

**TUCSON UNIFIED SCHOOL DISTRICT NO. 1**

**Analysis of Compliance with Unitary Status Plan**

**Section IV: Administrators and Certificated Staff**

**An Annex to the Annual Report**

**for the**

**2016-2017 Academic Year**

*Fisher, Mendoza, et al. v. Tucson Unified School District, et al.*

United States District Court, District of Arizona

74-CV-00090 TUC DCB and 74-CV-00204 TUC DCB

submitted to:

Honorable David C. Bury, United States District Court

prepared by:

Tucson Unified School District No. 1  
Gabriel Trujillo, Ed.D., Superintendent

TUSD Governing Board:

Michael Hicks, President; Dr. Mark Stegeman, Clerk;  
Adelita S. Grijalva; Kristel Ann Foster; Rachael Sedgwick

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Section IV of the USP requires the District to seek to enhance the racial and ethnic diversity of its administrators and certificated staff (“ACS”) through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures. [ECF 1713, p. 15.] Section IV’s requirements fall under two broad categories: (1) recruiting, hiring, assignment, and retention; and (2) professional support and development. The requirements closely correspond with the Green factors of Faculty and Teacher Assignment, although Section IV imposes obligations that extend far beyond the obligations normally associated with those Green factors. In addressing Faculty and Teacher Assignment, a school district generally must demonstrate that its current employment practices are non-discriminatory and that the adverse effects of any prior unlawful employment practices have been adequately remedied. See *Ft. Bend Indep. Sch. Dist. v. Stafford*, 651 F.2d 1133, 1140 (5th Cir. 1981).

The Court should determine that the District has reached unitary status with respect to the racial and ethnic diversity of its ACS and discharge its obligations under Section IV of the USP. Notably, there has never been an allegation or finding of prior unlawful employment practices in this case. Nonetheless, the District has complied, in good faith, with all ten facets of Section IV: (1) personnel; (2) outreach and recruitment; (3) hiring; (4) assignment of ACS; (5) retention; (6) reductions in force; (7) evaluation; (8) professional support; (9) professional development; and (10) reporting. The District also has developed, and complied in good faith with, eight actions plans in connection with Section IV: the Outreach, Recruitment, and Retention Plan (“ORR Plan”), Teacher Support Plan (“TSP”), First Year Teacher Plan (“FYTP”), Principal Evaluation Model, Teacher Effectiveness Evaluation Model, Prospective Administrative Leaders Plan (“PAL Plan”), Reduction in Force Plan (“RIF Plan”), and Teacher Diversity Plan (“TDP”). Through its good faith compliance with Section IV and these plans, the District has demonstrated its commitment to enhancing the racial and ethnic diversity of its ACS and should be declared unitary with respect to that aspect of the USP.

The District has made great strides with respect to the diversity of its ACS despite facing strong headwinds such as a well-documented and acute teacher shortage locally in the Tucson area, statewide, and nationally; substantially below national average teacher compensation in Arizona; and a shrinking pipeline, on a national basis, of available diverse teachers. [AR 16-17, ECF 2057-1, p. 113.] The District has increased the number of schools meeting diversity targets, both with respect to African American and Hispanic ACS to the extent practicable. [*Id.*] In fact, teacher vacancies overall at the District are below statewide averages, and the vacancy rate for the District's magnet program is below the District's overall average. [*Id.*] The overall trend of diversity in the ACS remains positive. [*Id.*] In short, by any measure (and certainly by comparison to other districts within the state and across the nation), the District's commitment to ACS diversity is a success. [*Id.*]

I. USP Requirements For Administrators and Certificated Staff.

A. The District strove to enhance the racial and ethnic diversity of its administrators and certificated staff.

USP Section IV(A)(1). *“The District shall seek to enhance the racial and ethnic diversity of its administrators and certificated staff through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures.”*

As detailed in this Assessment, the District has sought to enhance the racial and ethnic diversity of its administrators and certificated staff (“ACS”) through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures, including by complying in good faith with the USP and the various action plans developed in accordance with the USP.

The District also has enacted policies and regulations that strictly protect against discrimination, such as Governing Board policies AC and ACA. [AR 13-14, ECF 1686, p. 78.] These policies unequivocally bar District employees from discriminating against employees or applicants on the basis of race, color, religion, gender, age, national origin,

disability, marital status, gender identity, and sexual orientation in any of the District's activities or operations, including hiring and termination, selection of volunteers and vendors, and provision of services. [*Id.*] In addition, the ORR Plan provides that “[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis.” [AR 13-14, App. IV-3, ECF 1687, p. 124.]

**B.** The District staffed its Human Resources department with appropriate personnel.

*USP Section IV(B)(1). “The District shall hire or designate an individual in the human resources department who shall coordinate and review the District’s outreach, recruitment, hiring, assignment and retention efforts and any reductions in force. It is anticipated that this individual shall work in conjunction with the District personnel recruiter, the director of human resources, the director of desegregation and other District personnel who are responsible for the District’s personnel management. This individual shall regularly review the applicant pool to ensure that African American and Latino candidates, candidates with demonstrated success in engaging African American and Latino students, and candidates with Spanish language bilingual certifications, are included and being considered for selection by school sites and at the District level.”*

*USP Section IV(B)(2). “By April 1, 2013, the District shall hire or designate a director-level employee to coordinate personnel recruitment efforts. This employee shall coordinate with the employee in the human resources department designated in Paragraph (1) above and shall be responsible for: (a) managing the development of the recruitment plan with the recruitment team, and (b) organizing and monitoring District recruitment efforts pursuant to the requirements of this Section.”*

The District initially designated Pamela Palmo in the interim to coordinate and review the District's outreach, recruitment, hiring, assignment, retention efforts, and RIFs. [AR 12-13, App. 26, ECF 1551-3, p. 2.] Ms. Palmo served as the District's Interim HR Director until January 2014, when the District hired Anna Maiden as the Chief Human Resources Officer (“CHRO”). [AR 13-14, ECF 1686, p. 76.] Ms. Maiden had a long history of HR experience prior to joining the District, including serving as the Assistant Superintendent of Human Resources and Organizational Development for the Sunnyside Unified School District. [*Id.*] Ms. Maiden retired at the end of SY 16-17, and

has been ably replaced by Ms. Janet Rico Uhrig, who has substantial experience complying with the requirements of the USP in this case. Ms. Rico Uhrig had previously worked for ten years at the University of Arizona, where she conducted recruitment and retention activities as the Assistant Director of Chicano/Hispano Student affairs and collaborated on career development events, trainings, and recognition for Asian American, Native American, and African American students.

Each of these three employees has worked in conjunction with other USP-mandated personnel to implement the requirements of the USP, including by ensuring that the District considers for selection by schools and the District “African American and Latino candidates, candidates with demonstrated success in engaging African American and Latino students, and candidates with Spanish language bilingual certificates.” [ECF 1713, p. 17.]

While developing a process to improve recruiting diversity, the District determined that it was necessary to review the racial and ethnic demographics of its applicant pool, and compare the pool to actual hires, to evaluate whether it was appropriately targeting its recruitment efforts and whether racial or ethnic disparities exist in the hiring process. [AR 13-14, ECF 1686, p. 77.] Accordingly, the USP coordinator and her staff conduct regular review of the process throughout the school year, including a review of the racial/ethnic diversity of new hires at the end of each semester. [*Id.*] The District reports on this information as part of its annual reports. [*Id.*]

USP Section IV(B)(3). “By April 1, 2013, the District shall hire or designate a director-level employee to coordinate professional development and support efforts. This employee shall work in conjunction with the individual responsible for coordinating culturally responsive pedagogy and instruction and other District personnel as appropriate to develop and implement the professional development and support efforts contemplated in this Order. This employee shall be responsible for: (a) hiring or designating appropriate trainers for professional development opportunities; (b) ensuring that all required professional development is available at multiple times and in diverse geographic locations across the District; (c) coordinating and/or providing all District-level professional development; (d) assisting school sites in ensuring that



*all administrators and certificated staff receive required and necessary professional development; (e) managing the continued development of the New Teacher Induction Program, including organizing the hiring or designation of Mentors and their assignment to school site(s); (f) developing and implementing the support program for underperforming and/or struggling teachers; and (g) developing and implementing the leadership program for African American and Latino administrators.”*

The District initially designated Richard Foster to serve as the Director of Professional Development and Support (“DPDS”). [AR 12-13, App. 26, ECF 1551-3, p. 2.] Mr. Foster previously had served as a principal, District Program Coordinator, and District Senior Professional Development Coordinator. [AR 13-14, App. IV-7, ECF 1687, p. 144.] Ms. Foster first served as the DPDS for three school years: Under his leadership, the District implemented comprehensive professional development pursuant to the USP as discussed further below. [AR 13-14, ECF 1686, p. 77.] After a brief stint as the interim assistant superintendent for Curriculum and Instruction during SY 15-16, Mr. Foster returned to his role in SY 2016-17. [AR 16-17, ECF 2057-1, p. 114.] As required by the USP, the DPDS oversees the development and implementation of the District’s USP-related professional development.

- C. The District complied in good faith with the USP’s outreach-and-recruitment-related requirements.

USP Section IV(C)(1). *“The District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis.”*

The District has steadfastly maintained a commitment to conducting recruitment for all employment vacancies on a nondiscriminatory basis. Indeed, there has never been an allegation or finding of prior unlawful employment practices in this case.

To ensure continued adherence to this principle, the District has adopted strict policies and regulations that protect against discrimination in recruitment, including Governing Board policies AC and ACA. [AR 13-14, ECF 1686, p. 78.] These policies unequivocally bar District employees from discriminating against employees or

applicants on the basis of race, color, religion, gender, age, national origin, disability, marital status, gender identity, and sexual orientation in any of the District's activities or operations, including hiring and termination, selection of volunteers and vendors, and provision of services. [*Id.*] In addition, the District's ORR Plan provides that "[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis." [AR 13-14, App. IV-3, ECF 1687, p. 124.]

USP Section IV(C)(2). *"The District has hired an outside expert to undertake a Labor Market Analysis to determine the expected number of African American and Latino administrators and certificated staff in the District, based on the number of African American and Latino administrators and certificated staff in the State of Arizona, in a four-state region, a six-state region and the United States"*

In October 2012, Dr. Mary Dunn Baker from the ERS Group completed a preliminary Labor Market Analysis ("LMA"), which compared the number of Hispanic and African American administrators and teachers to the availability rates in Arizona, the Southwest region, surrounding states, and the contiguous United States. [AR 12-13, ECF 1549-1, p. 29; AR 12-13, App. 27, ECF 1551-4, pp. 1-91.] With only one exception, the LMA revealed that the District employed more Hispanic administrators and teachers than would be expected based upon availability rates. [AR 12-13, ECF 1549-1, p. 29.] The LMA also revealed that, in all cases, the District employs more African American administrators and principals than would be expected based on the availability rates from two of the three sources (there was insufficient data from the U.S. Department of Education source.) [*Id.*] However, the LMA did reveal that, while the District employs more African American teachers than expected based upon the Arizona availability rates from the Arizona Department of Education and U.S. Census data, the District employs fewer than expected African American teachers based upon data from the expanded regional availability rates. [*Id.*]

In September 2013, Dr. Baker conducted a supplemental LMA. [AR 13-14, ECF 1686, p. 78; AR 13-14 App. IV-1, ECF 1687, pp. 1-19.] The supplemental LMA found that “[w]hen African-American and Hispanic availability for Teacher and Administrator jobs is measured using the aggregate 2010 EE0-5 Report for Arizona public schools, the data reveal that, in general, TUSD employed more African-American and Hispanic Teachers and Administrators than would be expected given the rates at which members of those demographics groups are employed in similar occupations throughout the state.” [Id., p. 2.] Dr. Baker’s Report demonstrates that the District employs more African American and Hispanic ACS than statistically-driven expectations would forecast for a school district in Arizona. [AR 13-14, ECF 1686, p. 69.]

However, the USP also requires the District to consider the expected numbers of African American and Hispanic ACS based on regional and national data. In analyzing the initial LMA, the District and Dr. Baker concluded that the LMA demonstrates some statistically significant disparities between the District and districts nationally and in surrounding states. [Id.] These disparities are higher-than-expected when looking at Hispanic ACS, but they are lower-than-expected when looking at African American ACS. [Id.] Some of the disparities with respect to African American ACS are a reflection of state economics (starting teacher pay in Arizona is among the lowest in the nation) because increased hiring of African American ACS requires out-of-state recruiting, as Arizona (and particularly Tucson) does not have a large African American population, especially when compared to two of the states included in the relevant region, California and Texas. [Id., pp. 79-80.] Nevertheless, it is important to emphasize that the LMA demonstrated conclusively that the District employs more African American and Hispanic ACS than statistically-driven expectations would forecast for a school district in Arizona.

*USP Section IV(C)(3). “By April 1, 2013, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff*

*positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.”*

The District initially developed and implemented an ongoing Recruitment Plan in SY 2011-12. [AR 12-13, ECF 1549-1, p. 29.] During SY 2013-14, the District developed and finalized the ORR Plan, which was tailored to the USP to include the following elements: establishing a nationwide recruiting strategy; utilizing a racially and ethnically diverse recruitment team; creating a process for inviting retired African American and Latino ACS to be considered for open positions; incorporating strategies for building partnerships with local business; developing local programs to identify students interested in teaching careers; and encouraging and supporting Latino and African American staff who are interested in pursuing certification. [AR 13-14, ECF 1686, p. 80; AR 13-14, App. IV-3, pp. 120-133.] The District implemented the ORR Plan in SY 2014-15 and SY 2015-16. [AR 14-15, ECF 1918-1, p. 78; AR 15-16, ECF 1958-1, p. 94.]

USP Section IV(C)(3)(a). *“The District recruiter, with input from the recruitment team, shall . . . shall modify [the recruitment plan] annually based on a review of the previous year’s recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications.”*

The District evaluates the ORR Plan on an ongoing basis. The District’s Recruitment and Retention Advisory Committee meets quarterly to review, analyze, and make suggestions regarding recruiting materials, data review, exit survey feedback, and college recruiting program improvements and recommendations. [AR 16-17, ECF 2057-1, p. 122.] In addition, the HR Department completed two separate audits and reviews of the administrative hiring process during SY 2016-17 and made changes based on the resulting recommendations. [*Id.*, p. 124.] Changes include the implementation a paper

screening process, a video interview question in lieu of phone interviews, an additional round of references, and added principal input in the hiring process. [*Id.*]

D. The District followed USP requirements for hiring practices.

*USP Section IV(D)(1). “The District shall ensure that interview committees for the hiring of administrators and certificated staff include African American and/or Latino members. For school site-level hiring, the principal shall submit to the District human resources department the names and race/ethnicity of the members of each interview panel. For District-level hiring, the individual who selects the hiring panel shall also submit this information to the District human resources department.”*

The District revised its Interview Panel Form in fall 2013 to ensure that all interview panels include African American and Hispanic participants. [AR 13-14, ECF 1686, p. 86; AR 13-14 App. IV-9, ECF 1687, pp. 221-246; AR 13-14, App. IV-11, ECF 1687, pp. 250-264.] When the District initially implemented this USP requirement in SY 2013-14, 278 of 289 interview panels that were monitored included the participation of Hispanic and/or African American committee members, and most of the non-compliant panels provided explanations for the deficiency. [AR 13-14, ECF 1686, p. 86.] By SY 2015-16, the District had markedly improved on that number, with only 6 out of 838 ACS interview panels not including an African American or Hispanic panel member. [AR 15-16, ECF 1958-1, p. 103]. While the District made an effort to meet the requirement in each of those 6 instances, the prospective African American or Hispanic representative was either unavailable or suffered from an unexpected illness preventing them from attending. [AR 15-16, ECF 1958-1, pp. 103-104.] In those instances, subsequent interview panels still met the requirement. [*Id.*]

In SY 2016-17, the District convened 782 ACS interview panels, and 731 of the panels (93%) included an African American or Hispanic panel member. [AR 16-17, ECF 2057-1, p. 124.] Again, the HR Department communicated with each of the hiring administrators responsible for these panels to determine the reason for the omission. [*Id.*]

In each case, the administrators had attempted to meet the requirement, but were unable because a representative was unavailable to attend for unexpected reasons, e.g., due to illness. [*Id.*] All sites complied with the requirement in subsequent panels, and all ACS interview panels convened during the second semester of SY 2016-17 complied.

