

**Brown, Samuel**

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**From:** Willis D. Hawley <wdh@umd.edu>  
**Sent:** Monday, August 04, 2014 11:47 AM  
**To:** Rubin Salter, Jr.; Juan Rodriguez; Thompson, Lois D.; amarks@markslawoffices.com; zoe.savitsky@usdoj.gov; Brown, Samuel; Tolleson, Julie; TUSD  
**Cc:** Balentine, Vicki Eileen - (vbalenti)  
**Subject:** SM Comment 2014-15 Budget  
**Attachments:** USP Budget SM proposals 2014-15 (5).docx  
  
**Categories:** BUDGET

Attached are my comments on the 2014-15 budget. I have stayed with the schedule but comments are not informed by plaintiffs' comments on the latest response to July 25 questions. And, of course, we do not have a revised budget. I submit this now to allow the district to consider these proposals and so that the plaintiffs can respond to them, should they wish to do so. This, I am sure, will be helpful to the District. I know they will be helpful to me.

**Willis D. Hawley**  
**Professor of Education and Public Policy**  
**University of Maryland**  
**Director, Teaching Diverse Student Initiative**  
**Southern Poverty Law Center**

August 4, 2014

To: Parties

From: Bill Hawley

Re: SM Proposals for 2014-15 TUSD Budget

### **Introduction**

The process for sharing and evaluating the District budget for 2014-15 is seriously flawed. As a result, providing informed and viable proposals for amending the proposed budget is problematic. To address this situation, I will prepare a proposal in September for consideration by the parties about how the 2015-16 budget process can be carried out in a more productive way.

The intent of my proposals now for the 2014-15 budget is to recommend a limited number of actions and to set the groundwork for developing a productive and collaborative process that will result in a budget that:

1. Ensures adequate funding for specific provisions of the USP.
2. Reflects decisions for allocating 910G funds to activities and personnel that are not directly specified in the USP that are well-understood and data-based.
3. Invests 910G funds to accomplish the goals of the USP in programs and practices that have been proven successful in TUSD or elsewhere and/or are justified by research.

### **Adequate Funding for Provisions of the USP**

While I appreciate the concerns of plaintiffs about specific expenditures and have my own reservations (e.g., about magnet school funding), I focus these proposals on the adequacy of funding for professional development.

The success of any educational practice depends fundamentally on what happens in the interactions between educators and students. Professional educators are the technology of schooling. The USP asks professional staff in TUSD to learn and implement a number of complex policies and practices. It follows that TUSD should invest considerably more resources in professional development than it has in the past.

I have been raising the question about the adequacy of funding for professional development for a while. On July 25, 2014, I asked the District for its rationale for determining its proposed investments in professional development. It appears that I was not clear about the intent of my query which is more clearly articulated in the memo I shared with the parties on August 1 (see attachment). In TUSD's explanation for how it arrived at its proposal for professional development funding, the District describes its coding system. That is not an explanation for who is to be supported, for what purposes, for what duration, and at what cost.

I assume that the District has undertaken a systematic analysis along the lines I proposed in my August 1 memo because there is, so far as I can tell, no other way to make a sensible decision about what funding would be needed for professional development to implement the USP. I ask that the District share that analysis with the parties. If that analysis has not been done, I recommend that there be a \$2 million placeholder for additional funds for professional development until such an analysis is undertaken and specific amounts can be justified.

Of course, simply increasing investments in professional development is no guarantee that desired outcomes will result. There is substantial consensus among researchers about the practices that are most essential for effective professional development and the District should ensure that such practices are implemented. While I do not propose that such effective practices be required, I will provide the District with a synthesis of the relevant research. There is reason to be concerned about how professional development is implemented in TUSD. For example, it appears that when some teachers are provided with professional development, they are replaced in their classrooms by substitute teachers. Invariably, substitute teachers are less effective than regular teachers in facilitating student learning. Paying substitutes rather than keeping teachers in their classrooms and paying

them overtime no doubt saves money but it amounts to reducing student learning time and that is a real cost that students pay.

