, 2014 5:36 PM
To: Willis D. Hawley; Balentine, Vicki Eileen - (vbalenti) (vbalenti@email.arizona.edu)
Cc: Butler Jr, Eugene; Soto, Karla; Brammer@rllaz.com; Tolleson, Julie; Morrison, G Scott
Subject: USP Budget Order Commitments Summary
Attachments: 20141103 Summary of Budget Order Commitments.docx

Bill/Vicki: as discussed, please see attached a summary of the commitments as outlined in the Budget Order. As Bill has suggested, we may be able to work collaboratively over the next few weeks so that the documents you submit by November 21, 2014 will be the product of collaboration rather than being the first time we see the documents. To that end, Vicki/Karla/Myself will meet this Wednesday; we are still discussing how to move forward on the Student Support Criteria but, Bill, you will hear from us soon on that. Let us know if you have any questions/concerns – we want to make sure we all share the same expectations about what happens next and who is doing what. Thanks, Sam

Samuel Emiliano Brown
Tucson Unified School District
Desegregation Director
520.225.6067
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Summary of Commitments Pursuant to the October 22, 2014 USP Budget Order

- 1. Revised Budget.** By December 12, 2014, the District will submit a Notice and Adoption of the Desegregation Budget, including revisions to the 2014-15 USP Budget reflecting adjustments to allocations for the following items: CR Courses, Dual-Language Teachers, Fine Arts Teachers at Magnet Schools, and Professional Development. Depending on the outcome of its analysis, the District may revise the allocations for Psychologists and/or Social Workers.
Reason: The Court ordered TUSD to complete the required revisions and file the Notice “in time to make any necessary program changes for Spring semester SY 2014-15 and Summer school.” (ECF 1705 at 13.)

CRCs. Current Budget Allocation: 6 FTE, \$335k (including benefits)

The District will analyze funding for low-threshold CR courses using the Special Master’s methodology, and will adjust accordingly the proportion of 910(g) FTE.

Reason: The Court found that TUSD may use 910(G) funds to the extent it would not be able to provide CRCs without it, and that amount should be as described by the Special Master: the difference between the costs for CRC courses and regular core courses, with 910(G) funding supplementing the difference. (ECF 1705 at 4.)

Dual Language Teachers¹. Current Budget Allocation: 40 FTE, \$2.23M (including benefits)

The District will analyze funding for low-threshold DL teachers using the District’s methodology, and will adjust accordingly the proportion of 910(g) FTE.

Reason: The Court approved TUSD’s “low-threshold” methodology, based on the 1:27 ratio, for linking 910(G) funds to Dual Language courses. (ECF 1705 at 4.)

Fine Arts Teachers at Magnet Schools. Current Budget Allocation: 8.8 FTE, \$499k (including benefits; excluding fine arts teachers allocated to Holladay and Utterback)

The district will analyze funding for Fine Arts FTEs in Magnet Schools (Band/Orchestra teachers, not OMA teachers) that are not related to the magnet theme, and will adjust accordingly the proportion of 910(g) FTE.

Reason: The Court found that it is “supplanting” to use 910(G) funds to pay a fine-arts teacher at a magnet school for teaching fine-arts classes which are not magnet-related. (ECF 1705 at 5.)

Psychologists / Social Workers. Current Budget Allocation – Psychologists: 5 FTE, \$385k (including benefits); Social Workers: 10 FTE, \$594k (including benefits)

The District will either (a) develop a memo identifying the race-based problems, and describing how hiring more psychologists and/or social workers helps resolve those problems, or (b) make a formal

¹ The Order recognizes that the USP identifies eleven Dual-Language programs as of 2012-13, and that the District can fund 100% of any program expansion above the 2012-13 levels. (See ECF 1705 at 5.) The District proposes the following clarification to the Special Master and the Budget Operations Expert Vicki Balentine: “2012-13 levels” should be defined as the number of DL classrooms in 2012-13, not the number of DL programs in 2012-13. For example, if school X has a DL program with 50 students and one teacher in 2012-13, and the District “expanded” that DL program to 50 students and two teachers, 910(g) funds should be used for the second teacher (even though the number of programs – one – stayed the same). Otherwise, expansion within a program could be unduly limited by the availability of non-910(g) funds, in opposition to the spirit of the USP.

declaration that it will no longer fund the approximately five FTE for psychologists and/or the approximately ten FTE for social workers from 910(g) funds.