The District exceeds the USP's requirement to convene diverse interview panels for ACS by routinely requiring hiring administrators to also include at least one African American or Hispanic panel member interview committees for every hiring process, including those for classified positions. [*Id.*, p. 123.] The District submits interview committee participant information with each annual report.

USP Section IV(D)(2). *“The District shall maintain a centralized electronic database of all applicants for administrative and certificated staff positions, including each applicant’s name, race and ethnicity [], highest degree attained, and all certifications [], and shall maintain each applicant’s information in the database for a period of at least three years, unless the applicant requests that his or her application be withdrawn. The District shall maintain an active certificated staff and administrator pool and shall encourage applicants to apply for individual positions and to apply for the pool. All applicants in the pool shall be considered for all available vacancies for which they qualify.”*

The District determined early on that it would need to upgrade its SIGNMA centralized applicant system to comply with the USP. [*Id.*] In 2014, the District purchased a new software system called Applitrack, a web-based hiring and recruiting tool that allows the District to be more effective and efficient to meet strategic priorities and USP requirements. [*Id.*] Among other features, Applitrack allows applicants to import their basic data with a single click, provides custom screen views for visually comparing applicant data, and reduces typing time and errors with clickable auto-filters for quick screening. [*Id.*] The Applitrack upgrade has reduced the time to hire (from submission of application through Board approval of the hire) by twenty-two days. [AR 14-15, ECF 1918-1, p. 89.] The District maintains each applicant's information in the Applitrack system for at least three years. [*Id.*]

To facilitate the usefulness of the database, the District in December 2013 developed and began distributing to qualified applicants an “Encouraged to Apply” letter. [AR 13-14, ECF 1686, p. 87; AR 13-14, App. IV-33, ECF 1687-3, pp 129-139.] Through the former SIGMA system, the District had used email to contact qualified candidates from previous vacancies to apply for current job openings. [AR 13-14, ECF 1686, p. 87.] But the upgraded Applitrack system makes it much easier and more efficient for the District to communicate with qualified applicants and encourage them to apply for the appropriate positions. [*Id.*, p. 88.] Moreover, Applitrack facilitates the institutionalization of the USP’s requirements: The software is customized to ensure that the District pursues integration goals by having applicants self-specify race and ethnicity, as well as by ensuring that the District’s interview panels comply with the USP. [*Id.*]

The District now successfully tracks nearly all of its applicants by race and ethnicity (AR 16-17, ECF 2057-1, p. 116):

Number of Applicants for All District Positions

	Fiscal Year 2014-15	Fiscal Year 2015-16	Fiscal Year 2016-17
African American	4.0%	8.2%	8.2%
Asian/Pacific Islander	1.5%	2.6%	3.0%
Hispanic	26.3%	39.1%	42.7%
Native American	0.1%	4.0%	2.7%
White	31.8%	42.2%	43.40%
Unspecified	36.3%	3.8%	0.0%
Total	7,989	8,740	8,027



USP Section IV(D)(3). *“Each interview committee, at both the site level and district level, shall utilize a standard interview instrument with core uniform questions to be asked of each candidate that applies for that position and a scoring rubric.”*

For administrator hiring, the District has developed “core questions” as well as standardized processes for ensuring that applicants competing for the same position are asked identical questions. [AR 13-14, ECF 1686, p. 88.] To mitigate the risk that a person could gain an unfair advantage by answering the same questions more than once for different positions, the District centralized administrator interviews. [*Id.*] In other words, no matter which school has a vacancy, all candidates are interviewed centrally for the first round of screening, with interviews centering on core questions and concepts. [*Id.*] Each candidate also is asked specific questions relative to the school and the need for a particular skillset, such as experience working with either an African American or Hispanic population or bilingual language proficiency. [*Id.*]

For teacher hiring, administrators may select interview questions from a folder of HR-approved questions. [*Id.*, p. 89.] When teachers are interviewed by the site interview panel, all applicants must be asked the same questions. [*Id.*]

The District has maintained standardized administrator and teacher interview instruments and processes, which it includes as attachments to its annual reports.

USP Section IV(D)(4). *“The District shall identify why individuals who are offered positions do not accept them, to the extent such applicants respond to such post-offer inquiries.”*

The District began providing applicant offer rejection data with its annual reports in SY 2013-14. Although the District has always made best efforts to comply with this requirement, the information can be difficult to track because candidates often are not interested in discussing why they declined an offer. [AR 13-14, ECF 1686, p. 89.] However, tracking this information became much easier once the District implemented the Applitrack system because Applitrack allows for automatic tracking of candidates’



reasons for declining. [AR 14-15, ECF 1918-1, p. 90.] The Applitrack system contains nine disposition codes: (1) accepted another offer—out of district; (2) accepted another offer—in district; (3) availability date; (4) non-response – unable to contact; (5) no reason given; (6) personal reasons; (7) site/location; (8) salary; and (9) declined letter of intent. [AR 15-16, ECF 1958-1, pp. 104-105.]

In SY2016-17, while no administrator candidates declined job offers, seventy-eight certificated applicants declined job offers for the following reasons (AR 16-17, ECF 2057-1, p. 125):

#### Applicant Offer Rejections

Reason	SY 2015-16	SY 2016-17
Accepted other offer – Out of district	6	20
Accepted other offer – In district	11	15
Availability date	3	1
Declined letter of intent	17	0
No reason given	12	9
Non-response – Unable to contact	7	8
Personal reasons	17	18
Site/location	0	0
Salary	2	7
Total	75	78

**E.** The District has worked to achieve racially and ethnically diverse staff at District schools.

USP Section IV(E)(1). *“All District schools shall seek to have a racially and ethnically diverse staff. The District shall track and*

*report information on school-based administrators and certificated staff by race and ethnicity (as provided by the employee).”*

The District reviews the racial and ethnic makeup of ACS at all District schools on a regular basis. The District takes this information into account when it fills vacancies as it works to further diversify its personnel.

Teachers. When compared with the most recently available data, the District exceeds Arizona’s statewide percentages with respect to teacher ethnicity among underrepresented groups. [AR 16-17, ECF 2057-1, p. 122; AR 16-17, App. IV-16, ECF 2060-1, pp. 67-70.] The District also compares favorably to the national averages for most underrepresented groups (AR 16-17, ECF 2057-1, p. 122):

Percent of Teachers by Race and Ethnicity<sup>1</sup>

	Hispanic	White, non-Hispanic	Black, non-Hispanic	Asian, non-Hispanic	Native Hawaiian / Pacific Islander	American Indian/Alaska Native	Two or more races
U.S. 2012	7.8%	81.9%	6.8%	1.8%	0.1%	0.5%	1.0%
Arizona 2012	13.1%	80.1%	2.8%	1.7%	N/A	1.3%	0.9%
TUSD 16-17	28.1%	65.4%	3.0%	1.8%	0.2%	1.4%	N/A

Although certificated staff numbers as a whole have declined since SY 2013-14, there was a 3 percent increase in certificated staff from SY 2015-16 to SY 2016-17. [*Id.*, p. 126.] Hispanic certificated staff rose to 28 percent of all site-certificated staff, while African American staff remained stable at 3 percent. [*Id.*] The District has made gains

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<sup>1</sup> The 2012 study is the most recently published study by the National Center for Education.

with respect to each group since SY 2013-14: African American and Hispanic certificated staff grew by 13 percent (from 79 to 89) and 8 percent (from 700 to 756), respectively [*Id.*]:

Certificated Staff at School Sites by Race/Ethnicity

School Year	White		African American		Hispanic/Latino		Native American		Asian/Pacific Islander		Unspec.		Total
	N	%	N	%	N	%	N	%	N	%	N	%	
2013-14	1,846	68%	79	3%	700	26%	33	1%	61	2%	13	0%	2,732
2014-15	1,775	66%	82	3%	715	26%	31	1%	59	2%	41	2%	2,703
2015-16	1,762	67%	83	3%	686	26%	33	1%	57	2%	0	0%	2,621
2016-17	1,744	65%	89	3%	756	28%	64	2%	42	2%	0	0%	2,695

Site Administrators. From SY 2015-16 to SY 2016-17, the number of African American site administrators in the District in SY 2016-17 increased by four and the number of Hispanics remained the same. [*Id.*, p. 127.] The District also added an Asian/Pacific Islander site administrator. [*Id.*] Both the percentage and number of African American, Hispanic, Asian/Pacific Islander, and Native American administrators has risen since SY 2013-14 [*Id.*]:

Site Administrators by Race/Ethnicity

School Year	White	Af. Am.	Hisp.	Asian or P.I.	Nat. Am.	Total
2013-14	69	8	50	0	2	129
2014-15	62	8	54	0	3	127
2015-16	63	9	54	0	3	132
2016-17	60	13	54	1	3	132

Non-site Administrators. In SY 2016-17, the total number of non-site administrators decreased, with three fewer African American administrators and one

fewer Hispanic administrator. [*Id.*, p. 123.] The District had vacancies in three positions and reduced two director positions to coordinator-level positions. [*Id.*] Because there are relatively few non-site administrators in the District, it is difficult to effect change in the racial and ethnic composition of the group over a short period of time. Indeed, the number of African American and Hispanic Administrators has been relatively stable: Since SY 2013-14, there are two fewer African American non-site administrators and one more Hispanic non-site administrator. [*Id.*] The District remains committed to expanding the diversity of its non-site administrators over time.

USP Section IV(E)(2). *“The District shall identify significant disparities [] between the percentage of African American or Latino certificated staff or administrators at an individual school and district-wide percentages for schools at the comparable grade level []. The assessment of significant disparities shall also take into account the percentage of African American and Latino students on each school campus. The District shall assess the reason(s) for the disparities and shall review and address, to the extent relevant and practicable, its hiring and assignment practices, including enforcing hiring policies and providing additional targeted training to staff members involved in hiring and assignment.”*

Administrators. Because school sites often have only one or two administrators, a comparison of the districtwide averages for administrator racial and ethnic identification to the team at any particular site is not a particularly helpful analysis. [AR 13-14, ECF 1686, p. 91.] Instead, the District’s goal has been to maximize administrator diversity between and among sites. [*Id.*] The District accomplishes this is by measuring the number and percentage of site administrators by race and ethnicity, as discussed further above, including the composition of administrative teams. In SY 2016-17, of the District’s 33 administrative teams, twenty-three were diverse, seven were Hispanic-homogenous, and three were white-homogenous. [AR 16-17, ECF 2057-1, p. 128.] The District separately considers this information under USP Section IV(E)(4), as discussed further below.

Teachers. Each year the District analyzes teacher distribution to determine whether there are disparities in assignment by race/ethnicity at the school level. [AR 15-16, ECF 1958-1, p. 108.] The District calculates the disparity by comparing district-wide percentages and grade level comparisons for both African American and Hispanic staff placements to determine whether there is more than a 15 percent gap. [*Id.*] The following table represents teacher the variance for teachers for the last four school years (AR 16-17, ECF 2057-1, p. 129):

African American and Hispanic Teachers by School Year

School Year	African American Teachers		Schools outside of 15% Variance	Hispanic/Latino Teachers		Schools outside of 15% Variance
	N	%	N	N	%	N
2013-14	24	2%	0	303	29%	24
2014-15	21	2%	1	257	28%	18
2015-16	19	2%	0	256	29%	24
2016-17	23	2%	0	290	29%	14
K-8	N	%	N	N	%	N
2013-14	19	4%	0	153	36%	9
2014-15	20	5%	0	144	38%	8
2015-16	16	4%	0	155	39%	7
2016-17	20	5%	0	180	41%	5
MS	N	%	N	N	%	N
2013-14	11	3%	0	70	19%	2

2014-15	12	4%	0	57	18%	0
2015-16	12	4%	0	66	20%	2
2016-17	13	4%	0	73	22%	2
HS	N	%	N	N	%	N
2013-14	20	3%	0	127	19%	2
2014-15	25	4%	0	132	20%	1
2015-16	24	4%	0	142	22%	1
2016-17	23	3%	0	148	21%	1

The District identified 29 schools that had a 15-percent variance between the school site and the average for that grade level. [*Id.*] But after excluding from consideration the 11 dual-language schools (or schools with dual language programs) with predominantly multi-lingual Hispanic staff, the 15-percent variance schools decrease from 29 to 21. [*Id.*, p. 130.]

During SY 2015-16, 42 schools met the District's target of being within 15 percentage points of the school level's race and ethnicity average. [*Id.*] In SY 2016-17, the District increased that number to 56 (*id.*, pp. 130-1310):

#### Sites Meeting Diversity Target by School Year

School Year	Site Level									
	ES		K-8		MS		HS		Alt	
	N	%	N	%	N	%	N	%	N	%
2015-16	20	41%	4	31%	7	70%	9	75%	2	50%
2016-	31	63%	8	62%	6	60%	8	80%	3	100%

USP Section IV(E)(3). “To address any disparities as identified pursuant to Section (IV)(E)(2) above, or to address resource needs at a particular campus (e.g., voluntary reassignment of bilingual personnel to campuses with increased numbers of ELL students or to dual language programs), the District may also reassign personnel between schools. To facilitate such reassignments, the District shall notify all current certificated staff at every school in the District of the opportunity to apply to voluntarily transfer as described in this section. The District shall give all interested personnel a reasonable period in which to apply for a transfer. The District shall include these voluntary transfer applications in every pool of candidates submitted to each school to the extent they are qualified personnel whose transfer would enhance the racial and ethnic diversity of the certificated staff at the school.”

The CHRO, other District staff, and the Special Master developed the TDP to address identified disparities between the percentage of African American or Hispanic ACS at an individual school and the district-wide percentages for schools at the comparable grade level. [AR 16-17, ECF 2057-1, p. 130.] The TDP sets goals of (1) eliminating disparities from 13 schools (of a distinct list of 26 schools) by SY 2016-17; and (2) eliminating disparities from the remaining 13 schools by SY 2017-18. [*Id.*] The disparities are eliminated by creating plans for teacher incentives, professional advancement opportunities, and transfers. [*Id.*] The plan, which is available at Appendix IV-27 to AR 15-16 (ECF 1962-1, pp. 203-206), was unanimously approved by the Governing Board on June 14, 2016 and was implemented for SY 2016-17 (AR 15-16, ECF 1958-1, p. 109.)