### **Making Appropriate Use of 910G Funds**

#### Developing an Formula Plus Approach to Determining the Use of 910G Funds: Applications to Psychologist and Others

The criteria for assigning 910 G funds that was approved by the parties obviously do not work. There are continuing differences of opinion about whether those criteria are applied appropriately. It appears that the District, in defending its expenditures for psychologists, has identified an approach that I believe is workable. In its explanation for the funding of psychologists, the District says that psychologists are assigned to schools on a formula basis and that additional psychologists funded by 910G funds are employed to deal with specific needs. The needs identified could reasonably be associated with remedying the past vestiges of segregation and discrimination, namely excessive mobility and racial concentration. Where the District's approach breaks down is when it goes on to explain why it intends to use 910G funds to pay for a portion of all psychologists, the District essentially argues that this is necessary in order for them to do what psychologists are supposed to do and what they do in all other districts when working with exceptional children. This is the same as arguing that a portion of all special educators' salaries should be paid because part of these educators' job to attend to the appropriate referral of students for possible assignment to special education.

In other words, a 910G allocation rule—let me call it the “Formula Plus Rule”—that could be used in the future and applied in this case would be that activities and personnel funded from 910G funds should be in addition to those activities and personnel that would be funded anyway because of formula developed by the District for all schools using weighted student funding as appropriate. In applying this Formula Plus Rule, the District would simply have to describe how the additional activities and personnel funded by 910G relate to the goals of the USP. So, before the budget is determined for 2014-15, the District should apply this rule to the funding of psychologists, social workers, counselors, “coordinators” and other support personnel whose roles are not specifically defined by the USP.

### The Funding of Teachers of Culturally Relevant Courses and Dual Language

Another application of the Formula Plus Rule would be a justification for using 910G funds for CRC teachers and teachers in dual language programs. Why does it cost more to teach CRC courses than the courses they replace? Are class sizes smaller? Similarly, why do we need more teachers in dual language schools than in other schools? Are class sizes smaller? Presumably, students take the same number of courses and teachers teach the same number of hours. Perhaps teachers have fewer classes to teach (not a bad idea to incentivize such teaching). The District should explain why 910G funds are appropriate in these cases.

### 910G Funding for Art Programs

Applying this Formula Plus Rule to the funding of the arts is a bit more complicated because of the unique characteristics of the OMA program in TUSD and its unique embodiment of multicultural learning. If the District supports the use of the Formula Plus Rule for the allocation of 910G funds suggested above, I propose that no changes be made in the budget proposed for this SY. However, the District should undertake the relevant analysis prior to the budget process for 2015-16 and share its conclusions with the plaintiffs and the special master in early 2015.

### **Determining the Efficacy of Activities Funded from 910G Funds**

#### The Learning Resource Coordinators Issue

Given the absence of evidence about the efficacy of particular programs being funded from 910G funds, it would be difficult to argue that a given activity now being funded or proposed to be funded next year should be discontinued. But the District's response to issues raised with respect to Learning Resource Coordinators highlights the need for more rigorous program evaluation by the District. As the District points out, it would be difficult to determine the effects of Learning Resource Coordinators given that they work with many other professionals who may, in fact, be the cause of student learning outcomes.

However, the District's own analysis of Learning Resource Coordinators raises a question about why more serious cost-benefit analysis of these individuals has not been undertaken (e.g., using controlled experiments). The District notes that about 5100 hours of services were provided by Learning Resource Coordinators. Given an expenditure of \$3.5 million, this works out to an hourly cost of almost \$700. This, of course, is absurd because surely Learning Resource Coordinators do something other than the activities that make up the 5100 hours reported by the District. Nonetheless, the cost, in light of the tasks that Learning Resource Coordinators are all assigned to perform, is extraordinary and careful analysis of what they do and what difference it makes would seem appropriate. I belabor this point because of the lack of rigor that characterizes the study of student support programs in general and to draw attention to the importance of high-quality program evaluation to the success of the USP.