Reason: The Court found that the USP does not warrant hiring more psychologists to conduct special education evaluations to prevent over-referral of minority students. The order notes that hiring more psychologists does not ensure that they will make non-discriminatory evaluations and placements, and that there is no evidence in the record that a placement problem exists. (ECF 1705 at 7.) To warrant 910(G) funding, the Court said, TUSD must establish that there is a race-based problem and show that hiring more psychologists resolves it. (*Id.*)

Professional Development. TUSD must develop a systematic approach to estimating the cost of providing training to specifically identified staff needing professional development in SY 2014-15 and revise the 2014-15 budget to reflect this approach.

Reason: The Court did not adopt the Special Master's suggested \$2M set-aside for professional development, but instead ordered TUSD to "make a research-based assessment of the time needed to provide effective training in the areas relevant for this year's USP implementation plans, and use a systematic approach to estimating the cost of providing this level of training to specifically identified staff needing professional development in SY 2014-15." (ECF 1705 at 11.) Please note the Court's comment on page 11, suggesting that substitute teachers should not be used if at all possible and that TUSD should "consider ways to minimize to the extent practicable any negative impact on student learning related to professional development."

- 2. Student Engagement/Student Support Services and Programs.** By November 21, 2014 the Special Master must submit specific recommendations to assist the District in making improvements to the student support criteria. Forty-five days from the date of submission, the District may revise the student support form/process per the recommendations. By the forty-fifth day, the District must file the Special Master's recommendations and the revised student support form and/or process.²

Reason: The Court did not find that the District's reorganization of certain student support programs and services conflicted with any specific provisions of the USP, but it noted that it "conflicts at least with the spirit of the USP." (ECF 1705 at 8.) This comment does not require any action on the District's part at this time.

- 3. Budget Process and Criteria.** By November 21, 2014 the Budget Operations Expert, Vicki Balentine, must submit recommendations, including: (a) improvements to the Budget Criteria and, (b) a timeline and process for the 2015-16 Budget Development. Forty-five days from the date of submission, the District may revise the budget criteria form/process per the recommendations. By the forty-fifth day, the District must file Dr. Balentine's recommendations and the revised budget criteria form and/or process.

Reason: The Court noted that the deseg budget should be developed as part of the TUSD annual budget, "with time for this Court to make meaningful decisions not mooted by time." (ECF 1705 at 12.) Once TUSD receives Balentine's report, it must work with the Special Master and the Plaintiffs to reach agreement regarding her recommendations. (*Id.* at 13.)

²Alternatively (as proposed by the Special Master): Between November 3, 2014 and January 5, 2015, the Special Master will work collaboratively with the District to develop a process for evaluating USP-funded student support programs using the student support criteria form. By January 5, 2015, the District will file the revised student support form and/or process.

Brown, Samuel

From: Balentine, Vicki Eileen - (vbalenti) <vbalenti@email.arizona.edu>
Sent: Friday, November 21, 2014 9:55 AM
To: Rubin Salter; Thompson, Lois D.; Juan Rodriguez (jrodriguez@MALDEF.org); Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; William Brammer; Tolleson, Julie; TUSD
Cc: Willis D. Hawley; Sanchez, HT; Soto, Karla; Brown, Samuel; Morrison, G Scott
Subject: Date Certain Submission of Proposed Methodology Including Proposed Criteria for Use of 910G Funds
Attachments: Recommended TUSD Budget Criterion and Process for 2015.docx; 2015 sample budget format.docx
Categories: BUDGET

Good Morning,

The attached and date certain submission of the Proposed Budget Methodology Including Proposed Criteria for Use of 910G Funds reflects concerns expressed by the District related to their capabilities in tracking 910G funds for this and past budget years.

Respectfully,
Vicki Balentine

--

Vicki Balentine, Ph.D., Professor of Practice, Educational Policy Studies & Practice, College of Education, U of A. Past President, Arizona State Board of Education.

**RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR
ALTERNATIVES TO THE 2015-16 Unitary Status Plan (USP)
BUDGET CRITERION AND PROCESS**

November 21, 2014

2014-15 USP CRITERIA AND PROCESS -- WHAT WORKED AND WHAT DIDN'T WORK

The Initial 2014-15 USP Budget Timeline and Process did not provide enough initial and ongoing information to allow for timely and complete budget review and input by the plaintiffs. The initial meeting with the budget expert was in April. It took three rounds and several months of information requests and exchanges by the plaintiffs to approach the information needed by the plaintiffs to allow understanding and thus provide relevant input on the proposed budget prior to the start of the budget year.