During SY 2016-17, the District advertised the TDP through emails and letters to teachers. [AR 16-17, ECF 2057-1, p. 130.] The HR Department instructed principals on the new initiative and the resources they could use to diversify their campuses through recruitment. [*Id.*] The HR Department also provided information to job candidates and site administrators at each of the District-hosted job fairs. [*Id.*]

The District met its 2016-17 goal to reach targets at 13 of the 26 schools. [*Id.*] The District has met targets at more schools at the beginning of SY 2017-18, and is continuing to work toward the goal to bring all schools within the plan targets.

USP Section IV(E)(4). *“The District shall make efforts to assign and attract a diverse administrative team to any school with more than one site-based administrator. Such administrators shall be selected from a pool that includes African American and/or Latino candidates.”*

The CHRO began reviewing the District’s demographic information with leadership in SY 2013-14 so that interview teams were aware during the selection process of the need to diversify schools’ administrative teams. [AR 13-14, ECF 1686, p. 93.] Since then, the District has made great progress with respect to the racial and ethnic diversity of its administrative teams. In SY 2015-16, of the 32 administrative teams, seventeen were diverse, ten were Hispanic-homogenous, and five were white-homogenous. [AR 15-16, ECF 1958-1, p. 107.] In SY 2016-17, of the 33 administrative teams, twenty-three were diverse, seven were Hispanic-homogenous, and three were white-homogenous. [AR 16-17, ECF 2057-1, p. 128.]

USP Section IV(E)(5). *“Through the human resources department coordinator identified in Section (IV)(B)(1) above, the District shall make efforts to increase the number of experienced teachers and reduce the number of beginning teachers hired by Racially Concentrated schools or schools in which students are achieving at or below the District average in scores on state tests or other relevant measures of academic performance, and to avoid assigning first-year principals to Racially Concentrated schools or schools serving students who are achieving below the District average in scores on state tests or other relevant measures of academic performance. Exceptions to this provision may be permitted by the Superintendent on a case-by-case basis.”*

Administrators. The District continually monitors the experience levels of administrators assigned to racially concentrated or underperforming schools to identify sites with an overrepresentation of inexperienced personnel. In SY 2015-16, of the six first-year principals who were assigned at the District’s schools, only three were assigned



to schools that were racially concentrated and/or underperforming. [AR 15-16, ECF 1958-1, p. 109.] In SY 2016-17, of the fifteen first-year principals who were assigned at the District's schools, only five were assigned to schools that were racially concentrated and/or underperforming. [AR 16-17, ECF 2057-1, p. 131.] In addition, ten had previous experience as the assistant principal level. [*Id.*] All first-year principals who are assigned to racially concentrated or underperforming schools received exceptions from the Superintendent.

Teachers. The District also strives to recruit more experienced, highly qualified teachers. [AR 15-16, ECF 1958-1, p. 109.] In SY 2013-14, out of 40 first-year teachers, 24 were assigned to racially concentrated and/or underperforming schools. [AR 13-14, ECF 1686, p. 93.] In order to improve on this metric, the District has made an effort to spread out first-year teachers among the District's schools. [AR 15-16, ECF 1958-1, p. 110.] The District reduced the number of schools with 10 percent or more new teachers from 23 to 15 from SY 2014-15 to SY 2015-16. [*Id.*] That number was further reduced to just 6 schools in SY 2016-17 (AR 16-17, ECF 2057-1, p. 132):

#### New Teacher Assignments

School Year	All teachers	1st-year teachers	Percent of all teachers	Schools with new teachers	Schools with 10%+ New Teachers
2013-14	2,308	40	2%	N/A	N/A
2014-15	2,303	197	9%	66	27
2015-16	2,321	127	5%	61	15
2016-17	2,505	98	4%	49	6

USP Section IV(E)(6). *“By July 1, 2013, the District shall develop a pilot plan to support first-year teachers serving in schools where*

*student achievement is below the District average. This plan shall include the criteria for identifying the schools in which the program will be piloted in the 2013-2014 school year and for evaluation by the Office of Accountability and Research. The plan shall include professional development targeted toward the specific challenges these teachers face.”*

The District worked with the Special Master and Plaintiffs to develop and implement the First Year Teacher Pilot Plan (“FYTPP”) at the beginning of SY 2013-14. [AR 13-14, ECF 1686, p. 94.] The initial version of the FYTPP, available as Appendix IV-16 to AR 13-14 (ECF 1687-1, pp. 371-377), provides additional support beyond that provided in the District’s New Teacher Induction Program (“NTIP”), including: additional mentoring hours each week, the opportunity to make site visits to observe best practices from exemplar teachers, and an additional training session involving video-recording a demonstrative lesson (AR 13-14, ECF 1686, p. 94.) The District has made the plan permanent, and the plan is now called the First Year Teacher Plan (“FYTP”).

For SY 2014-15, the District worked to revise the FYTP to improve the program’s effect across grades and subjects. [AR 14-15, ECF 1918-1, p. 110.] Under the revised plan, available as Appendix IV-36 to AR 14-15 (ECF 1849-2, pp. 41-43), all first-year teachers are assigned a full-time release mentor for mentoring throughout their first year (AR 14-15, ECF 1918-1, p. 110.) First-year teachers develop and follow a plan of action, including creating a schedule with specific times for observation cycles, feedback, weekly collaboration, creating individualized learning plans, analyzing student work, and lesson analysis via video recording. [*Id.*]

- F.** The District adopted measures to increase retention of African American and Hispanic administrators and certificated staff.

USP Section IV(F)(1)(a). *“The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including . . . [c]ommencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these*

*disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified.”*

The District evaluates on an ongoing basis whether there are disparities in attrition rates of African American and Hispanic ACS compared to other racial groups. The following table summarizes separation rates by ethnicity for certificated staff from SY 2013-14 through 2016-17 (AR 16-17, ECF 2057-1, p. 135):

Separation Rates by Ethnicity

SY	White	African American Attrition	Hispanic/Latino Attrition	Native American Attrition	Asian/Pacific Islander Attrition	Unspecified Attrition
2013-14	17%	14%	10%	21%	18%	23%
2014-15	16%	6%	13%	23%	8%	15%
2015-16	15%	17%	9%	15%	16%	14%
2016-17	16%	20%	9%	21%	13%	14%

While instructive, these separation rates can be overstated for smaller population groups because the separation of just a few employees can dramatically change the results. For example, the African American rate jumped from 6% to 17% in one year, but neither year likely reflects the average rate of attrition for African American certificated staff. [*Id.*, p. 134.] Nevertheless, the District has implemented several strategies to address African American certificated staff attrition, including developing a teacher mentoring program in partnership with the District’s African American Student Services Department. [*Id.*, p. 135.]

With respect to administrators, while the District monitors attrition rates, it is difficult to glean major trends from the data because the number of administrator separations per year is small. For example, in SY 2014-15, there were thirteen total administrator separations, three of which were African Americans (compared to none the previous year), two of which accepted positions out of state and one of which was a retiree. [AR 14-15, ECF 1918-1, pp. 104-105.] However, the District carefully tracks this data (from which it has identified no racial or ethnic trends in attrition rates), and provides the data in each of its reports. In SY2016-17, eleven site administrators left the District in SY 2016-17: Of these, three retired (including two Hispanic administrators) and one African American administrator and three Hispanic administrators left the District for personal reasons. [AR 16-17, ECF 2057-1, pp. 135-36.]

The District developed a remedial plan for SY 2016-17 and SY 2017-18, the TDP, discussed further below.

USP Section IV(F)(1)(b). *“The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including . . . [s]urveying [anonymously] teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers’ overall job satisfaction and their interest in continuing to work for the District.”*

The District surveys teachers each year and disaggregates the results by race, ethnicity, and school site level. Overall, job satisfaction at the District has consistently been very high (AR 16-17, ECF 2057-1, p. 137):

		Q. Overall, I am very satisfied with my school			Q. I am very satisfied with my current position at TUSD			Q. I want to continue employment with the District		
Eth.	SY	ELE M/K8 SCH OOL	MID DLE SCH OOL	HIGH SCH OOL	ELE M/K8 SCH OOL	MID DLE SCH OOL	HIGH SCH OOL	ELE M/K8 SCH OOL	MID DLE SCH OOL	HIGH SCH OOL
AA	13-	93%	73%	78%	98%	77%	82%	95%	91%	90%

	14									
AA	14-15	92%	77%	79%	92%	77%	84%	97%	94%	94%
AA	15-16	86%	80%	82%	87%	85%	89%	96%	97%	100%
AA	16-17	85%	91%	81%	90%	90%	74%	96%	100%	93%
H	13-14	90%	82%	75%	91%	83%	81%	98%	94%	93%
H	14-15	91%	85%	78%	91%	87%	83%	98%	96%	96%
H	15-16	93%	87%	86%	94%	90%	87%	98%	96%	98%
H	16-17	92%	80%	91%	93%	82%	92%	98%	92%	96%

There is very high agreement among teachers of all races and ethnicities on a desire for continued employment in the District. [*Id.*, p. 136.] But there was a notable decline in Hispanic middle school-level satisfaction and African American elementary- and high school-level satisfaction. [*Id.*] Although the survey results are sensitive to year-to-year variability because the sample size is small, the District will take them into consideration in SY 2017-18 and the HR Department will attempt to determine what might account for the increased dissatisfaction among Hispanic and African American staff. [*Id.*]

USP Section IV(F)(1)(c). *“The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including . . . [c]onducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions [] and/or who have been hired to fulfill a need specifically identified in this Order.”*

The District conducts the requisite focus groups and attaches the results to its annual reports. [AR 13-14, App. IV-20, ECF 1687-1, pp. 419-420; AR 14-15, Apps. IV-107 through IV-109, ECF 1849-4, pp. 600-610; AR 15-16, App. IV-8, ECF 1962-1, pp. 30-43; AR 16-17, ECF 2060-1, pp. 26-29.]

In SY 2016-17, the District invited 520 certificated teachers hired within the last five years to participate in focus group sessions offered over five separate days in October and May 2017. [AR 16-17, p. 117.] The District focused these sessions on the recruitment and hiring process. [*Id.*] Eleven teachers—eight white, one Hispanic, and two African American—attended sessions during the two rounds. [*Id.*, p. 118.] Feedback indicated that employees appreciated the helpfulness of the HR staff in the hiring process and the level of customer service as it related to the recruitment process. [*Id.*]

In previous years, the focus groups have focused on other topics. For example, in SY 2014-15, teachers participating in focus groups have discussed increasing teacher salaries, increasing new teacher mentoring, and increasing classroom support. [AR 14-15, ECF 1918-1, p. 107.]

**G.** The District developed a RIF Plan, and has followed RIF provisions of the USP.

*USP Section IV(G)(1). “By February 1, 2013, the District shall develop a plan (“RIF Plan”) which takes into account the District’s desegregation obligations for any reductions in force (“RIF”) or other employment actions requiring the dismissal of administrators and/or certificated staff members who have been hired to fulfill a need specifically identified in this Order. The RIF Plan, and any future modifications, shall be communicated to all personnel in writing and posted on the District’s website. No reductions in force may take place sooner than 30 days after the RIF Plan is communicated to all personnel. If reductions in force are necessary before February 1, 2013, due to school closures or other significant changes in schools’ capacities, the District shall communicate informally regarding the substance of the new RIF Plan to administrators and certificated staff members before any such RIFs take place.”*

The District worked with the Special Master and Plaintiffs to develop the RIF Plan, which was finalized and approved in December 2013. [AR 13-14, ECF 1686, p. 97.] The RIF Plan takes into account the District’s desegregation obligations for any RIF or other employment action requiring the dismissal of ACS members who have been hired to fulfill a need specifically identified in the USP. [AR 13-14, App. IV-21, ECF

1687-1, pp. 421-428]. Fortunately, the District has not needed to undergo an RIF since the RIF Plan was implemented. Should there be a need to undergo an RIF in the future, the District is committed to ensuring that the RIF plan is administered as approved.

USP Section IV(G)(2). *“Administrators and certificated staff members who have been hired to fulfill a need specifically identified in this Order and who are meeting performance and conduct standards shall not be subject to a RIF for at least three full school years after they have been hired. Principals who are selecting candidates for RIFs shall consider administrators and certificated staff members’ evaluations in making their selections.”*

This requirement has not been triggered because the District has not implemented an RIF since entering into the USP. [AR 12-13, ECF 1549-1, p. 35; AR 13-14, ECF 1686, p. 97; AR 14-15, ECF 1918-1, p. 140; AR 15-16, ECF 1958-1, p. 150; AR 16-17, ECF 2057-1, p. 172.]

USP Section IV(G)(3). *“After a reduction in force, the District shall place the names of those administrators and certificated staff who have been subject to RIF and who wish to be considered for reemployment in the District on a list of candidates for future employment. In the event that the District has future job openings, it shall review this list and determine whether these administrators or certificated staff are qualified for the vacant positions. If so, the District shall contact them to determine if they are interested in the position, and if so, the District shall place them in the pool of job candidates.”*

This requirement has not been triggered because the District has not implemented an RIF since entering into the USP. [AR 12-13, ECF 1549-1, p. 35; AR 13-14, ECF 1686, p. 97; AR 14-15, ECF 1918-1, p. 140; AR 15-16, ECF 1958-1, p. 150; AR 16-17, ECF 2057-1, p. 172.]

USP Section IV(G)(4). *“No vacancy created as a result of the RIF of an African American or Latino administrator or certificated staff member may be filled until such displaced administrator or certificated staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.”*

This requirement has not been triggered because the District has not implemented an RIF since entering into the USP. [AR 12-13, ECF 1549-1, p. 35; AR 13-14, ECF



1686, p. 97; AR 14-15, ECF 1918-1, p. 140; AR 15-16, ECF 1958-1, p. 150; AR 16-17, ECF 2057-1, p. 172.]

USP Section IV(G)(5). *“The District shall ensure that any reductions in force or employment actions requiring the demotion or dismissal of administrators or certificated staff shall not be made due to the race or ethnicity of the demoted or dismissed individual.”*

As stated above, the District has not yet implemented an RIF. [AR 12-13, ECF 1549-1, p. 35; AR 13-14, ECF 1686, p. 97; AR 14-15, ECF 1918-1, p. 140; AR 15-16, ECF 1958-1, p. 150; AR 16-17, ECF 2057-1, p. 172.] In addition, the RIF Plan requires the District to ensure that “employment actions requiring the demotion or dismissal of administrators or certificated staff shall not be made due to the race or ethnicity of the demoted or dismissed individual.” [AR 13-14, App. IV-21, ECF 1687-1, p. 422.]

**H.** The District has reviewed and amended teacher and principal evaluation as provided by the USP.

USP Section IV(H)(1). *“By July 1, 2013, the District shall review, amend as appropriate, and adopt teacher and principal evaluation instruments to ensure that such evaluations, in addition to requirements of State law and other measures the District deems appropriate, give adequate weight to: (i) an assessment of (I) teacher efforts to include, engage, and support students from diverse racial, ethnic, cultural, and linguistic backgrounds using culturally responsive pedagogy and (II) efforts by principals to create school conditions, processes, and practices that support learning for racially, ethnically, culturally and linguistically diverse students; (ii) teacher and principal use of classroom and school-level data to improve student outcomes, target interventions, and perform self-monitoring; and (iii) aggregated responses from student and teacher surveys to be developed by the District, protecting the anonymity of survey respondents. These elements shall be included in any future teacher and principal evaluation instruments that may be implemented. All teachers and principals shall be evaluated using the same instruments, as appropriate to their position.”*

Beginning in SY 2012-13, the District worked to revise its teacher and principal evaluation instruments for compliance with recently enacted state law and the USP. [AR 12-13, ECF 1549-1, p. 36.] The District selected its current evaluation instruments, aligned to the Danielson framework, in April 2013. [AR 13-14, ECF 1686, p. 97.] Then,



after an evaluation and review of the evaluation instruments to ensure that they satisfied the requirements of Section IV(H), the District found that no amendments were required. [*Id.*] In winter 2014, the District worked with a consultant from the Danielson Group to conduct a follow-up review and analyze the evaluation instrument's Framework for Teaching to identify the CRP components imbedded in the evaluation model and to create professional development around those elements. [*Id.*, p. 98.] A summary of that review can be found at AR 13-14 App. IV-24 [ECF 1687-3, pp. 1-7.]