#### The Issue of Support for African-American (and other) Students

The proposed five-fold increase (compared to the most recent proposal) in funding for implementation of elements of the African-American Academic Achievement Task Force is encouraging and appropriate but also indicates that the focus on the needs of students African-American students who are struggling received inadequate attention for the entire 2013-14 SY. The Fisher plaintiffs are concerned that the restructuring of the ethnic student support departments could lead to both an inability to track student support and an actual reduction in support students received. The USP authorizes the Superintendent to organize activities and organizational units in ways he seems appropriate and I do not challenge that provision (which I proposed). But there are two types of issues I raise here. First, a relatively minor matter; while the District says that it does not reduce the number of people who perform these roles, in fact, it does. Two unfilled positions in the Mexican American Student Support department will go unfilled and curriculum specialists are reassigned, apparently from student support to the curriculum department. A second concern has to do with the assignment of personnel to schools and their supervision by school principals in the schools to which they are assigned. Given past history, student support personnel are likely to be used by principals of the schools to which they are assigned in ways that principals believe meet needs in their schools and to see these people having their primary responsibility to their schools. For example, one such student support person has

allegedly been told that he will be assigned to cafeteria duty. So, to ensure the efficacy of this reallocation of funds, the District should:

1. Be able to identify relevant student needs and to track services provided.
2. Know how and whether principals in schools where student support personnel are not assigned get access to support personnel.
3. Have guidelines for how such personnel should be used and how data are to be collected that include a procedure for outlining how the services that are provided by support personnel to students enrolled in schools other than the ones in which they are assigned and evaluated.

While the budgetary implications of this restructuring are unclear, it would not be possible to assess the efficacy of this program in the future, and therefore the allocation of funds to it, without the development of a more explicit program design that addresses the issues raised above.

## **Conclusion**

My goal in making these recommendations is to move the process of allocating 910G funds to a different and more productive place. The fact that the opportunities of the plaintiffs and the special master to participate in the budgeting process required by the USP came so late in the budgeting year and information was presented in ways that made the analysis difficult (more difficult than in the previous year) makes urging significant further analysis or many changes now difficult and potentially counterproductive.

What I am proposing in the short run is that: (1) additional funds be set aside for professional development should the proposed analysis warrant such support, (2) the use of 910G funds for CRC teachers and teachers in dual language schools needs to be justified or deleted, and (3) 910G funding for psychologists, sociologists, counselors, and coordinators whose roles are not specifically identified in the USP should be eliminated unless these people are performing functions over and above funding formulas for O&M funds and can be linked to the provisions of the USP. The fact that people in a given position provide functions that anyone in that position would perform in any district does not justify the use of 910G funds.

I am also proposing that the District use the Formula Plus Rule in allocating 910G funds for art programs for the next SY and that the policies and practices to be used in the restructuring of the ethnic student support departments be made explicit in ways suggested above so that monitoring can be carried out and efficacy assessed.

Finally, serious consideration should be given to increasing the funding for program evaluation. Such increased capability is likely to pay for itself and improve student outcomes.



**Brown, Samuel**

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**From:** Rubin Salter, Jr. <rsjr3@aol.com>  
**Sent:** Thursday, August 07, 2014 4:12 PM  
**To:** brammer@rllaz.com  
**Cc:** rsjr3@aol.com; wdh@umd.edu; lthompson@proskauer.com; pvictory@rllaz.com; anurima.bhargava@usdoj.gov; zoe.savitsky@usdoj.gov; tsaenz@maldef.org; jrodriguez@maldef.org; Brown, Samuel; Tolleson, Julie; tusd@rllaz.com; Desegregation  
**Subject:** Fisher Plaintiff's comments on the Districts 3rd response to add'l comments related to the proposed 2014-15 USP Budget  
**Attachments:** FP Comments 20140807.docx  
**Categories:** BUDGET

**Dear Mr. Brammer:**

**Attached, please find the Fisher Plaintiffs Comments on the District's Third Response to Additional Comments from the Special Master, Fisher Plaintiffs, and Mendoza Plaintiffs Related to the Proposed 2014-2015 Unified Status Plan Budget.**