As revisions were made to the budget, an updated proposed USP budget draft was not made available to the plaintiffs, the special master or the budget expert. But rather, a running narrative was provided to explain ongoing changes to the initial proposed budget. This strategy of using a narrative of revisions continued from May through September. A narrative format is a very cumbersome and difficult to understand strategy in that there is never an updated spreadsheet of the most current proposed USP budget allocations for review. In addition, the criteria used for allocation recommendations were sometimes unclear and were not consistent in aligning with the previously agreed upon supplement rather than supplant criteria.

As a result, I recommend the budget process itself be initiated much sooner in the planning year and that revised and updated USP budget drafts with all allocation amounts following the agreed upon allocation criteria be provided with whatever narrative the District thinks important to provide throughout the process.

TIMELINESS AND FORMAT

Revision of the Implementation Addendum (IA)

The IA has been revised by the District in collaboration with the Implementation Committee (IC) to identify activities underway to implement the provisions of the USP thereby making for a more understandable and coherent IA that specifies the USP-related activities that need to be tracked and reported by the District and monitored by the IC. This results in a significant reduction in the number of activities that require budget tracking.

PROCESS AND TIMELINES FOR THE ANNUAL USP BUDGET PROCESS

Future budgets shall be organized by the activities identified in the revised Implementation Addendum. The initial budget proposals shall be shared with the plaintiffs in February with the expectation that the parties shall meet in March or April in Tucson to discuss the budget and other issues. Given that the criteria for allocating 910G funds did not serve to resolve differences about the appropriateness of various expenditures, the Special Master shall propose alternatives to the current criteria by November 21, 2014.

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
TO THE 2015-16 UNITARY STATUS PLAN (USP)
BUDGET CRITERION AND PROCESS

2

TRACKING OF 910G FUNDS

The District shall track and report 910G funds, as well as any USP related funds (M & O, Title 1, Dropout Prevention, etc.), that are spent to support the identified USP Implementation Addendum Activities as revised in November of 2014. This tracking shall provide critical information specific to USP expenditures by the activities identified and shall be focused on 910G funds for 2013-14 and for all USP expenditures in years thereafter.

TIMELINES FOR THE ANNUAL BUDGET PROCESS

In December, the District shall provide all District formulas and regulations used or required in the allocation of funds, including weighted student count, school level allocations, FTE formulas, and Title I or other Federal and State requirements, etc. In addition, when the development of the 2015-16 USP Budget Process initiates in February, 2015, the following information shall be provided for each tracked activity:

- A. proposed expenditures for the activity in the proposed budget year, broken down by expenditure from 910G and any other USP related funding sources,
- B. aggregation of what was spent on the activity during the last budget year, broken down by expenditure from 910G and any other USP related funding sources*,
- C. current year allocation amount, broken down by expenditure from 910G and any other USP related funding sources,
- D. projected expenditures at the completion of the current budget year for the activity, with rationale for any differences between the projected and allocated amounts, and
- E. rationale for any non-incremental increase or decrease in funding for the activity, if applicable.

PROPOSED TIMELINE FOR DEVELOPMENT OF THE 2015-16 USP BUDGET

The timeline below is proposed as a framework for structuring the process prior to the beginning of the next fiscal year with acknowledgment that the suggested dates expedite the process identified in the October 22, 2014 court order.

Date(s)	Action
November 12, 2014	Budget Process Methodology Proposal was submitted to the parties for review and comment.
November 21, 2014	Budget Process Methodology Proposal including proposed alternatives to the current criteria for allocating 910G funds shall be submitted to the parties for review and comment per October 22, 2014 court order.
December 9, 2014	The District shall provide the plaintiffs, special master and budget expert with all District formulas and regulations used or required in the allocation of funds, including weighted student count, school level allocations, FTE formulas, and Title I or other Federal and State requirements.