During June 2017, the Teacher Evaluation Joint Committee convened to review the teacher evaluation instrument and process. [AR 16-17, ECF 2057-1, p. 142.] The committee made the following three recommendations for changes to the 2017-18 teacher evaluation: 1) Grade 3 teachers will receive academic growth scores by comparing 2016-17 AzMERIT 3rd grade scores to the 2015-16 composite SchoolCity Benchmark (a combined score from fall and spring) from 2nd grade; 2) teachers in 4th through 11th grade will receive growth scores based on AzMERIT 2016-17 scores as compared to AzMERIT 2015-16 scores; and 3) the District will utilize the standard error of mean ("SEM") to determine academic growth scores for "B" Teachers (Appendix IV - #, Teacher Evaluation Model 2017-18 and B Teacher Growth Component Improvement 2017). [*Id.*] These changes will go into effect for SY 2017-18. [*Id.*] The District did not make any changes to the principal evaluation instrument for SY 2016-17. [*Id.*]

I. The District provided significant support for new and struggling teachers.

*USP Section IV(I)(1). "By July 1, 2013, the District shall amend its New Teacher Induction Program ("NTIP") to provide new teachers (i.e., teachers in their first two years of teaching) with the foundation to become effective educators. The NTIP shall, at a minimum: (a) build beginning teachers' capacity to be reflective and collaborative members of their professional learning communities (see Paragraph 4 below); and (b) engage thoughtfully with students from diverse racial, ethnic, cultural, and linguistic backgrounds using culturally responsive pedagogy. The District shall hire or designate an appropriate number of New Teacher Mentors based on the best practices for such mentoring/coaching in the field. These Mentors shall not have direct teaching assignments."*

The District developed an NTIP that complies with the USP. The NTIP is based on the foundational model developed by the New Teacher Center (“NTC”). [AR 15-16, ECF 1958-1, p. 120.] The NTIP has three components: (1) a four-day new teacher induction training program designed to introduce new and new-to-the-District certified teachers to the District’s policies, practices, and ethos; (2) mentor support for new teachers; and (3) professional development for all certified District employees, with priority given to first- and second-year teachers. [Id.] Each NTIP component builds teachers’ skills to enable them to become stronger reflective practitioners and collaborative members of their PLCs, as well as encourages teachers to engage thoughtfully with students from diverse racial, ethnic, cultural, and linguistic backgrounds using culturally responsive pedagogy. [Id.] The NTIP also features a full complement of New Teacher Mentors: the District followed the NTC’s staffing model, which calls for a ratio of fifteen new teachers to every full-time teacher mentor. [Id.]

The District kicked off the SY 2016-17 edition of the NTIP at a four-day training at Santa Rita High School from July 26 to 29, 2016. [AR 16-17, ECF 2057-1, p. 143.] The District invited newly hired teachers and any teachers hired in the previous year who had been unable to complete the program. [Id.] A total of 312 teachers attended. [Id.] The teachers received training on District protocols and initiatives to prepare them for joining the District community. [Id.]

The District believes that it is important to assess the effectiveness of the NTIP. Survey results from Spring 2017 indicate many positive benefits of the NTIP, including: 63 percent of teachers met weekly with their mentor; 89 percent of respondents agreed their mentor met their needs as a growing professional; 95 percent reported feeling effective in their classrooms; and 88 percent reported they would stay in the District. [Id., pp. 147-148.]

*USP Section IV(I)(2). “By July 1, 2013, the District shall develop a plan for and implement strategies to support underperforming or struggling teachers regardless of their length of service. Teachers*

*shall be referred to the program by school- or District-level administrators based on evidence (e.g., from student surveys, administrator observations, discipline referrals, and/or annual evaluations) that the teacher requires additional professional development and mentor support. The support program shall utilize research-based practices such as those embodied in Peer Assistance and Review programs.”*

In SY 2013-14, the District worked with the Special Master and Plaintiffs to develop the TSP. [AR 13-14, ECF 1686, p. 99.] The TSP is available at AR 13-14, App. IV-25 [ECF 1687-3, pp. 8-15.]

Under the TSP, site- or district-level administrators refer teachers to a support program based on administrator observations, student surveys, discipline referrals, annual teacher performance evaluations, classroom management reviews, and other evidence. [AR 16-17, ECF 2057-1, p. 148.] The TSP offers two teacher support programs: the Plan for Improvement and the Targeted Support Plan (*id.*):

1. The Plan for Improvement supports underperforming teachers who are rated in the lower two evaluation classifications (“Developing” or “Ineffective”) for two consecutive years. [*Id.*]

2. The Targeted Support Plan is for (1) struggling teachers who need support in one or more areas but who are not identified as performing inadequately in the classroom; and (2) teachers who personally request additional assistance in one or more area. [*Id.*, pp. 148-149.]

Key to the success of the TSP is the ability of site- and District-level administrators to identify and provide assistance to teachers who need additional support. [*Id.*, p. 149.] Accordingly, the District provided training on the TSP (covering both the Plan for Improvement and Targeted Support Plan processes) to central administrators, principals, and assistant principals during a fall 2016 Instructional Leadership Academy (“ILA”). [*Id.*] To help teachers improve on instructional practices, new principals also received training on several District initiatives, including: using the reflective feedback protocol to plan PLC coaching conversations; unwrapping standards to assist teachers in

implementing the District curriculum with fidelity; focusing on essential elements of the Tier 1 process via instructional supervision to improve teacher practice; and aligning objectives to Common Formative Assessments to guide instruction. [*Id.*] Principals also reviewed TSP information with all certified employees during staff meetings and early-release Wednesdays. [*Id.*]

Elementary and secondary directors work with site administrators to develop and monitor Targeted Support Plans. [*Id.*] They then worked with assistant superintendents and the HR Department to implement plans. [*Id.*] The District workflows for the Targeted Support Plan and the Plan for Improvement guided the processes for both plans of support. [*Id.*; AR 16-17, App. IV-61, ECF 2060-4, pp. 40-41; AR 16-17, App. IV-62, pp. 42-43.] In SY 2016-17, teachers were on a Targeted Support Plan for an average of nine weeks before completing the plan's objectives. [AR 16-17, ECF 2057-1, p. 150.] The District expects that teachers on a Targeted Support Plan will improve and maintain an acceptable level of performance within the identified area of concern. [*Id.*]

The total number of teachers on any TSP plan in SY 2016-17 increased by 23 teachers; significantly more teachers were on a Targeted Support Plan than a Plan of Improvement (*id.*):

Teachers on Targeted Support Plans or Plans of Improvement, 2015-16 and 2016-17

Ethnicity	Targeted Support Plans (Struggling)		Plans of Improvement (Underperforming)		Total	
	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17
White	15	34	0	3	15	37
African American	1	2	0	0	1	2
Hispanic	8	5	0	1	8	6

Native Am.	0	1	0	0	0	1
Asian/Pacific Islander	0	1	0	0	0	1
Other	0	0	0	0	0	0
Total	24	43	0	4	24	47

USP Section IV(I)(3). *“By July 1, 2013, the District shall develop and implement a plan for the identification and development of prospective administrative leaders, specifically designed to increase the number of African American and Latino principals, assistant principals, and District Office administrators. The plan shall propose methods for “growing your own,” including the possibility of financial support to enable current African American and Latino employees to receive the required certifications and educational degrees needed for such promotions.”*

In SY 2013-14, the District developed and implemented the PAL Plan, available at App. IV-26 to AR 13-14 [ECF 1687-3, pp. 16-20]. The PAL Plan focuses on how the District will identify and develop prospective leaders from within its own ranks, with an emphasis on preparing African American and Hispanic staff for administrative and leadership positions. [AR 13-14, ECF 1686, p. 100.] Through its “Grow your Own” program, the District takes the “best of the best” from within its own ranks and helps them become outstanding District leaders. [*Id.*]

To further support the growth of District staff into District leaders, the District’s Leadership Prep Academy (“LPA”) cultivates the leadership skills of certificated staff members who pursue administrative positions in the District. [AR 15-16, ECF 1958-1, p. 128.] In SY 2015-16, the LPA consisted of an eight-month leadership preparation program with 26 participants. [*Id.*] To ensure that the program fulfilled the USP goal of diversifying leadership staff, the District made targeted recruitment efforts to encourage administrators to identify prospective and aspiring African American and Hispanic candidates. [*Id.*, pp. 128-129.] The LPA has seen early success: 8 of the 30 site-level administrator positions filled during the spring and summer of 2016 were filled by LPA

graduates, and 7 of the 8 approved site administrative positions resulted in assistant principals becoming principals, and one certified support staff member moved to principal. [*Id.*, p. 130.]

The District learned from SY 2015-16 that two academies were needed to support its newly approved site and central administrators as well as aspiring leaders (those not yet appointed to administrative roles). [AR 16-17, ECF 2057-1, p. 151.] Accordingly, the District implemented a Leadership Development Academy (“LDA”) to complement the LPA by assisting all Governing Board-approved new central and site administrators’ transition to their new roles. This allowed the District to fill LPA Cohort IV with “aspiring” leaders and expand the administrative applicant/candidate pool for SY 2017-18. [*Id.*] Both academies (LPA Cohort IV; LDA Cohort I) were eight-month leadership programs. [*Id.*] LPA Cohort IV had 24 participants, while LDA Cohort I had 20 participants. [*Id.*]

USP Section IV(I)(4). *“Commencing no later than October 1, 2013, the District shall provide appropriate training for all school site principals to build and foster professional learning communities (“PLCs”) among teachers at their schools so that effective teaching methods may be developed and shared. This training shall include strategies to: (a) build regular structured time into teachers’ schedules to co-plan and collaborate, observe each other’s classrooms and teaching methods, and provide constructive feedback so that best practices for student success can be shared; (b) develop within-and across-school networks to encourage teachers with experience and success in using culturally responsive pedagogy to engage students to mentor and coach their peer teachers; (c) engage in collaborative problem solving based on analyses of student performance; and (d) encourage and provide space, resources, and support for constructive student-teacher, teacher-teacher, and teacher-family interactions.”*

The District began providing PLC training to administrators via the ILA in SY 2013-14. [AR 13-14, ECF 1686, p. 101.] Since then, the District has continued to provide (and develop) its PLC training. In SY 2016-17, the District continued its partnership with Solution Tree, an educational professional development consultant, to conduct PLC Academy for all central and site administrators, along with one key teacher

leader from each site. [AR 16-17, ECF 2057-1, p. 156.] The District utilized the PLCs Guide, which provides foundational information, essential tools, templates, and resources for establishing and maintaining strong PLCs at every school. [*Id.*] The guide helped schools determine their levels of proficiency with PLCs as a process for improving student performance through enhanced teacher practices. [*Id.*] Detailed descriptions of the District's PLC training development can be found in the District's last three annual reports. [AR 14-15, ECF 1918-1, pp. 114-116; AR 15-16, ECF 1958-1, pp. 133-136; AR 16-17, ECF 2057-1, pp. 156-157.]

**J.** The District has met the professional development provisions of the USP.

The District has made great strides in improving its professional development program pursuant to USP Section IV(J). Prior to the USP, professional development was provided on an ad hoc basis at each District school, often either underinclusively (*i.e.*, missing important professional development) or overinclusively (*i.e.*, including unnecessary professional development). There was a need for the District to consolidate its professional development efforts into a centralized unit that could oversee a standardized professional development program throughout the District's schools.

As described below, the District has established a strong centralized professional development program that coordinates professional development activities at each of the District's schools. The District ensures that a comprehensive suite of mandatory professional development is provided to all onboarding District ACS, while unnecessary professional development is excluded. The training consists of enhanced PowerPoints and videos with quizzes to ensure that all staff understand important principles from the training. Although it is difficult to measure the effectiveness of professional development, the District is confident that its professional development program—which



is state-of-the-art among U.S. school districts—more than adequately implements the requirements of the USP.

USP Section IV(J)(1). *“By April 1, 2013, the District shall develop a plan to ensure that all administrators and certificated staff are provided with copies of this Order and are trained on its elements and requirements prior to the commencement of the 2013-2014 school year.”*

During summer 2013, the District worked with the Special Master and Plaintiffs to develop a plan to provide USP training for, and disseminate the USP to, all ACS. [AR 13-14, ECF 1686, p. 102.] Under the plan, all ACS received copies of the USP electronically before August 1, 2013. [*Id.*] Training for all ACS was made available in September 2013. [*Id.*] The Director of Desegregation worked with the Professional Development department to develop the USP training as an online module, which highlighted the components of the USP and the District’s responsibilities for meeting its requirements. The module is available as App. IV-28 to AR 13-14. [ECF 1687-3, pp. 28-83.] The professional development staff meets with District creators of USP-related online training to review and revise the USP trainings as needed. [AR 15-16, ECF 1958-1, p. 136.] In SY 2016-17, the HR Department reviewed online training modules, including the Understanding the Unitary Status Plan module. [AR 16-17, ECF 2057-1, p. 157.] A total of 1,348 staff members completed the training on understanding the USP in SY 2016-17. [*Id.*]

USP Section IV(J)(2). *“By June 1, 2013, the District shall designate, hire, or contract for appropriate trainers for all certificated staff, administrators and paraprofessionals to provide the professional development necessary to effectively implement the pertinent terms of this Order. These trainers shall work in conjunction with the District’s director of culturally responsive pedagogy and instruction and coordinator of professional development to develop appropriate trainings, and shall conduct these professional development sessions throughout the 2013-2014 school year and thereafter. All newly-hired or promoted certificated staff, administrators and paraprofessionals in the District, or individuals who did not attend the first session(s) of professional development described here, shall do so the next time the trainings are held, or in the beginning of the fall semester of the academic*



*year subsequent to the academic year during which they were hired or promoted or missed such training, whichever is sooner. At that time such personnel also shall receive a copy of this Order and the training referenced above (see Paragraph 1 above)."*

The District has hired or designated specific staff members to provide USP-related training. [AR 13-14, ECF 1686, p. 103.] In many cases, the District identified internal trainers with the skill, knowledge, and experience to train others, which allowed the District to build the capacity of its own staff. [*Id.*] The District also has worked with outside consultants who facilitate trainings, such as the Danielson group. [*Id.*]

The District's professional development program has blossomed over the life of the USP. Through SY 2015-16, the District had offered professional development related to the USP to ACS and paraprofessionals in four different modalities: over three hundred after-school and weekend instructor-led courses with more than 20,000 attendees; 33 ILA meetings with 185 site and District administrator invitees; 78 online or self-paced courses delivered to 8,447 District employees; and 40 early-release Wednesday professional development trainings held at all 89 school locations across the District. [AR 16-17, ECF 2057-1, p. 161.]