**Sincerely,  
Rubin**

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Rubin Salter, Jr.  
Attorney  
The Law Office of Rubin Salter, Jr.  
177 N. Church Avenue  
Suite 903  
Tucson, AZ 85701  
(520) 623-5706  
(520) 623-1716 fax  
[rsjr3@aol.com](mailto:rsjr3@aol.com)

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**FISHER PLAINTIFFS' COMMENTS ON THE DISTRICT'S THIRD RESPONSE TO ADDITIONAL COMMENTS FROM THE SPECIAL MASTER, FISHER PLAINTIFFS, AND MENDOZA PLAINTIFFS RELATED TO THE PROPOSED 2014-2015 UNIFIED STATUS PLAN BUDGET**

AUGUST 7, 2014

**Introduction**

The Fisher Plaintiffs have outstanding concerns and once again reiterate those concerns and objection which they believe critical to the District's resolution.

**Outstanding Objections, Commentary and Concerns**

1. In their response to Fisher Plaintiffs inquiry regarding the UHS Admissions plan (*TUSD Response to #7*), the District has allocated \$10,000 for "stipends for test proctoring." Fisher Plaintiffs request further detail into this matter. Who qualifies as a "test proctor"? Can any person proctor a test? If there are qualifications to be a test proctor, what is the procedure to become a proctor and to verify that a proctor is indeed qualify as a test proctor? What quality control measures are in place? Is there supervision over the test proctors to ensure neutrality and eliminate potential atmospheres of discrimination?
2. Fisher Plaintiffs request a revised copy of the 910(g) budget as referenced in both the July 30 and the August 1, 2014 District responses.
3. Fisher Plaintiffs concur and join in the Mendoza Plaintiffs comments on the budget (See: *Mendoza Plaintiffs' Comments on Budget – Student Support 08.04.14.*)
4. Fisher Plaintiffs take particular exception to the District's departmental shuffling of its behavioral specialists who previously worked with students in the African-American Studies Department. (See: Page 3, paragraph 4, *Mendoza Plaintiffs' Comments on Budget – Student Support 08.04.14.*)
5. Specifically, Fisher Plaintiffs object to the District's contention that the "District must be given the opportunity, per the USP, to implement its programs and strategies and given time to show that type work," as applied to the LSC. The USP specifically allows for the Parties or the Special Master to stipulate to discontinue a program which is redundant, unnecessary, or unduly wasteful. Fisher Plaintiffs believe it makes no sense to fund this program if it will not make an impact upon the target student populations. As this program is unduly wasteful and makes little

impact upon the target student population, Fisher Plaintiffs believe it is appropriate to eliminate LSC funding in the 2014-2015 budget.

6. TUSD has relied upon the UCLA model, a system which has fallen into dispute. Fisher Plaintiffs believe, as this model is no longer effective, the 3.5 million dollars allocated to this LSC program should be applied elsewhere.
7. Fisher Plaintiffs remain concerned about the effects of the dismantling of the African-American Studies Department and the disbursing of the delegation of authority and duties and responsibilities. The African-American Studies Department has been, from its creation and inception in 1978, a standalone department with a separate budget and director. However, with the proposed 2014-2015 budget, the African-American Studies Department has been absorbed into, and clumped in with, a larger department entitled the "Student Services Department." After the Fisher Plaintiffs have examined the budget and, under the present reorganization, it does not appear there are funds allocated for the newly reorganized structure that assume that the primary responsibility for what heretofore was relegated to the African-American Studies Department: closing the achievement gap, lowering the dropout rate and lowering the suspension rate of African-American Students. With this in mind, Fisher Plaintiffs recommend the African-American Studies Department remain designated as a sole and separate department in the TUSD budget, *separate and distinct* from the "Student Services Department," with funds disbursed in a manner similar to the 2012-2013 TUSD budget, and further, provided with funds no less than those allocated the African-American Studies Department in the 2012-2013.
8. There is a gap in delivery services for providing support for elementary- and middle-school African-American students. Fisher Plaintiffs cannot find any plans for providing support for to these elementary and middle school African-American students and, consequently, Fisher Plaintiffs believe there should be funds allocated in the budget to cover this apparent oversight. Please see Attachment A, wherein the African-American Studies Department, as it was historically constituted, provided these services to these student populations.