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
TO THE 2015-16 UNITARY STATUS PLAN (USP)
BUDGET CRITERION AND PROCESS

3

No later than December 15, 2014	Comments on the Budget Process Methodology Proposal and alternatives to the current criteria for allocating 910G funds shall be submitted by the parties.
No later than January 5, 2015	Budget Process Methodology is finalized.
No later than February, 2015	A meeting of the parties will be scheduled in Tucson between March 30 – April 15 to review and discuss the proposed budget and other issues.
DRAFT #1 February 26, 2015	The 2015-16 Budget Process shall formally initiate with the following information provided as the 2015-16 Proposed USP Budget Draft #1* for each tracked activity: <ul style="list-style-type: none"> • proposed expenditures for the activity in the proposed budget year, broken down by expenditure from 910G and any other USP related funding sources, • aggregation of what was spent on the activity during the last budget year, broken down by expenditure from 910G and any other USP related funding sources**, • projected expenditures at the completion of the current year for the activity, with rationale for any differences between the projected and allocated amounts, and • rationale for any non-incremental increase or decrease in funding for the activity, if applicable.
February/March, 2015 (no later than 10 days after Draft #1 is received)	Plaintiffs and Special Master review and comment period. A phone conference with the parties may prove supportive of the process during this time.
DRAFT #2 March 16, 2015	TUSD provides Draft #2 of the 2015-16 Proposed USP Budget with any allocation revisions using the same format as for Draft #1.
March/April, 2015 (no later than 10 days after Draft #2 is received)	Plaintiffs and Special Master review and comment period. A phone conference with the parties may prove supportive of the process during this time.
March/April, 2015	The parties shall meet in Tucson to discuss the proposed USP budget and other issues
DRAFT #3 April 27, 2015	TUSD provides Draft #3 of the 2015-16 Proposed USP Budget with any allocation revisions using the same format as for Draft #1.
April/May, 2015 (no later than 20 days after Draft #3 is received, per USP Court Order)	Plaintiff review and comment period. A phone conference with the parties may prove supportive of the process during this time.
April/May, 2015 (within 10 days of plaintiffs comments on Draft #3, per USP Court Order)	Special Master submits any suggestions for modification of Draft #3 to the District.

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
TO THE 2015-16 UNITARY STATUS PLAN (USP)
BUDGET CRITERION AND PROCESS

4

June, 2015	TUSD Governing Board action on 2015-16 Proposed USP Budget. Any continuing objection by the plaintiffs shall be noted separately and provided to the Governing Board for consideration.
July, 2015	Governing Board action on 2015-16 USP Budget
July, 2015	Within ten (10) days of Governing Board action, if necessary, objections filed for any plaintiff disagreement with the budget, as approved.

*Sample budget format attached.

**This information will be not be available in 2013-14 but will be available in future years.

REALLOCATION REPORTING DURING THE YEAR

Beginning in January, 2015, and thereafter, the District shall provide the plaintiffs with information quarterly related to mid-year under or over-expenditures of 910G funds and/or needed reallocations. The proposals for the use of these funds (reallocations) shall be shared with the plaintiffs and Special Master for comment. The District shall provide specific dates by which such proposed reallocations shall be shared. The plaintiffs shall provide comments on proposed reallocations within ten days of each quarterly proposed reallocation communication.

YEARLY AUDIT OF 910G FUNDS

The audit required by the USP shall report expenditures for each of the revised descriptions of activities in the Implementation Addendum as amended in November of 2014. For 2013-14, the audit shall focus only on the expenditure of 910G funds. Thereafter, the audit shall include expenditures for the entire USP budget, including the expenditure of related funds from non-910G sources.

The District should recode past budget information using the IA structure by activity for budget years 2013-14 (Original IA) and 2014-15 (Revised IA) to allow for an accurate and meaningful audit. If such recoding is difficult, at the very least, a crosswalk shall be developed and implemented by the District for prior years that shall allow for relevant and accurate auditing of 910G funds by activity for years 2013-14 and 2014-15.

CRITERIA FOR USE OF 910G FUNDS

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Provide the USP reference(s).

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
TO THE 2015-16 UNITARY STATUS PLAN (USP)
BUDGET CRITERION AND PROCESS

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3. Does the expenditure support a USP-related activity as described by a Court Order?

Provide the Court Order reference(s), and an explanation of the demonstrated or likely efficacy of the action of activity to be implemented.

Example: the Court Order on School Closings mandated that the District provide additional resources to D and C- receiving schools. To comply with that Order, the District allocated over \$500,000 to D and C- receiving schools.

4. If the purpose of the funding is not directly related to a specific provision of the USP, is that funding targeted on African American and/or Latino students who have special needs or are underachieving? Example: Funds are allocated to exceptionally effective racially concentrated school so that the schools can serve as models and provide support for improvement in other racially concentrated schools.