USP Section IV(J)(3)(a). *"The District shall ensure that all administrators, certificated staff, and paraprofessionals receive ongoing professional development, organized through the director of culturally responsive pedagogy and instruction and the coordinator of professional development, that includes . . . [t]he District's prohibitions on discrimination or retaliation on the basis of race and ethnicity."*<sup>2</sup>

The District provides anti-discrimination training on an annual basis [AR 15-16, App. IV-94, ECF 1969-2, pp. 166-176.] In SY 2016-17, the HR Department reviewed online training modules, including Hiring Protocols and Workforce Diversity, and a total of 1,348 staff members completed the anti-discrimination training on hiring protocols.

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<sup>2</sup> This professional development shall be offered on a regular basis, both integrated into instructional days and in dedicated professional development time during the summer or school year, as appropriate. *See* USP Section IV(J)(3).

[AR 16-17, ECF 2057-1, p. 157.] The HR Department also met with the CRPI director to discuss an additional training module to inform hiring administrators about “hiring biases.” [Id.] To improve its anti-discrimination training, the District created a training module that tackles unconscious bias in hiring in SY 2016-17, to be implemented in SY 2017-18. [Id.]

USP Section IV(J)(3)(b), (c). *“The District shall ensure that all administrators, certificated staff, and paraprofessionals receive ongoing professional development, organized through the director of culturally responsive pedagogy and instruction and the coordinator of professional development, that includes . . . b. Practical and research-based strategies in the areas of: (i) classroom and non-classroom expectations; (ii) changes to professional evaluations; (iii) engaging students utilizing culturally responsive pedagogy, including understanding how culturally responsive materials and lessons improve students’ academic and subject matter skills by increasing the appeal of the tools of instruction and helping them build analytic capacity; (iv) proactive approaches to student access to ALEs; (v) the District’s behavioral and discipline systems, including Restorative Practices, Positive Behavior Interventions and Supports, and amendments to the Guidelines for Student Rights and Responsibilities; (vi) recording, collecting, analyzing, and utilizing data to monitor student academic and behavioral progress, including specific training on the inputting, accessing, and otherwise using the District’s existing and amended data system(s); (vii) working with students with diverse needs, including ELL students and developing a district- wide professional development plan for all educators working with ELL students; and (viii) providing clear, concrete, and accessible strategies for applying tools gained in professional development to classroom and school management, including methods for reaching out to network(s) of identified colleagues, mentors, and professional supporters to assist in thoughtful decision-making; and [a]ny other training contemplated herein.”*<sup>3</sup>

The District’s professional development program encompasses all of the training elements contemplated by the USP (AR 16-17, ECF 2057-1, pp. 161-171):

- As required by USP Section IV(J)(3)(b)(i), the District provides practical and research-based training in classroom and non-classroom expectations, including instructor-led, ILA/ILT, and early-release Wednesday trainings;

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<sup>3</sup> This professional development shall be offered on a regular basis, both integrated into instructional days and in dedicated professional development time during the summer or school year, as appropriate. See USP Section IV(J)(3).

- As required by USP Section IV(J)(3)(b)(ii), the District provides practical and research-based training in changes to professional evaluations, including instructor-led and ILA/ILT trainings;
- As required by USP Section IV(J)(3)(b)(iii), the District provides practical and research-based training in culturally responsive pedagogy, including instructor-led and early-release Wednesday trainings;
- As required by USP Section IV(J)(3)(b)(iv), the District provides practical and research-based training in ALEs, including instructor-led and early-release Wednesday trainings;
- As required by USP Section IV(J)(3)(b)(v), the District provides practical and research-based training in the District's behavioral and discipline systems, including instructor-led, ILA/ILT, and early-release Wednesday trainings;
- As required by USP Section IV(J)(3)(b)(vi), the District provides practical and research-based training in data systems to monitor student academic and behavioral progress, including instructor-led, ILA/ILT, and early-release Wednesday trainings;
- As required by USP Section IV(J)(3)(b)(vii), the District provides practical and research-based training in working with students with diverse needs (including ELL students), including instructor-led and online trainings;
- As required by USP Section IV(J)(3)(b)(viii), the District provides practical and research-based training in classroom and school management, including instructor-led, ILA/ILR, and early-release Wednesday trainings.

To make USP-related professional development easier for staff, the District offers training in four different modalities at various locations throughout the District. [*Id.*, p. 161.] The SY 2016-17 ILA invited 185 campus and District administrators to 33 meetings covering USP topics. [*Id.*] The District delivered 78 online or self-paced courses to 8,447 of its employees on various topics through Performance Matters (formerly known as True North Logic), including Athletic Safety, Emergency Response Plan Training, Bullying, and Interpreter Training. [*Id.*] 40 Wednesday professional development trainings were held at all 89 school locations throughout the District. [*Id.*]

USP Section IV(J)(4). *“For administrators and certificated staff identified pursuant to their evaluations as in need of improvement, the District shall provide additional targeted professional development designed to enhance the expertise of these personnel in the identified area(s) of need.”*

The District includes targeted professional development activities as part of the TSP. [AR 13-14, ECF 1686, pp. 99-100; AR 13-14, App. IV-25, ECF 1687-3, pp. 8-15.] The TSP provides for additional professional development for struggling teachers, such as an assigned coach, a review of best practices, attendance at District-sponsored professional development events, and visiting exemplar classrooms for the targeted components. [AR 13-14, App. IV-25, ECF 1687-3, p. 10.] The District has utilized this part of the TSP to provide targeted professional development to struggling teachers needing support. [AR 14-15, ECF 1918-1, p. 111; AR 15-16; ECF 1958-1, pp. 125-127.]

USP Section IV(J)(5). *“The District shall provide all personnel involved in any part of the hiring process with annual training on diversity, the competitive hiring process, the District’s non-discrimination policies, state and federal non-discrimination law (including EEOC guidelines), the District’s recruitment plan, and use of the District’s interview protocols. Such training shall be in addition to each such employee’s annual professional development requirement.”*

In SY 2013-14, the District designed the training “USP: TUSD Hiring Protocols and Workforce Diversity”. [AR 14-15, ECF 1918-1, p. 129; AR 13-14, App. IV-32, ECF 1687, pp. 106-128.] The District provides this anti-discrimination training on an annual basis [AR 15-16, App. IV-94, ECF 1969-2, pp. 166-176.] In SY 2016-17, the HR Department reviewed its online training modules, including Hiring Protocols and Workforce Diversity, and a total of 1,348 staff members completed the anti-discrimination training on hiring protocols. [AR 16-17, ECF 2057-1, p. 157.] The HR Department also met with the CRPI director to discuss an additional training module to inform hiring administrators about “hiring biases.” [*Id.*] Based on these discussions, the District has decided to enhance its anti-discrimination training by creating a training module that tackles unconscious bias in hiring, which will be implemented in SY 2017-18. [*Id.*]

USP Section IV(J)(6). *“Through the director of culturally responsive pedagogy and instruction, the District shall facilitate opportunities for administrators and certificated staff who*

*consistently demonstrate best practices in their classrooms or schools to coach, mentor, and collaborate with their peers and provide opportunities for other personnel to observe these best practices.”*

In SY 2015-16, the CRPI department worked to identify teachers who demonstrated best practices in culturally responsive teaching. [AR 15-16, ECF 1985-1, p. 137.] The department used information gleaned from observing non-culturally relevant course teachers to create a list of teachers who demonstrate exemplary characteristics of culturally responsive practices. [*Id.*; AR 15-16, App. IV-87, ECF 1962-2, pp. 131-132.] The District continually will provide other teachers the opportunity to observe and incorporate these exemplary practices. [AR 15-16, ECF 1985-1, p. 137.] Curriculum Instruction Professional Deployment and Assessment oversees the existing new teacher mentor program.

In SY 2016-17, the CRPI department proposed the use of its department peer observation plan, which pairs identified master teachers at each school with emerging teachers to facilitate those teachers’ learning of effective teaching and classroom management strategies. [AR 16-17, ECF 2057-1, pp. 159-160.] Emerging teachers are those who have been identified to be in need of additional support or intervention. [*Id.*, p. 160.] Those teachers accompany an assigned evaluator, or an identified support staff member, to observe the master teacher and receive constructive feedback related to strategy. [*Id.*] The District plans to use this peer observation during SY 2017-18. [*Id.*]

**K.** The District has reported on its activities as provided in the USP.

USP Section IV(K)(1)(a). *“The District shall provide, as part of its Annual Report . . . [c]opies of all job descriptions and explanations of responsibilities for all persons hired or assigned to fulfill the requirements of this Section, identified by name, job title, previous job title (if appropriate), others considered for the position, and credentials.”*

The District attached to each annual report an appendix containing this information. [AR 12-13, App. 26, ECF 1551-3, pp. 1-37; AR 13-14, App. IV-7, ECF

1687, pp. 143-164; AR 14-15, Apps. IV-75, IV-76, IV-77, and IV-78, ECF 1849-3, pp. 977-986, ECF 1849-4, pp. 1-7; AR 15-16, App. 98, ECF 1962-2, pp. 200-215; AR 16-17, App. IV-99, ECF 2060-6, pp. 44-73.]

USP Section IV(K)(1)(b). *“The District shall provide, as part of its Annual Report . . . [a] copy of the Labor Market Analysis, and any subsequent similar studies.”*

The District attached to AR 12-13 the Labor Market Analysis, to AR 13-14 a supplemental analysis, and to AR 14-15 a revised copy of the analysis. [AR 12-13, App. 27, ECF 1551-4, pp. 1-91; AR 13-14, App. IV-1, ECF 1687, pp. 1-19; AR 14-15, App. IV-79, ECF 1849-4, p. 8.] There were no revisions to the Labor Market Analysis to report for SY 15-16 or SY 16-17. [AR 15-16, ECF 1958-1, p. 147; AR 16-17, ECF 2057-1, p. 171.]

USP Section IV(K)(1)(c). *“The District shall provide, as part of its Annual Report . . . [a] copy of the recruitment plan and any related materials.”*

The District attached to its annual reports a copy of the recruitment plan and/or related materials. [AR 12-13, App. 28, ECF 1551-5, pp. 1-11; AR 13-14, Apps. IV-3, IV-4, IV-8, and IV-10, ECF 1687, pp. 120-140, 165-220, 247-249; AR 14-15, App. IV-90, ECF 1849-4, pp. 9-23; AR 15-16, App. IV-99, ECF 1962-2, pp. 216-17; AR 16-17, App. IV-100, ECF 2060-6, pp. 74-76.]

USP Section IV(K)(1)(d). *The District shall provide all of the data listed under Section IV(K)(1)(d)(i)-(v).*

The District attached to its annual reports appendices with this data and information. [AR 12-13, Apps. 29, 30, 31, 32, and 33, ECF 1551-6, pp. 1-33, ECF 1551-7, pp. 1-3, ECF 1551-8, pp. 1-172, ECF 1551-9, pp. 1-17, ECF 1551-10, pp. 1-13; AR 13-14, Apps. VI-2, VI-11, VI-13, VI-30, VI-31, ECF 1687, pp. 20-119, 250-264, ECF 1687-1, pp. 12-357, ECF 1687-3, pp. 99-105; AR 14-15, Apps. IV-81 through IV-89, ECF 1849-4, pp. 24-571; AR 15-16, Apps. IV-23, IV-30, IV-100, IV-101, and IV-102,



ECF 1962-1, pp. 133-192, 214-215, ECF 1962-2, pp. 1-63; AR 16-17, App. IV-23, ECF 2060-1, pp. 106-164; App. IV-32, ECF 2060-2, pp. 14-15; Apps. IV-101, IV-102, IV-103, ECF 2060-6, pp. 77-151.]

USP Section IV(K)(1)(e). *“The District shall provide, as part of its Annual Report . . . [c]opies of the District’s interview instruments for each position type and scoring rubrics.”*

The District attached to each of its annual reports appendices with these documents. [AR 12-13, App.34, ECF 1552-1, pp. 1-21; AR 13-14, App. IV-9, ECF 1687, pp. 221-246; AR 14-15, Apps. IV-90 through IV-101, ECF 1849-4, pp. 572-586; AR 15-16, App. IV-103, ECF 1962-2, pp. 64-65; AR 16-17, App. IV-104, ECF 2060-6, pp. 152-153.]

USP Section IV(K)(1)(f). *“The District shall provide, as part of its Annual Report . . . [a]ny aggregated information regarding why individuals offered positions in the District chose not to accept them, reported in a manner that conforms to relevant privacy protections.”*

The District attached to each of its annual reports appendices with this information. [AR 12-13, App. 35, ECF 1552-2, pp. 1-3; AR 13-14, App. IV-12, ECF 1687-1, pp. 1-11; AR 14-15, Apps. IV-102, IV-103, ECF 1849-4, pp. 587-591; AR 15-16, App. IV-22, ECF 1962-1, pp. 131-132; AR 16-17, App. IV-22, ECF 2060-1, pp. 104-105.]

USP Section IV(K)(1)(g). *“The District shall provide, as part of its Annual Report . . . [t]he results of the evaluation of disparities in hiring and assignment, as set forth above, and any plans or corrective action taken by the District.”*

The District attached this information to AR 13-14, AR 14-15, AR 15-16, and AR 16-17. [AR 13-14, Apps. IV-14, IV-15, ECF 1687-1, pp. 358-370; AR 14-15, Apps. IV-104, IV-105, ECF 1849-4, pp. 592-597; AR 15-16 Apps. IV-25 through IV-29, ECF 1962-1, pp. 197-213; AR 16-17, Apps. IV-27, IV-28, ECF 2060-1, pp. 179-186; Apps. IV-30, IV-31, ECF 2060-2, pp. 7-13; App. IV-105, ECF 2060-6, pp. 154-157.] The

District did not provide this information for SY 2012-13 because it was still developing the necessary plans and procedures at that time. [AR 12-13, ECF 1549-1, p. 33.]

USP Section IV(K)(1)(h). *“The District shall provide, as part of its Annual Report . . . [a] copy of the pilot plan to support first year teachers developed pursuant to the requirements of this Section.”*

The District attached the plan and related information to AR 13-14, AR 14-15, AR 15-16, and AR 16-17. [AR 13-14, App. IV-16, ECF 1687-1, pp. 371-377; AR 14-15, App. IV-35, ECF 1849-2, pp. 34-40; AR 15-16, App. IV-104, ECF 1962-2, pp. 66-69; AR 16-17, App. IV-106, ECF 2060-6, pp. 158-161.] The District did not provide this information in AR 12-13 because the plan was still under development. [AR 12-13, ECF 1549-1, p. 33.]

USP Section IV(K)(1)(i). *“The District shall provide, as part of its Annual Report . . . [a]s contemplated in (IV)(F)(1)(a), a copy of the District’s retention evaluation(s), a copy of any assessments required in response to the evaluation(s), and a copy of any remedial plan(s) developed to address the identified issues.”*

The District attached these documents to AR 12-13 and AR 13-14. [AR 12-13, App. 38, ECF 1552-3, pp. 1-22; AR 13-14 App. IV-18, ECF 1687-1, pp. 397-410.] This requirement was not applicable to AR 14-15 or AR 16-17 (AR 14-15, ECF 1918-1, p. 140; AR 16-17, ECF 2057-1, p. 173), and the data relevant to the evaluation of separations was included in the narrative of AR 15-16.