### **Closing Comments**

Fisher Plaintiffs remain concerned about the effects of the dismantling of the African-American Studies Department and the disbursing of the delegation or authority and duties and responsibilities. It has always been understood that, from the very creation of the African-American Studies Department in 1978, this

department would spearhead the efforts to close the achievement gap for African-American students. From its inception, the African-American Studies Department has been a stand-alone department with a separate budget and director Fisher Plaintiffs believe, due to the long history of the African-American Studies Department in this matter, this department has earned the right to be grandfathered in this budget as a permanent department. That being said, it is only right that the African-American Studies Department should additionally be granted its own budget, having its own program goals and agenda. Furthermore, it is vital the 2014-2015 budget allocate funds for the African-American Studies Department to provide services to the African-American elementary and middle school students. Currently, within the 2014-2015 budget, the only funds set aside for African-American Students appear to benefit only African-American high school students. If the Fisher Plaintiffs are correct in this interpretation, it is necessary for the District to set aside and earmark funds to specifically cover this inadvertent omission.

## **African American Student Education Plan**

### **B. K- 8 Advocacy Plan**

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. Unfortunately, these are students are disproportionately poor and minority.

#### **A. Purpose**

The purpose of this plan is to insure that all African American students in Tucson Unified School District receive a quality education and are given the opportunity to succeed.

#### **B. The basis of the plan is to:**

1. Help 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 central office personnel, assistant superintendents, 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. Work to reduce the overrepresentation of African American students in special education classes.
5. 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.

## **African American Student Education Plan**

### **C. Plan Design**

1. The District will establish a system of benchmarks to monitor growth of students in grades K-, using the ATI system, as well as PARCC ( this will replace AIMS in 2014) assessments. Teachers will monitor every student's growth on a quarterly basis to identify any student who is not making adequate progress in reading, math and writing.
2. The teachers will then be responsible for creating an intervention plan and implementing it with the assistance of para professionals from the African American Studies Department who will be assigned to schools to work with teachers in this identification and intervention progress. This intervention should take place in the classroom as well as before and after school.
3. The success of the intervention will be measured by the students' growth in ATI/AIMS and PARRC.

### **Training**

All para professionals of the African American Studies Department will be trained in the reading, writing and math programs being utilized in the schools where they are assigned. For example if the school is using "Success for All", the paraprofessional must participate in the training of how to implement the program and then work with the teachers to implement the intervention plans.

Para professionals must have an AA degree or at least 60 hours of college or university credit. Those currently employed will be given two years to earn the credit provided they are making yearly progress. This will begin in January 2013.

### **D. Secondary-Level Advocacy**

Staff from the African American Studies Department shall be assigned to each high school to serve as a student advocate for African American students. In this role the para professional will:

1. Foster family communication and home-school connections.
2. Prepare students for life transitions, including understanding of postsecondary education options, college admissions tests, college admissions procedures, etc.

## **African American Student Education Plan**

3. Monitor academic achievement, attendance, and associated issues and work in conjunction with the school administration and support staff to create an intervention program.
4. Ensure a personalized learning experience for each student.

### **E. Expected Outcomes**

More students will connect their long-term goals with current academic requirements. This will be measured by the increase in graduation rate of African American students and increase in the number of African American students who enroll in post secondary education.

More students will understand future options and the requirements they need to fulfill to attain those options. This will be demonstrated in a reduction in the drop out rate, as well as the increase in graduation rate and increase in enrollment in post secondary education.

More parents of secondary students will feel connected to school. This will be measured by an increase in their attendance at parent conferences and participate in site councils and PTA's.