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6 Is the funding likely to bring about positive outcomes for the students served by the program or activity?

Provide an explanation of the demonstrated or likely efficacy of the action or activity to be Implemented. Cite evidence from District studies or relevant research. If such evidence is not available, say, "NA".

7. Is the funding being used to supplement (not supplant) other funding that would be expended in the absence of the related USP provision?

This can be determined by using a "formula plus rule": the cost of services provided exceed the expenditures that would've been made in accordance with Governing Board approved funding formulas. Example: if culturally relevant courses that substitute for core courses are offered with 20 students per course rather than the 27 students in conventional core courses, the cost of teaching the additional seven students (averaged over several courses) can be funded from 910 G funds.

Respectfully Submitted:



Vicki Balentine, Ph.D.

**RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR
ALTERNATIVES TO THE 2015-16 Unitary Status Plan (USP)
BUDGET CRITERION AND PROCESS**

ATTACHMENT

SAMPLE BUDGET FORMAT

November 21, 2014

2015-16 Unitary Status Plan (USP) PROPOSED BUDGET

Draft #1 February 26, 2015

SUMMARY OVERVIEW

910G FUNDING AVAILABLE \$ Total Dollar Amount

2015-16 PROPOSED ALLOCATION \$

Activity 1 Description	Proposed Allocation
Activity 2 Description	Proposed Allocation
Activity 3 Description	Proposed Allocation
Activity 4 Description	Proposed Allocation
Activity 5 Description	Proposed Allocation
Activity 6 Description	Proposed Allocation
Activity 7 Description	Proposed Allocation
Activity 8 Description	Proposed Allocation
Activity 9 Description	Proposed Allocation
ETC....	

910G REMAINING FUNDS \$0

2015-16 Unitary Status Plan (USP) PROPOSED BUDGET

Draft #1 February 26, 2015

Page 2

Brown, Samuel

From: Balentine, Vicki Eileen - (vbalenti) <vbalenti@email.arizona.edu>
Sent: Friday, December 19, 2014 8:21 AM
To: Willis D. Hawley; rsjr3@aol.com; Juan Rodriguez (jrodriguez@MALDEF.org); Thompson, Lois D.; Bhargava, Anurima (CRT); Savitsky, Zoe (CRT); Eichner, James (CRT); Brown, Samuel; TUSD; Tolleson, Julie
Subject: RE: Implementing Court Order re Budget
Attachments: Recommended TUSD Budget Criterion and Process for 2015.docx; 2015 sample budget format.docx

Good Morning,

Attached please find the Proposed 2015-16 Budget Process Recommendations as well as a sample budget format.

Happy Holidays!

Vicki Balentine

From: Willis D. Hawley [wdh@umd.edu]
Sent: Thursday, December 18, 2014 6:45 PM
To: rsjr3@aol.com; Juan Rodriguez (jrodriguez@MALDEF.org); Thompson, Lois D.; Bhargava, Anurima (CRT); Savitsky, Zoe (CRT); Eichner, James (CRT); Brown, Samuel; TUSD; Tolleson, Julie
Cc: Balentine, Vicki Eileen - (vbalenti)
Subject: Implementing Court Order re Budget

December 18, 2014
To: Parties
From: Bill Hawley
Re: Problems in Implementing the October 22 Court Order re Budget

The October 22 court order requires the budget expert and me to submit proposals to TUSD related to the budget process and criteria and methods for the evaluation of student support programs. The latter was broadly defined by the court and my proposals to the district are responsive to that expansive definition of the challenge. These proposals were to be submitted within 30 days of the court order and they were.

The order then calls for me to work collaboratively with TUSD within a 45 day period after which the district is to specify to the court whether it is willing to adopt proposals made by me and the budget expert or some accommodation thereof. However, in the text of the order, the court asked me to work with the plaintiffs as well as the district on both of these matters. Obviously, that has not happened. I had hoped to work with the district to identify common ground and differences, if any, before involving the plaintiffs in order to expedite this process.

There are a host of other issues under consideration and it has not been possible for me to do more than exchange notes with the District. We finally met on the evaluation issues yesterday and given the scope of my proposal it is clear that further discussion will be necessary. It is also the case that involvement of the plaintiffs in this issue and issues relating to the budget process is critically important.

A major impediment to do it all of the work that is pending is the holiday season for the district (and the rest of us I presume).