USP Section IV(K)(1)(j). *“The District shall provide, as part of its Annual Report . . . [a]s contemplated in (IV)(F)(1)(b), copies of the teacher survey instrument and a summary of the results of such survey(s).”*

The District attached to its annual reports appendices with this information. [AR 12-13, App. 39, ECF 1552-4, pp. 1-9; AR 13-14, App. IV-19, ECF 1687-1, pp. 411-418; AR 14-15, Apps. IV-105, IV-106, ECF 1849-4, pp. 594-599; AR 15-16, App. IV-32, ECF 1962-1, pp. 227-229; AR 16-17, App. IV-107, ECF 2060-6, pp. 162-163.]



USP Section IV(K)(1)(k). *“The District shall provide, as part of its Annual Report . . . [d]escriptions of the findings of the biannual focus groups contemplated in (IV)(F)(1)(c).”*

The District attached this information to AR 13-14, AR 14-15, AR 15-16, and AR 16-17. [AR 13-14, App. IV-20, ECF 1687-1, pp. 419-420; AR 14-15, Apps. IV-107 through IV-109, ECF 1849-4, pp. 600-610; AR 15-16, App. IV-8, ECF 1962-1, pp. 30-43; AR 16-17, App. IV-7, ECF 2060-1, pp. 26-29.] The District did not provide this information in AR 12-13 because the focus groups had not yet been implemented in SY 2012-13. [AR 12-13, ECF 1549-1, p. 35.]

USP Section IV(K)(1)(k)(l). *“The District shall provide, as part of its Annual Report . . . [a] copy of the RIF plan contemplated in (IV)(G)(1).”*

The District attached the RIF plan to AR 13-14. [AR 13-14, App. IV-21, ECF 1687-1, pp. 421-428.] The District did not provide the RIF Plan with AR 12-13 because the plan had not yet been developed and implemented (AR 12-13, ECF 1549-1, p. 35), and it did not provide the plan with AR 14-15, AR 15-16, and AR 16-17 because the plan was not enforced and no employees were laid off during those SY 2014-15 and SY 2015-15 (AR 14-15, ECF 1918-1, p. 140; AR 15-16, ECF 1958-1, p. 150; AR 16-17, ECF 2057-1, p. 174.)

USP Section IV(K)(1)(m). *“The District shall provide, as part of its Annual Report . . . [c]opies of the teacher and principal evaluation instruments and summary data from the student surveys contemplated in (IV)(H)(1).”*

The District attached this information to its annual reports. [AR 12-13, App. 42, ECF 1552-5, pp. 1-146; AR 13-14, Apps. IV-22, IV-23, ECF 1687-2, pp. 1-138; AR 14-15, Apps. IV-110, IV-111, ECF 1849-4, pp. 611-662; AR 15-16, Apps. IV-37, IV-38, and IV-105, ECF 1962-1, pp. 272-286, ECF 1962-2, pp. 70-74; AR 16-17, App. IV-108, ECF 2060-6, pp. 164-212; Apps. IV-109, IV-110, ECF 2060-7, pp. 1-161.]

USP Section IV(K)(1)(n). *“The District shall provide, as part of its Annual Report . . . [a] description of the New Teacher Induction*

*Program, including a list or table of the participating teachers and Mentors by race, ethnicity, and school site.”*

The District provided this information in each annual report. [AR 12-13, ECF 1549-1, pp. 36-38; AR 12-13, App. 43, ECF 1552-6, pp. 1-10; AR 13-14, App. IV-17, ECF 1687-1, pp. 378-396; AR 14-15, Apps. IV-112, IV-113, ECF 1849-4, pp. 663-664; AR 15-16, Apps. 106 and 107, ECF 1962-2, pp. 75-83; AR 16-17, Apps. IV-111, IV-112, ECF 2060-7, pp. 162-171.]

USP Section IV(K)(1)(o). *“The District shall provide, as part of its Annual Report . . . [a] description of the teacher support program contemplated in (IV)(I)(2), including aggregate data regarding the numbers and race or ethnicity of teachers participating in the program.”*

The District attached this information to AR 13-14, AR 14-15, AR 15-16, and AR 16-17. [AR 13-14, App. IV-25, ECF 1687-3, pp. 8-15; AR 14-15, App. IV-113, ECF 1849-4, pp. 665-671; AR 15-16, App. IV-108, ECF 1962-2, pp. 84-85; AR 16-17, App. IV-113, ECF 2060-7, pp. 172-173.] The District did not provide this information in AR 12-13 because the TSP had not yet been developed and implemented. [AR 12-13, ECF 1549-1, p. 38.]

USP Section IV(K)(1)(p). *“The District shall provide, as part of its Annual Report . . . [a] copy of the leadership plan to develop African American and Latino administrators.”*

The District attached the PAL Plan to AR 13-14, AR 14-15, AR 15-16, and AR 16-17. [AR 13-14, App. IV-26, ECF 1687-3, pp. 16-20; AR 14-15, App. IV-114, ECF 1849-4, pp. 672-673; AR 15-16 App. IV-109, ECF 1962-2, pp. 86-88; AR 16-17, App. IV-114, ECF 2060-7, pp. 174-176.] The District did not provide the PAL Plan with AR 12-13 because the plan had not yet been developed and implemented. [AR 12-13, ECF 1549-1, p. 38.]

USP Section IV(K)(1)(q). *“The District shall provide, as part of its Annual Report . . . [f]or all training and professional development*

*provided by the District pursuant to this section, information on the type of opportunity, location held, number of personnel who attended by position; presenter(s), training outline or presentation, and any documents distributed.”*

The District provided this information in its annual reports. [AR 12-13, App. 88, ECF 1554-7, pp. 1-120; AR 13-14, App. IV-32, ECF 1687-3, pp. 106-128; AR 14-15, Apps. IV-115, IV-116, ECF 1849-4, pp. 674-708; AR 15-16 App. IV-84, ECF 1962-2, pp. 98-126; AR 16-17, App. IV-79, ECF 2060-5, pp. 88-131.]

II. The Outreach Recruitment and Retention Plan.

- A. The District has ensured nondiscriminatory recruitment for all employment vacancies.

*ORR Plan P. 5. “Ensure Nondiscriminatory Recruitment for All Employment Vacancies. TUSD will follow Governing Board approved policies and regulations which mandate that TUSD employees shall not discriminate against employees or applicants on the basis of race, color, religion gender, age, national origin, disability, marital status, and sexual orientation in any of its activities or operations. (See Governing Board Policy AC and ACA, and related regulations). These activities include, but are not limited to, hiring and terminating staff, selection of volunteers and vendors, and provision of services. TUSD is committed to providing and inclusive and welcoming environment for all members of our staff.*

*The District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis.”*

The District has steadfastly maintained a commitment to conducting recruitment for all employment vacancies on a nondiscriminatory basis. Indeed, there has never been an allegation or finding of prior unlawful employment practices in this case.

To ensure continued adherence to this principle, the District has adopted strict policies and regulations that protect against discrimination in recruitment, including Governing Board policies AC and ACA. [AR 13-14, ECF 1686, p. 78.] These policies unequivocally bar District employees from discriminating against employees or applicants on the basis of race, color, religion, gender, age, national origin, disability, marital status, gender identity, and sexual orientation in any of the District’s activities or operations, including hiring and termination, selection of volunteers and vendors, and provision of services. [*Id.*] In addition, the District’s ORR Plan provides that “[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis.” [AR 13-14, App. IV-3, ECF 1687, p. 124.]

- B. The District conducted a Labor Market Analysis as outlined in the ORR Plan.

ORR Plan P. 6. *“Labor Market Analysis. TUSD hired an outside consultant to undertake a labor market analysis (“LMA”) that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data.”*

In October 2012, Dr. Mary Dunn Baker from the ERS Group completed a preliminary LMA, which compared the number of Hispanic and African American administrators and teachers to the availability rates in Arizona, the Southwest region, surrounding states, and the contiguous United States. [AR 12-13, ECF 1549-1, p. 29; AR 12-13, App. 27, ECF 1551-4, pp. 1-91.] With only one exception, the LMA revealed that the District employed more Hispanic administrators and teachers than would be expected based upon availability rates. [AR 12-13, ECF 1549-1, p. 29.] The LMA also revealed that, in all cases, the District employs more African American administrators and principals than would be expected based on the availability rates from two of the three sources (there was insufficient data from the U.S. Department of Education source.) [*Id.*] However, the LMA did reveal that, while the District employs more African American teachers than expected based upon the Arizona availability rates from the Arizona Department of Education and U.S. Census data, the District employs fewer than expected African American teachers based upon data from the expanded regional availability rates. [*Id.*]

In September 2013, Dr. Baker conducted a supplemental LMA. [AR 13-14, ECF 1686, p. 78; AR 13-14 App. IV-1, ECF 1687, pp. 1-19.] The supplemental LMA found that “[w]hen African-American and Hispanic availability for Teacher and Administrator jobs is measured using the aggregate 2010 EE0-5 Report for Arizona public schools, the data reveal that, in general, TUSD employed more African-American and Hispanic Teachers and Administrators than would be expected given the rates at which members of those demographics groups are employed in similar occupations throughout the state.” [*Id.*, p. 2.] Dr. Baker’s Report demonstrates that the District employs more African

American and Hispanic ACS than statistically-driven expectations would forecast for a school district in Arizona. [AR 13-14, ECF 1686, p. 69.]

However, the USP also requires the District to consider the expected numbers of African American and Hispanic ACS based on regional and national data. In analyzing the initial LMA, the District and Dr. Baker concluded that the LMA demonstrates some statistically significant disparities between the District and districts nationally and in surrounding states. [*Id.*] These disparities are higher-than-expected when looking at Hispanic ACS, but they are lower-than-expected when looking at African American ACS. [*Id.*] Some of the disparities with respect to African American ACS are a reflection of state economics (starting teacher pay in Arizona is among the lowest in the nation) because increased hiring of African American ACS requires out-of-state recruiting, as Arizona (and particularly Tucson) does not have a large African American population, especially when compared to two of the states included in the relevant region, California and Texas. [*Id.*, pp. 79-80.] Nevertheless, it is important to emphasize that the LMA demonstrated conclusively that the District employs more African American and Hispanic ACS than statistically-driven expectations would forecast for a school district in Arizona.

- C. The District conducted an annual review and modification as provided by the ORR Plan.

*ORR Plan P. 7. "Annual Review and Process for Modification. The objective of this process is to build upon the efforts to recruit administrators and certificated staff from diverse backgrounds, including African-American and Latino prospects. TUSD will accomplish this by delegating tasks to Human Resource (HR) specialists to assist in data collection. Human Resources has expanded the process to capture the results of the previous year's recruiting and retention. Starting in July 2013, HR assigned a System Analyst to collect recruiting and hiring data from previous years. This is an ongoing, expanding program; the focus is to establish the recruiting data collection process first and begin the retention data collection process based on the successes and lessons learned from the recruiting portion of this effort."*

The District evaluates the ORR Plan on an ongoing basis. The District has collected recruiting and hiring data from previous years as part of this effort. The District's Recruitment and Retention Advisory Committee also meets quarterly to review, analyze, and make suggestions regarding recruiting materials, data review, exit survey feedback, and college recruiting program improvements and recommendations. [AR 16-17, ECF 2057-1, p. 122.] In addition, the HR Department completed two separate audits and reviews of the administrative hiring process during SY 2016-17 and made changes based on the resulting recommendations. [*Id.*, p. 124.] Changes include the implementation of a paper screening process, a video interview question in lieu of phone interviews, an additional round of references, and added principal input in the hiring process. [*Id.*]

- D.** The District has developed and implemented a nationwide recruiting strategy focused on specific strategies to recruit a diverse staff.

*ORR Plan PP. 7-8. "Nationwide Recruiting Strategy Focused on Specific Strategies to Recruit a Diverse Staff, Including African-American, Hispanic, and Bilingual Administrators and Certificated Staff. TUSD will include non-discrimination language in a prominent location on the online job postings site, and will continue to strive to remain salary competitive with other local school districts and, at the current time, is comparable to all area school districts. The nationwide strategy will include the following, described in detail in the corresponding sections below: (a) advertising; (b) in-person recruiting; (c) offering financial incentives; (d) promoting job satisfaction incentives and opportunities; (e) promoting support for beginning teachers; and (f) monitoring and utilizing feedback from current employees. Each strategy will be evaluated for effectiveness and may be modified on an annual basis."*

The District's website includes non-discrimination language in a prominent location on its job postings site. [Jobs, TUSD.org (last visited Aug. 23, 2017, available at <http://jobs.tusd1.org/jobs>.)] The District also remains salary competitive with other local school Districts. In addition, the District has the second highest paying teacher salary structure in comparison with local peers. As discussed below, the District has



implemented a nationwide recruiting strategy that implements all required elements under the ORR Plan.

*ORR Plan P. 8. “Advertising. TUSD may collaborate with national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities to advertise job vacancies . . . . TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year’s recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.”*

The District collaborates with national websites and publications to advertise job vacancies. When selecting websites or publications in which to advertise vacancies, the District targets platforms particularly suited to recruiting African American and Hispanic candidates, as well as candidates with bilingual endorsements in Spanish. [AR 16-17, ECF 2057-1, p. 115.] The District advertises on its website and through a number of other websites and outlets, including mainstream job websites such as jobing.com and careerbuilder.com, but also on more targeted websites such as Black Collegian and HBCUcareers.com. [*Id.*, pp. 115-116.]

*ORR Plan PP. 8-9. “In-Person Recruiting. The goal is to increase the ethnic/racial diversity of TUSD’s administrators and certificated staff, specifically African-Americans and Latinos.” The ORR Plan lists a number of corresponding strategies, as described below. “TUSD will evaluate and modify these recruiting strategies on an ongoing basis, and at least annually, based on a review of the previous year’s recruiting data and the effectiveness of past recruiting practices in attracting diverse candidates, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.”*

The District is committed to discovering local talent through in-person teacher recruiting. In SY 2016-17, the District hosted four information sessions and hiring events for student teachers from various colleges in Arizona, including the University of Arizona, University of Arizona South, Pima Community College, University of Phoenix, Northern Arizona University, and Grand Canyon University. [AR 16-17, ECF 2057-1, p.



119.] At these and other recruiting events, District staff provides information to potential recruits about the District, including detailed instructions on the application process for open positions. [Id.] Guest speakers involved in the District's recruitment efforts participate in these sessions, including by providing information about how to apply for District employment through AppliTrack. [Id.] For SY 2016-17, the District placed 104 student teachers from Grand Canyon University, Northern Arizona University, Pima Community College, Prescott College, St. Olaf College, Teach-NOW, the University of Arizona, and University of Phoenix. [Id.] The HR Department also hosted a Student Teacher Hiring Reception during SY 2016-17. [Id.]

District staff also go on annual recruiting trips to discover new and diverse teaching talent. To select which academic institutions the District would visit, the District uses the National Council on Teacher Quality and the College and University diversity index as set forth in U.S. News and World Report. [Id.] The District's recruiting team visited sixteen colleges and universities from fall 2016 through spring 2017. [Id.] The HR Department specifically targeted six historically black colleges and universities and four Hispanic-serving institutions in order to market the District to racially and ethnically diverse teaching and administrator candidates and to fill the critical need areas of math, science, and special education. [Id.]