### **F. Monitoring and Reporting**

Within each school's continuous improvement plan, there will be an integrated plan for ensuring that each student has at least one adult advocate. Assistant superintendents are responsible for monitoring plan development and its implementation. Student advocacy and intervention plans will be part of a school's overall annual review and may be part of individual personnel evaluations as appropriate.

**Brown, Samuel**

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**From:** Thompson, Lois D. <lthompson@proskauer.com>  
**Sent:** Monday, August 18, 2014 12:15 PM  
**To:** Brown, Samuel  
**Cc:** wdh@umd.edu; wbrammer@rllaz.com; Tolleson, Julie; rsjr3@aol.com; Bhargava, Anurima (CRT); Savitsky, Zoe (CRT); Juan Rodriguez (jrodriguez@MALDEF.org); TUSD (TUSD@rllaz.com); Desegregation; Balentine, Vicki Eileen - (vbalenti) (vbalenti@email.arizona.edu)  
**Subject:** TUSD 2014-15 Approved 910(g) budget  
**Attachments:** Mendoza Plaintiffs' Comments on Budget - Student Support 08.04.14.pdf; Mendoza Plaintiffs\_ questions re 8\_12\_2014 approved 910(g) budget.PDF  
**Categories:** BUDGET

Dear Sam,

We have reviewed the budget material you provided on Thursday night and now attach a document posing specific questions about a number of the budget entries as well as a question and a request that relate to the cover letter that accompanied that budget material.

We acknowledge your suggestion for a call rather than having emails going back and forth but have a number of concerns about relying solely on such a conference call. As you will see when you look at the questions we have sent, they are quite specific and focused. We therefore anticipate that they can be readily addressed by someone familiar with the budget but also believe that receipt of the answers will be advanced if that person has time to review the questions rather than hearing them for the first time in a telephone conversation. (And also believe that they are quite susceptible to written response.)

Further, it has been our experience that while the telephone conversations we have had on the budget have been useful, of necessity they have focused on a limited number of issues, leaving us with questions and comments that are not otherwise addressed except to the extent the District provides written responses.

We also are concerned about the District's apparent take away from the August 8 conference call that there are only ten outstanding recommendations/concerns. That is not the case as a review of the Mendoza Plaintiffs' submissions on the budget during this budget review period makes clear. In particular, we note that so far as we have been able to determine except to the extent exceptional ed expenses and the new structure for student support services were discussed on August 8, the District has made no response to the issues relating to student support programs and the District's August 1 response to some of our previous concerns that were raised in our August 4 set of comments, a copy of which also is attached.

**Lois D. Thompson**

Partner

[Proskauer](#)

2049 Century Park East  
Suite 3200  
Los Angeles, CA 90067-3206



d 310.284.5614

f 310.557.2193

[ltompson@proskauer.com](mailto:ltompson@proskauer.com)

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MENDOZA PLAINTIFFS' COMMENTS ON TUSD RESPONSES TO BUDGET QUESTIONS CONCERNING STUDENT SUPPORT PROGRAMS PARTICULARLY THOSE FOR WHICH THE DISTRICT PROVIDED STUDENT SUPPORT CRITERIA FORMS ON JULY 23, 2014 AND ADDITIONAL INFORMATION ON JULY 30 AND AUGUST 1, 2014

August 4, 2014

Mendoza Plaintiffs have reviewed the Student Support Program Criteria forms attached to the District's July 23, 2014 budget response as Attachment 2 and material in the July 30 and August 1, 2014 responses, and have the following comments.

There is very little documentation of efficacy with respect to any of the programs. In our telephone conversation of July 25, Sam Brown indicated that the District would appreciate receiving comments on the criteria forms so that it could improve the process next year. Mendoza Plaintiffs understand that the information systems that would facilitate analysis of efficacy were not in place during the 2012-13 school year. While they were hopeful that more analysis of efficacy would have been undertaken this year notwithstanding the absence of those systems, they ask that it be done for programs being funded this year so that the necessary information will be available for use in connection with next year's budget.