I suggest that the district seek a 30 day extension (from January 5) to respond to the October 22 court order as it relates to the budget process and the evaluation of student support programs.

In the meantime, I'm asking Vicki Balentine to share her proposals required by the court and I am attaching mine as well. I'm sure these documents will brighten your holiday season.

Willis D. Hawley
Professor of Education and Public Policy
University of Maryland
Senior Advisor
Southern Poverty Law Center

**RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR
ALTERNATIVES TO THE 2015-16 Unitary Status Plan (USP)
BUDGET CRITERION AND PROCESS**

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2015-16 Unitary Status Plan (USP) PROPOSED BUDGET

Draft #1 February 26, 2015

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**RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR
ALTERNATIVES TO THE 2015-16 Unitary Status Plan (USP)
BUDGET CRITERION AND PROCESS**

November 21, 2014

2014-15 USP CRITERIA AND PROCESS -- WHAT WORKED AND WHAT DIDN'T WORK

The Initial 2014-15 USP Budget Timeline and Process did not provide enough initial and ongoing information to allow for timely and complete budget review and input by the plaintiffs. The initial meeting with the budget expert was in April. It took three rounds and several months of information requests and exchanges by the plaintiffs to approach the information needed by the plaintiffs to allow understanding and thus provide relevant input on the proposed budget prior to the start of the budget year.

As revisions were made to the budget, an updated proposed USP budget draft was not made available to the plaintiffs, the special master or the budget expert. But rather, a running narrative was provided to explain ongoing changes to the initial proposed budget. This strategy of using a narrative of revisions continued from May through September. A narrative format is a very cumbersome and difficult to understand strategy in that there is never an updated spreadsheet of the most current proposed USP budget allocations for review. In addition, the criteria used for allocation recommendations were sometimes unclear and were not consistent in aligning with the previously agreed upon supplement rather than supplant criteria.

As a result, I recommend the budget process itself be initiated much sooner in the planning year and that revised and updated USP budget drafts with all allocation amounts following the agreed upon allocation criteria be provided with whatever narrative the District thinks important to provide throughout the process.

TIMELINESS AND FORMAT

Revision of the Implementation Addendum (IA)

The IA has been revised by the District in collaboration with the Implementation Committee (IC) to identify activities underway to implement the provisions of the USP thereby making for a more understandable and coherent IA that specifies the USP-related activities that need to be tracked and reported by the District and monitored by the IC. This results in a significant reduction in the number of activities that require budget tracking.

PROCESS AND TIMELINES FOR THE ANNUAL USP BUDGET PROCESS

Future budgets shall be organized by the activities identified in the revised Implementation Addendum. The initial budget proposals shall be shared with the plaintiffs in February with the expectation that the parties shall meet in March or April in Tucson to discuss the budget and other issues. Given that the criteria for allocating 910G funds did not serve to resolve differences about the appropriateness of various expenditures, the Special Master shall propose alternatives to the current criteria by November 21, 2014.

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
TO THE 2015-16 UNITARY STATUS PLAN (USP)
BUDGET CRITERION AND PROCESS

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TRACKING OF 910G FUNDS

The District shall track and report 910G funds, as well as any USP related funds (M & O, Title 1, Dropout Prevention, etc.), that are spent to support the identified USP Implementation Addendum Activities as revised in November of 2014. This tracking shall provide critical information specific to USP expenditures by the activities identified and shall be focused on 910G funds for 2013-14 and for all USP expenditures in years thereafter.

TIMELINES FOR THE ANNUAL BUDGET PROCESS

In December, the District shall provide all District formulas and regulations used or required in the allocation of funds, including weighted student count, school level allocations, FTE formulas, and Title I or other Federal and State requirements, etc. In addition, when the development of the 2015-16 USP Budget Process initiates in February, 2015, the following information shall be provided for each tracked activity:

- A. proposed expenditures for the activity in the proposed budget year, broken down by expenditure from 910G and any other USP related funding sources,
- B. aggregation of what was spent on the activity during the last budget year, broken down by expenditure from 910G and any other USP related funding sources*,
- C. current year allocation amount, broken down by expenditure from 910G and any other USP related funding sources,
- D. projected expenditures at the completion of the current budget year for the activity, with rationale for any differences between the projected and allocated amounts, and
- E. rationale for any non-incremental increase or decrease in funding for the activity, if applicable.