The District also participates in a number of other educational job fairs, expos, conferences, and special events—some targeted specifically at diverse populations—in Arizona and in other states. [Id., p. 120.] Based on prior experience, the District has enhanced its efforts to recruit diverse staff by ensuring that the recruitment teams themselves are diverse. [Id.] Various African American and Hispanic principals support recruitment efforts and participate in teacher recruitment trips. [Id.]

Finally, the District connects with various experienced recruitment entities to explore best hiring practices and potential relationships with local and national associations. [Id., p. 121.] These entities include the Hispanic Association of Colleges

and Universities, National Association of Black School Educators, Society of Human Resource Management (SHRM), SHRM-Greater Tucson, Tucson Professional Recruiters Association, National Association of Colleges and Employers, and the NAACP. [*Id.*]

ORR Plan PP. 9-10. *“Financial incentives. Considering local factors (such as comparatively low teacher salaries statewide, and a comparatively smaller African-American population) certain financial incentives will be promoted as part of the nationwide recruitment strategy to attract qualified candidates, targeting African-American and Latino candidates. Prospective employees may receive reimbursement for moving expenses, as well as financial incentives for teachers fulfilling hard-to-fill content areas such as dual-language or Culturally Relevant Courses (CRCs), or for teachers fulfilling critical needs. Financial incentives are subject to modification and are reviewed annually by the Governing Board. The following reimbursements and stipends are to be utilized as tools for recruitment and retention and are therefore not available to all incoming or existing administrators or teachers. The following incentives, subject to annual modification, may be offered to prospective candidates beginning in the spring of 2014:” Relocation Expense Reimbursement and Dual-Language/Bilingual Recruitment and Retention Incentive.*

The District has vastly expanded its recruiting efforts using financial incentives. The District has increased its use of hard-to-fill hiring stipends from 39 in SY 2014-15, to 119 in SY 2015-16, and then to 256 in SY 2016-17. [AR 16-17, ECF 2057-1, p. 117.] The District offers a \$2,500 hiring stipend for new math, science, and exceptional education teachers, and it recently added a \$2,500 retention and recruitment stipend for dual-language positions. [*Id.*] Newly implemented, hard-to-fill stipends in SY 2016-17 also included the magnet hiring stipend, \$2,500 for new-hire classroom teachers, and \$1,250 as a retention stipend for classroom teachers. [*Id.*]

ORR Plan P. 10. *“Offers of Employment. TUSD will research and, potentially, develop procedures to offer potential candidates an “Offer of Employment” (aka a “letter of intent”) to improve the likelihood of recruiting top candidates. Consistent with Arizona law regarding teacher and administrator hiring all such offers will be subject to approval by the Governing Board. (See Appendix D for sample language).”*

The District continues to refine its procedures for offering potential candidates a letter of intent. In SY 2016-17, the District strengthened its letter of intent language to include contract language. [AR 16-17, ECF 2057-1, p. 124.] For SY 2017-18, the District has changed the name of its letter of intent to “Letter of Contract Assurance” to emphasize that the letter qualifies as an offer of employment. [*Id.*] During SY 2016-17, District staff issued 141 letters of Contract Assurance at 25 recruitment events, which resulted in hiring four African American, 79 white, seven Asian/Pacific Islander, 48 Hispanic, and three Native American teachers. [*Id.*, p. 121.] The District’s letter usage is reflected in the table below, and an example “Letter of Contract Assurance” is available at [AR 16-17, App. IV-21, ECF 2060-1, pp. 101-103.]

Letters of Intent: SY 2013-14 through SY 2016-17

School Year	Letters of Intent
2013-14	7
2014-15	44
2015-16	170
2016-17	141

ORR Plan PP. 10-11. *“Job satisfaction incentives and opportunities. TUSD recognizes that creating a welcoming and supportive environment for employees can serve as a key factor in recruiting and retaining hard-to-fill or hard-to-recruit staff. Towards developing such an environment, TUSD will outreach to prospective employees and communicate various incentives and opportunities to them. (See Appendix E) A key piece of the recruiting strategy is to communicate these incentive and benefits to prospective employees.”*

The District has developed an extensive outreach program to advertise District employment opportunities and incentives for prospective employees to pursue those opportunities. The District widely advertises its \$2500 recruitment stipends for hard-to-fill positions. [AR 14-15, ECF 1918-1, p. 79; AR 16-17, ECF 2057-1, p. 116.] District staff also go on annual recruiting trips to discover new and diverse teaching talent. To

select which academic institutions the District would visit, the District uses the National Council on Teacher Quality and the College and University diversity index as set forth in U.S. News and World Report. [*Id.*] The District’s recruiting team visited sixteen colleges and universities from fall 2016 through spring 2017. [*Id.*] The HR Department specifically targeted six historically black colleges and universities and four Hispanic-serving institutions in order to market the District to racially and ethnically diverse teaching and administrator candidates and to fill the critical need areas of math, science, and special education. [*Id.*]

The District also participates in a number of other educational job fairs, expos, conferences, and special events—some targeted specifically at diverse populations—in Arizona and in other states. [*Id.*, p. 120.] Based on prior experience, the District has enhanced its efforts to recruit diverse staff by ensuring that the recruitment teams themselves are diverse. [*Id.*] Various African American and Hispanic principals support recruitment efforts and participate in teacher recruitment trips. [*Id.*]

The District continues to refine its procedures for offering potential candidates a letter of intent. In SY 2016-17, the District strengthened its letter of intent language to include contract language. [AR 16-17, ECF 2057-1, p. 124.] For SY 2017-18, the District has changed the name of its letter of intent to “Letter of Contract Assurance” to emphasize that the letter qualifies as an offer of employment. [*Id.*] During SY 2016-17, District staff issued 141 letters of Contract Assurance at 25 recruitment events, which resulted in hiring four African American, 79 white, seven Asian/Pacific Islander, 48 Hispanic, and three Native American teachers. [*Id.*, p. 121.] An example “Letter of Contract Assurance” is available at [AR 16-17, App. IV-21, ECF 2060-1, pp. 101-103.]

E. The District provided support for beginning teachers as provided in the ORR Plan.

*ORR Plan P. 11. "Support for beginning teachers. TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in recruiting and retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the recruiting strategy is to communicate to prospective beginning teachers that, if employed with TUSD, they will be supported on an ongoing basis to ensure that they are successful."*

The District worked with the Special Master and Plaintiffs to develop and implement the FYTPP at the beginning of SY 2013-14. [AR 13-14, ECF 1686, p. 94.] The initial version of the FYTPP, available as Appendix IV-16 to AR 13-14 (ECF 1687-1, pp. 371-377), provides additional support beyond that provided in the NTIP, including: additional mentoring hours each week, the opportunity to make site visits to observe best practices from exemplar teachers, and an additional training session involving video-recording a demonstrative lesson (AR 13-14, ECF 1686, p. 94.) The District has made the plan permanent, and the plan is now called the FYTP.

For SY 2014-15, the District worked to revise the FYTP to improve the program's effect across grades and subjects. [AR 14-15, ECF 1918-1, p. 110.] Under the revised plan, available as Appendix IV-36 to AR 14-15 (ECF 1849-2, pp. 41-43), all first-year teachers are assigned a full-time release mentor for mentoring throughout their first year (AR 14-15, ECF 1918-1, p. 110.) First-year teachers develop and follow a plan of action, including creating a schedule with specific times for observation cycles, feedback, weekly collaboration, creating individualized learning plans, analyzing student work, and lesson analysis via video recording. [*Id.*]

F. The District gathering feedback from current District employees.

ORR Plan P. 11. *“Monitoring and utilizing feedback from current employees. Section V.B.1, below, includes a description of TUSD processes to collect and monitor information from current employees about job satisfactions, real or perceived barriers, and other information that TUSD will use to address any attrition of African-American and Latino staff. TUSD also will use this information to develop better recruiting packages, incentives, and communication with prospective employees.”*

Attrition. The District evaluates on an ongoing basis whether there are disparities in attrition rates of African American and Hispanic ACS compared to other racial groups. The following table summarizes separation rates by ethnicity for certificated staff from SY 2013-14 through 2016-17 (AR 16-17, ECF 2057-1, p. 135):

Separation Rates by Ethnicity

SY	White	African American Attrition	Hispanic/Latino Attrition	Native American Attrition	Asian/Pacific Islander Attrition	Unspecified Attrition
2013-14	17%	14%	10%	21%	18%	23%
2014-15	16%	6%	13%	23%	8%	15%
2015-16	15%	17%	9%	15%	16%	14%
2016-17	16%	20%	9%	21%	13%	14%

While instructive, these separation rates can be overstated for smaller population groups because the separation of just a few employees can dramatically change the results. For example, the African American rate jumped from 6% to 17% in one year, but neither year likely reflects the average rate of attrition for African American certificated staff. [*Id.*, p. 134.] Nevertheless, the District has implemented several strategies to address African American certificated staff attrition, including developing a teacher

mentoring program in partnership with the District's African American Student Services Department. [*Id.*, p. 135.]

With respect to administrators, while the District monitors attrition rates, it is difficult to glean major trends from the data because the number of administrator separations per year is small. For example, in SY 2014-15, there were thirteen total administrator separations, three of which were African Americans (compared to none the previous year), two of which accepted positions out of state and one of which was a retiree. [AR 14-15, ECF 1918-1, pp. 104-105.] However, the District carefully tracks this data (from which it has identified no racial or ethnic trends in attrition rates), and provides the data in each of its reports. In SY2016-17, eleven site administrators left the District in SY 2016-17: Of these, three retired (including two Hispanic administrators) and one African American administrator and three Hispanic administrators left the District for personal reasons. [AR 16-17, ECF 2057-1, pp. 135-36.]

The District developed a remedial plan for SY 2016-17 and SY 2017-18, the TDP, as discussed below.

Satisfaction Surveys. The District surveys teachers each year and disaggregates the results by race, ethnicity, and school site level. Overall, job satisfaction at the District has consistently been very high [AR 16-17, ECF 2057-1, p. 137]:

Eth.	SY	Q. Overall, I am very satisfied with my school			Q. I am very satisfied with my current position at TUSD			Q. I want to continue employment with the District		
		ELE M/K8 SCH OOL	MID DLE SCH OOL	HIGH SCH OOL	ELE M/K8 SCH OOL	MID DLE SCH OOL	HIGH SCH OOL	ELE M/K8 SCH OOL	MID DLE SCH OOL	HIGH SCH OOL
AA	13-14	93%	73%	78%	98%	77%	82%	95%	91%	90%
AA	14-15	92%	77%	79%	92%	77%	84%	97%	94%	94%

AA	15-16	86%	80%	82%	87%	85%	89%	96%	97%	100%
AA	16-17	85%	91%	81%	90%	90%	74%	96%	100%	93%
H	13-14	90%	82%	75%	91%	83%	81%	98%	94%	93%
H	14-15	91%	85%	78%	91%	87%	83%	98%	96%	96%
H	15-16	93%	87%	86%	94%	90%	87%	98%	96%	98%
H	16-17	92%	80%	91%	93%	82%	92%	98%	92%	96%

There is very high agreement among teachers of all races and ethnicities on a desire for continued employment in the District. [*Id.*, p. 136.] But there was a notable decline in Hispanic middle school-level satisfaction and African American elementary- and high school-level satisfaction. [*Id.*] Although the survey results are sensitive to year-to-year variability because the sample size is small, the District will take them into consideration in SY 2017-18 and the HR Department will attempt to determine what might account for the increased dissatisfaction among Hispanic and African American staff. [*Id.*]

Focus Groups. The District conducts the requisite focus groups and attaches the results to its annual reports. [AR 13-14, App. IV-20, ECF 1687-1, pp. 419-420; AR 14-15, Apps. IV-107 through IV-109, ECF 1849-4, pp. 600-610; AR 15-16, App. IV-8, ECF 1962-1, pp. 30-43; AR 16-17, ECF 2060-1, pp. 26-29.]

In SY 2016-17, the District invited 520 certificated teachers hired within the last five years to participate in focus group sessions offered over five separate days in October and May 2017. [AR 16-17, p. 117.] The District focused these sessions on the recruitment and hiring process. [*Id.*] Eleven teachers—eight white, one Hispanic, and two African American—attended sessions during the two rounds. [*Id.*, p. 118.] Feedback indicated that employees appreciated the helpfulness of the HR staff in the



hiring process and the level of customer service as it related to the recruitment process.  
[*Id.*]

In previous years, the focus groups have focused on other topics. For example, in SY 2014-15, teachers participating in focus groups have discussed increasing teacher salaries, increasing new teacher mentoring, and increasing classroom support. [AR 14-15, ECF 1918-1, p. 107.]

**G.** The District developed and maintained a process for monitoring and hiring retirees.

ORR Plan P. 11. *“Process for Retirees. TUSD will maintain a database of retired administrative and certificated staff, including name, race/ethnicity, certifications, experiences, and contact information. As new positions open, human resources staff will screen the database and, where applicable, extend invitations to retired administrative and certificated staff, including African-American and Latino retirees, to apply for positions for which they are qualified. The database will be updated at the end of each semester to ensure current and accurate information is maintained.”*

The District hires experienced retired teachers for classrooms through Educational Services Incorporated (“ESI”). ESI is a corporation that hires educators who are retired through the Arizona State Retirement System and are not permitted to work more than twenty hours per week for an Arizona school in the first year following retirement. ESI then leases the retiree back to the school district, thereby allowing retirees to return to work full time in their first year of retirement.

**H.** The District built partnerships with local employers.

ORR Plan P. 11. *“Partnerships with Local Employers. TUSD builds partnerships with local companies that recruit nationally to build an alternative means of recruitment. Local corporations and government entities that recruit non-local candidates are provided with informational materials about TUSD to share with family members (e.g. spouses, extended family). In turn, this facilitates the recruitment of work-eligible family members so they are aware of employment opportunities within TUSD. TUSD may collaborate with the following entities: Tucson Values Teachers; Re-establish connection with Raytheon; Local Chamber of Commerce (Metropolitan, Black, Hispanic); Phoenix Chamber of Commerce; Pima One Stop; Davis-Monthan Air Force Base (DMAFB);*

*University of Arizona - Student Services; University of Arizona - South; Grand Canyon University; University of Phoenix; Fort Huachuca; Arizona State University; and Northern Arizona University.”*

The District has expanded its partnerships with local businesses and human resources organizations. Current District partnership activities include meeting with the University of Arizona Career Services to discuss District recruitment efforts, connecting with the Tucson Hispanic Chamber of Commerce (“THCC”) to discuss educational issues in the THCC Educational Forum, and participating in an African American Community Council event to provide information and job opportunities to African American students at the University of Arizona. [AR 16-17, ECF 2057-1, p. 118.] The District also has worked to build relationships and share best practices with the Pima Community College Human Resources Advisory Committee. [*Id.*]

In SY2016-17, the DTARR attended Southern Arizona School Personnel Association meetings on a bimonthly basis to share and learn school district best practices in educator recruitment. [*Id.*] In January 2016, the DTARR began serving as the president of the local chapter of the Society for Human Resource Management. [*Id.*]

- I. The District participated in local programs focused on developing interest in careers in education.