The first two pages of Attachment 2 recite who is in charge of a program or oversees an area in which the relevant program is located but fail to state who actually conducted an evaluation (if any) of the relevant program and seem to state that in each instance the persons in charge of the program also evaluated it. Mendoza Plaintiffs question whether this is appropriate and whether those listed have the skills to conduct the appropriate evaluations. Through these comments they request the Special Master and the Implementation Committee to address that issue.

It also is difficult to determine overall program cost for many of the programs because they are reflected in multiple lines of the budget and/or in some instances are reported in lines that combine activities. Mendoza Plaintiffs ask that in the future information on total program cost be provided. Similarly, the information on the criteria forms varies in the extent to which the number of students (and the race and ethnicity of students) participating in the program is provided. Such information would help all concerned understand the comparative reach and success of programs and how they relate to the mandates of the USP. Accordingly, Mendoza Plaintiffs ask that such information be presented in the future.

With respect to the particular programs reported on the criteria forms:

Neither Turnitin nor ManageBac are student support programs. They are a system to identify plagiarism and a system to manage student work product. Mendoza Plaintiffs do not question the use of the systems for the Cholla I.B. program but they do question the budget classification.

While there is no efficacy data provided for AVID, it is claimed to be highly successful. So far as Mendoza Plaintiffs can determine from the budget data, it costs approximately \$11,000 per site. (The material for six sites is budgeted for \$65,000. Membership and a summer institute are reported in a different single line item and AVID "trips" are on yet another budget line.) If the District believes that AVID is successful and given the focus on it in the USP, Mendoza Plaintiffs ask why it was not expanded beyond the six sites at which it was located in the 2012-13 school year and respectfully suggest that this is an area that should receive increased funding in place of some of the other expenses that they, the Fisher Plaintiffs, and the Special Master have questioned.

Mendoza Plaintiffs make that same observation with respect to the AP summer boot camps that apparently were held at three sites and served 180 students, using AVID strategies in 2013-14. If this program is viewed as successful, is there money in the budget to expand it for the 2014-15 year (especially given the comment on the criteria form that each of the three sites that offered the program this summer "filled to capacity" and that the "cost of this program is relatively modest...")? Again, this appears to be a program to which additional money should be allocated in lieu of other expenses that have been questioned by the Mendoza and Fisher Plaintiffs and the Special Master.

The description of the social workers confirms the previous comments by the Mendoza Plaintiffs that the expenses allocated to the 910(g) budget to assess and service exceptional education students are considerably beyond those contemplated by the USP. (See USP, Section V, D.) Mendoza Plaintiffs do not question the importance of the work described but they do question the use of 910(g) funds to pay for that work particularly given the narrow language of the USP and the other funding requirements for the USP.

The same comments as those immediately above also apply to the description of school psychological services as does the observation by Dr. Hawley when this expense recently was discussed by all parties that the work of the school psychologists being described is what a properly trained and performing school psychologist should be doing. Hence, charging these expenses to the 910(g) budget presents a supplant vs. supplement concern.

CORE Plus appears to be one of the few programs for which the District has efficacy data and it seems to indicate that the program has been efficacious. Yet, it has served only 43 students. Based on the description and data provided, Mendoza Plaintiffs ask whether this program should be expanded and greater effort/money devoted to marketing and facilitating participation, and again ask whether resources currently planned to be spent elsewhere on expenses that the Mendoza and Fisher Plaintiffs and the Special Master have questioned should instead be spent on this program.

Mendoza Plaintiffs do not understand why the ATI assessments expense is included in student support programs and also ask where it is reported on the budget and what cost is associated with it. How does it relate to the EBAS system under Section X of the USP and where if at all does it appear in the budget entries concerning technology?

The additional information presented on participation in OMA has not addressed the concerns and objections previously raised by the Mendoza Plaintiffs concerning how much of the cost of the OMA/fine arts program is being paid for with 910(g) funds.