PROPOSED TIMELINE FOR DEVELOPMENT OF THE 2015-16 USP BUDGET

The timeline below is proposed as a framework for structuring the process prior to the beginning of the next fiscal year with acknowledgment that the suggested dates expedite the process identified in the October 22, 2014 court order.

Date(s)	Action
November 12, 2014	Budget Process Methodology Proposal was submitted to the parties for review and comment.
November 21, 2014	Budget Process Methodology Proposal including proposed alternatives to the current criteria for allocating 910G funds shall be submitted to the parties for review and comment per October 22, 2014 court order.
December 9, 2014	The District shall provide the plaintiffs, special master and budget expert with all District formulas and regulations used or required in the allocation of funds, including weighted student count, school level allocations, FTE formulas, and Title I or other Federal and State requirements.

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
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BUDGET CRITERION AND PROCESS

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No later than December 15, 2014	Comments on the Budget Process Methodology Proposal and alternatives to the current criteria for allocating 910G funds shall be submitted by the parties.
No later than January 5, 2015	Budget Process Methodology is finalized.
No later than February, 2015	A meeting of the parties will be scheduled in Tucson between March 30 – April 15 to review and discuss the proposed budget and other issues.
DRAFT #1 February 26, 2015	The 2015-16 Budget Process shall formally initiate with the following information provided as the 2015-16 Proposed USP Budget Draft #1* for each tracked activity: <ul style="list-style-type: none"> • proposed expenditures for the activity in the proposed budget year, broken down by expenditure from 910G and any other USP related funding sources, • aggregation of what was spent on the activity during the last budget year, broken down by expenditure from 910G and any other USP related funding sources**, • projected expenditures at the completion of the current year for the activity, with rationale for any differences between the projected and allocated amounts, and • rationale for any non-incremental increase or decrease in funding for the activity, if applicable.
February/March, 2015 (no later than 10 days after Draft #1 is received)	Plaintiffs and Special Master review and comment period. A phone conference with the parties may prove supportive of the process during this time.
DRAFT #2 March 16, 2015	TUSD provides Draft #2 of the 2015-16 Proposed USP Budget with any allocation revisions using the same format as for Draft #1.
March/April, 2015 (no later than 10 days after Draft #2 is received)	Plaintiffs and Special Master review and comment period. A phone conference with the parties may prove supportive of the process during this time.
March/April, 2015	The parties shall meet in Tucson to discuss the proposed USP budget and other issues
DRAFT #3 April 27, 2015	TUSD provides Draft #3 of the 2015-16 Proposed USP Budget with any allocation revisions using the same format as for Draft #1.
April/May, 2015 (no later than 20 days after Draft #3 is received, per USP Court Order)	Plaintiff review and comment period. A phone conference with the parties may prove supportive of the process during this time.
April/May, 2015 (within 10 days of plaintiffs comments on Draft #3, per USP Court Order)	Special Master submits any suggestions for modification of Draft #3 to the District.

RECOMMENDATIONS TO TUSD FOR NECESSARY IMPROVEMENTS OR ALTERNATIVES
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BUDGET CRITERION AND PROCESS

4

June, 2015	TUSD Governing Board action on 2015-16 Proposed USP Budget. Any continuing objection by the plaintiffs shall be noted separately and provided to the Governing Board for consideration.
July, 2015	Governing Board action on 2015-16 USP Budget
July, 2015	Within ten (10) days of Governing Board action, if necessary, objections filed for any plaintiff disagreement with the budget, as approved.

*Sample budget format attached.

**This information will be not be available in 2013-14 but will be available in future years.

REALLOCATION REPORTING DURING THE YEAR

Beginning in January, 2015, and thereafter, the District shall provide the plaintiffs with information quarterly related to mid-year under or over-expenditures of 910G funds and/or needed reallocations. The proposals for the use of these funds (reallocations) shall be shared with the plaintiffs and Special Master for comment. The District shall provide specific dates by which such proposed reallocations shall be shared. The plaintiffs shall provide comments on proposed reallocations within ten days of each quarterly proposed reallocation communication.

YEARLY AUDIT OF 910G FUNDS

The audit required by the USP shall report expenditures for each of the revised descriptions of activities in the Implementation Addendum as amended in November of 2014. For 2013-14, the audit shall focus only on the expenditure of 910G funds. Thereafter, the audit shall include expenditures for the entire USP budget, including the expenditure of related funds from non-910G sources.

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