Specific Comments on the August 1, 2014 TUSD budget responses:

Mendoza Plaintiffs object to the reorganization of the student support function as described on page 5 to the extent it moves from a skills based/asset based model which was central to the discussion during the negotiation of the USP to a deficit model (with the four “key” areas now: attendance, behavior/discipline, credit recovery/credit acquisition and grades).

This objectionable approach is particularly glaring in the discussion on page 7 where the District states that three behavior specialists who previously worked in the AASSD and MASSD now will be supervised and work directly under the Exceptional Education Department. Further these behavior specialists “will ...work with non-Exceptional Education Latino and African American Students.” This constitutes negative labeling and discriminatory treatment of African American and Latino students, who unlike their white classmates experiencing problems with discipline, will come under the jurisdiction of the Exceptional Education Department. If the District does not immediately revise this and move the behavior specialists out from the Exceptional Education Department, Mendoza Plaintiffs will ask the Special Master to immediately bring this instance of discrimination and noncompliance with the USP to the attention of the Court.

MENDOZA PLAINTIFFS' QUESTIONS CONCERNING THE APPROVED 910(g) BUDGET RECEIVED AUGUST 14,  
2014

August 18, 2014

The TUSD cover memo says on page 2 under "Overhead" that some of the money that had been allocated to overhead in the draft budget now is "funding capital items to support ELL students." Could you please tell us the amount so allocated and where in the budget we can find it? (The only capital expenses we see in Project 14 are for capital instructional aides that also were in the draft budget.)

What accounts for the increase in contingency from \$1,500,000 in the draft budget to \$2,767,010 in the approved budget? (We had understood that the contingency was in fact going to be decreased since we had understood that some amount was being moved out of contingency to fund the AAATF recommendations.)

The comments opposite contingency in the approved budget say "Turn/Attrition to contingency; remaining balance to overhead." Please confirm that this was an oversight as the final budget was being prepared and that none of the amount allocated to "contingency" will be applied to "overhead."

Where in Project 5 can we find the \$440,000 that (per the "Proposed Budget Revisions" dated August 7, 2014) was transferred from Project 2 to Project 5 to implement the AAATF Recommendations?

Mendoza Plaintiffs understood that each magnet school was to have a magnet coordinator. (See TUSD Response #4 dated August 7, 2014 to Mendoza Plaintiffs' budget comments.) The approved budget does not include the costs of magnet coordinators at Carrillo, Cragin,<sup>1</sup> Davis, and Ochoa. Was this an oversight or are there to be no magnet coordinators at these three schools? If not, why not? If so, where are the funds to pay for these coordinators to come from?

Under Bonillas in Project 2 Student Assignment there is an entry of \$381,245 for benefits. Under Cholla in Project 2 Student Assignment there is an entry of \$1,947,649 for benefits. This appears to be an error. Could you please explain what the benefit amounts are for the magnet schools and whether these two amounts (and the \$22,299 listed under Davis in Project 2) are intended to be the total benefits attributable to the salaries reported for magnet schools in Project 2?

Under Project 2 Student Assignment, why is \$150,000 in boundary mailings and boundary services and plan included in the 2014-15 budget when to the best of our knowledge virtually all the work of DLR and the boundary committee occurred in the 2013-14 budget year? How much of this expense has been charged to the 2013-14 budget?

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<sup>1</sup> Mendoza Plaintiffs do not intend to waive or otherwise abandon their objection to the conversion of Cragin to a magnet school by posing this question. Rather, they seek to understand the District's budget process, the District having undertaken to treat Cragin as a magnet school.

Objections to the approved budget must be filed with the Court by August 25, 2014. Following up on the email sent by Dr. Hawley earlier today: When does the District intend to provide responses and what we understand to be additional needed changes to the budget to address the recommendations referenced at the conclusion of the District's August 14, 2014 cover letter (that is, for example, funds to address recommendations 8 and 9)?

Finally, in keeping with the District's agreement to "keep AASD separate with a separate budget", Mendoza Plaintiffs ask that the same treatment be accorded to MASSD.