*ORR Plan PP. 11-12. “Local Programs. The following local programs are focused on developing interest in careers in education, and particularly with TUSD. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.” These include a High School Student Program, Colleges and Universities, and Professionals.*

In SY 2016-17, the District hosted four information sessions and hiring events for student teachers from various colleges in Arizona, including the University of Arizona, University of Arizona South, Pima Community College, University of Phoenix, Northern

Arizona University, and Grand Canyon University. [AR 16-17, ECF 2057-1, p. 119.] At these and other recruiting events, District staff provides information to potential recruits about the District, including detailed instructions on the application process for open positions. [Id.] Guest speakers who are involved in the District's recruitment efforts participate in these sessions, including by providing information about how to apply for District employment through AppliTrack. [Id.] For SY 2016-17, the District placed 104 student teachers from Grand Canyon University, Northern Arizona University, Pima Community College, Prescott College, St. Olaf College, Teach-NOW, the University of Arizona, and University of Phoenix. [Id.] The HR Department also hosted a Student Teacher Hiring Reception during SY 2016-17. [Id.]

**J.** The District implemented strategies to encourage certification.

ORR Plan P. 12. *“Strategies to Encourage Certification. For Non-Certificated Staff Seeking Certification. TUSD will take the following actions to encourage and to provide support for African-American and Latino non-certificated staff who are interested in pursuing certification: [s]urvey current non-certificated staff to identify non-certificated staff members, including African-American and Latino staff members, who are interested in pursuing educational certification; [s]urvey current certificated staff to identify those that have received certifications (or are currently in programs to receive certifications) in the areas identified by the first survey; [e]ach identified non-certificated staff member may be: (a) paired with a mentor that has the certification that the staff member is seeking, and/or (b) pair with other staff members who are also interested in that area and/or are already working towards receiving certification through the same or similar programs. Mentors may receive additional stipends for participation; and [s]end direct mailings to each identified staff member recognizing and encouraging their ambitions and areas of interest, sharing potential positions within TUSD that fits with their areas of interest, sharing available resources (e.g. local and online programs and courses) that match those interests and identifying the person or persons they have been paired with for mentoring or other support.”*

In spring 2014, a survey was administered to non-certificated staff to query their interest in obtaining certification. [ORR Plan, ECF 1672, p. 15.] 700 certificated staff responded to the survey. [*Id.*] Of the 700, 190 said they were interested in exploring the possibilities of working towards a teaching or counseling certification. [*Id.*] Of those 190, 30 non-certificated respondents contacted the HR Department and provided their contact information. [*Id.*] The HR Department contacted those who indicated an interest, and two Hispanic paraprofessionals enrolled in the Pima Community College Intern Certification Program. [AR 14-15, ECF 1918-1, pp. 79-80.]

The District also has developed and implemented the Make the Move program, which is designed to build a strong teacher base for District students by encouraging currently certified teachers to become special education teachers. [AR 16-17, ECF 2057-1, p. 117.] Because of the low response from certificated teachers for the 2015 Make the Move program, the District reevaluated the program and expanded it to encourage current District teacher assistants to become special education classroom teachers through an alternate pathway to teacher certification, the intern certificate program. [*Id.*]

During SY 2016-17, the District also encouraged currently certified teachers and current District employees with bachelor degrees to become exceptional education teachers. [*Id.*] The District sent out information regarding the Make the Move application process in November 2016 and received 23 applications. [*Id.*] In January 2017, applicants participated in optional study sessions for the NES-601 Special Education Exam held at the District's central office, and the Exceptional Education Department conducted classroom observations and evaluations on the applicants. [*Id.*] The SY 2016-17 Make the Move cohort included two African American teachers, one Hispanic teacher, and nine white teachers. [*Id.*] For the SY 2017-18 make the Move cohort, eight will be Hispanic, two will be African American, four will be white, and one will be Asian Pacific Islander. [*Id.*]

- K.** The District evaluated and addressed disparities in the attrition rates of African American or Latino ACS.

ORR Plan P. 14. *“TUSD will, on an ongoing basis, evaluate whether there are disparities in the attrition rates of African-American and Latino administrators or certificated staff compared to other racial or ethnic groups. If disparities are identified, the District will, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it will be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified.”*

The District evaluates on an ongoing basis whether there are disparities in attrition rates of African American and Hispanic ACS compared to other racial groups. The following table summarizes separation rates by ethnicity for certificated staff from SY 2013-14 through 2016-17 (AR 16-17, ECF 2057-1, p. 135):

Separation Rates by Ethnicity

SY	White	African American Attrition	Hispanic/Latino Attrition	Native American Attrition	Asian/Pacific Islander Attrition	Unspecified Attrition
2013-14	17%	14%	10%	21%	18%	23%
2014-15	16%	6%	13%	23%	8%	15%
2015-16	15%	17%	9%	15%	16%	14%
2016-17	16%	20%	9%	21%	13%	14%

While instructive, these separation rates can be overstated for smaller population groups because the separation of just a few employees can dramatically change the

results. For example, the African American rate jumped from 6% to 17% in one year, but neither year likely reflects the average rate of attrition for African American certificated staff. [*Id.*, p. 134.] Nevertheless, the District has implemented several strategies to address African American certificated staff attrition, including developing a teacher mentoring program in partnership with the District's African American Student Services Department. [*Id.*, p. 135.]

With respect to administrators, while the District monitors attrition rates, it is difficult to glean major trends from the data because the number of administrator separations per year is small. For example, in SY 2014-15, there were thirteen total administrator separations, three of which were African Americans (compared to none the previous year), two of which accepted positions out of state and one of which was a retiree. [AR 14-15, ECF 1918-1, pp. 104-105.] However, the District carefully tracks this data (from which it has identified no racial or ethnic trends in attrition rates), and provides the data in each of its reports. In SY2016-17, eleven site administrators left the District in SY 2016-17: Of these, three retired (including two Hispanic administrators) and one African American administrator and three Hispanic administrators left the District for personal reasons. [AR 16-17, ECF 2057-1, pp. 135-36.]

The District developed a remedial plan for SY 2016-17 and SY 2017-18, the TDP, as discussed further below.

L. The District developed anonymous surveying instructions to survey teachers.

*ORR Plan P. 14. "TUSD will develop anonymous surveying instruments to survey teachers annually to determine overall job satisfaction and teachers' interest in continuing to work for TUSD. Survey results will be disaggregated by race, ethnicity, and school site and will be used to enhance teacher interactions, communications, and support feedback sessions to improve TUSD's efforts to improve retention rates."*

The District surveys teachers each year and disaggregates the results by race, ethnicity, and school site level. Overall, job satisfaction at the District has consistently been very high [AR 16-17, ECF 2057-1, p. 137]:

		Q. Overall, I am very satisfied with my school			Q. I am very satisfied with my current position at TUSD			Q. I want to continue employment with the District		
Eth.	SY	ELE M/K8 SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL	ELE M/K8 SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL	ELE M/K8 SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL
AA	13-14	93%	73%	78%	98%	77%	82%	95%	91%	90%
AA	14-15	92%	77%	79%	92%	77%	84%	97%	94%	94%
AA	15-16	86%	80%	82%	87%	85%	89%	96%	97%	100%
AA	16-17	85%	91%	81%	90%	90%	74%	96%	100%	93%
H	13-14	90%	82%	75%	91%	83%	81%	98%	94%	93%
H	14-15	91%	85%	78%	91%	87%	83%	98%	96%	96%
H	15-16	93%	87%	86%	94%	90%	87%	98%	96%	98%
H	16-17	92%	80%	91%	93%	82%	92%	98%	92%	96%

There is very high agreement among teachers of all races and ethnicities on a desire for continued employment in the District. [*Id.*, p. 136.] But there was a notable decline in Hispanic middle school-level satisfaction and African American elementary- and high school-level satisfaction. [*Id.*] Although the survey results are sensitive to year-to-year variability because the sample size is small, the District will take them into consideration in SY 2017-18 and the HR Department will attempt to determine what



might account for the increased dissatisfaction among Hispanic and African American staff. [*Id.*]

- M.** The District conducted biannual focus groups to gather perspectives on the concerns of certificated staff in hard-to-fill positions and in positions that fulfill a USP-specific need.

*ORR Plan P. 14. The District “will conduct biannual focus groups to gather perspectives on the concerns of certificated staff in hard-to-fill positions and in positions that fulfill a USP-specific need. Leadership from all levels (high schools, middle schools, K-8s, elementary schools) may also be invited, where appropriate, to listen and to develop strategies to address concerns in a collaborative manner.”*

The District conducts the requisite focus groups and attaches the results to its annual reports. [AR 13-14, App. IV-20, ECF 1687-1, pp. 419-420; AR 14-15, Apps. IV-107 through IV-109, ECF 1849-4, pp. 600-610; AR 15-16, App. IV-8, ECF 1962-1, pp. 30-43; AR 16-17, ECF 2060-1, pp. 26-29.]

In SY 2016-17, the District invited 520 certificated teachers hired within the last five years to participate in focus group sessions offered over five separate days in October and May 2017. [AR 16-17, p. 117.] The District focused these sessions on the recruitment and hiring process. [*Id.*] Eleven teachers—eight white, one Hispanic, and two African American—attended sessions during the two rounds. [*Id.*, p. 118.] Feedback indicated that employees appreciated the helpfulness of the HR staff in the hiring process and the level of customer service as it related to the recruitment process. [*Id.*]

In previous years, the focus groups have focused on other topics. For example, in SY 2014-15, teachers participating in focus groups have discussed increasing teacher salaries, increasing new teacher mentoring, and increasing classroom support. [AR 14-15, ECF 1918-1, p. 107.]

- N.** The District followed attrition-and-retention-related requirements.



ORR Plan P. 14. *“Corrective Action Plan. By the start of each school year, TUSD will develop strategies to address disparities (where they exist), and to address deficiencies identified in the monitoring and collection and monitoring of attrition/retention data and feedback from staff members. Pursuant to the USP, where applicable, strategies will include specific measures intended to increase the retention of African-American and Latino administrators or certificated staff.”*

The CHRO, other District staff, and the Special Master developed the TDP to address identified disparities between the percentage of African American or Hispanic ACS at an individual school and the district-wide percentages for schools at the comparable grade level. [AR 16-17, ECF 2057-1, p. 130.] The TDP sets goals of (1) eliminating disparities from 13 schools (of a distinct list of 26 schools) by SY 2016-17; and (2) eliminating disparities from the remaining 13 schools by SY 2017-18. [*Id.*] The disparities are eliminated by creating plans for teacher incentives, professional advancement opportunities, and transfers. [*Id.*] The plan, which is available at Appendix IV-27 to AR 15-16 (ECF 1962-1, pp. 203-206), was unanimously approved by the Governing Board on June 14, 2016 and was implemented for SY 2016-17 (AR 15-16, ECF 1958-1, p. 109.)

During SY 2016-17, the District advertised the TDP through emails and letters to teachers. [AR 16-17, ECF 2057-1, p. 130.] The HR Department instructed principals on the new initiative and the resources they could use to diversify their campuses through recruitment. [*Id.*] The HR Department also provided information to job candidates and site administrators at each of the District-hosted job fairs. [*Id.*]

The District met its 2016-17 goal to reach targets at 13 of the 26 schools. [*Id.*] The District has met targets at more schools at the beginning of SY 2017-18, and is continuing to work toward the goal to bring all schools within the plan targets.

ORR Plan PP. 14-15. *“Other Measures.” The ORR Plan contemplates the following other retention measures: Outreach and Communication to TUSD Employees about Opportunities for Themselves and Their Children; Administrator Focus Groups; Extended Professional Development Opportunities; Support*

*Beginning Teachers; Encourage Prospective Leaders to Become Leaders.*

To address the important goals of supporting beginning teachers and encouraging prospective leaders to become leaders, the District has developed the FYTPP Plan and PAL Plan respectively. For beginning teachers, the District also runs the NTIP. The District also reaches out to its employees about opportunities for themselves and their children, conducts administrator focus groups, and provides extensive professional development training.

III. The First Year Teacher Plan.

A. The District conducted the initial analysis and development activities set out in the FYTP.

*FYTP Plan P. 1. “Schools: By August 1, 2013, Accountability and Research (A&R) will conduct an analysis of the current AIMS scores (Spring 2013). This analysis will produce a list of schools performing below the District average in AIMS Reading; AIMS Math; and, overall AIMS. The list of schools will be provided to the Director of Professional Development.*

*First-year Teachers: By August 15, 2013, the Director of Professional Development and the TUSD Induction/Mentoring Program Coordinator will cross-reference the A&R list with that of TUSD Induction/Mentoring Program participants to identify first-year teachers serving at any of the listed schools.*

*Accountability and Research will assist in creating a control group and a subject group for the pilot. This criterion is necessary to ensure we can evaluate the pilot at the end of the year.”*

The District worked with the Special Master and Plaintiffs to develop the FYTPP, which was finalized in October 2013. [AR 13-14, ECF 1686, p. 94.] The District evaluated the program at the end of the year through survey responses, achievement comparison data, and an analysis of teacher logs. [Id.] The pilot showed positive results, as the subject group made greater gains than the control group on the ATI Benchmark and AIMS, especially in reading. [Id.] A greater number of statistically significant differences between the two groups may have been found had the two groups been more equivalent in terms of the number of teachers in each group and less equivalent in terms of their intervention. [Id.] Based on these results, the District has revised and made the plan into the permanent FYTP.

B. The District provided professional support as provided in the FYTP.

*FYTP Plan P. 2. “Support for all First-Year Teachers: Under the TUSD Induction/Mentoring Program, all first-year teachers are assigned a full-time release mentor that mentors them throughout their first year. First Year Teachers are expected to develop and follow a plan of action, which includes creating a schedule with specific times for observation cycles, feedback, weekly*

*collaboration, creating individualized learning plans, analyzing student work and lesson analysis via video recording.*

*Support for Identified First-Year Teachers through the Pilot: First Year Teachers identified to participate in this pilot, will be provided: additional scheduled time with mentor for implementing their action plans, and additional PD targeted toward the specific challenges they face at their respective sites (this is embedded into the mentoring process)."*

The District has implemented the FYTP and provides all first-year teachers with a full-time mentor throughout their first year. Under the revised FYTP for SY 2015-16, the District assigned all first-year teachers to a full-time teacher mentor, a position designed to provide support to new teachers. [AR 16-17, ECF 2057-1, p. 138.] Under the FYTP, first-year teachers develop and follow personalized plans of action, which include creating a schedule with specific times for observation cycles, feedback, weekly collaborations, creating individualized learning plans, and analyzing student work and lessons via video recording. [*Id.*] As recommended by the NTC, teacher mentors work with their new teachers for at least 90 minutes per week, which is recommended by the NTC. [*Id.*] In June 2017, the NTC released a study finding that the NTC teacher induction model increases student learning by up to five months. [*Id.*, pp. 137-138.]

C. The District conducted evaluations as provided in the FYTP.

*FYTP Plan P. 4. "At the end of the year, the Curriculum, Instruction and Professional Development Department, in conjunction with the Office of Accountability and Research (A&R), will evaluate the program through two criteria: [c]omparisons of benchmark assessment data, by grade level, from First Year Teachers in low-achieving schools with the same data from First Year Teachers in low-achieving schools who participated in the pilot; [e]valuations of the end-of the-year surveys from three stakeholders (the Administrator, the Mentor, and the Teacher)."*

The District evaluates the FYTP using three metrics: (1) benchmark data; (2) teacher, mentor, and administrative surveys; and (3) pre-post surveys of teachers and teacher mentors. [AR 16-17, ECF 2057-1, p. 139.]

Benchmark Data. In SY 2016-17, the District compared first quarter academic benchmark data with third quarter benchmarks for first-year teachers participating in the program. [Id.] Seventy-five percent of those who completed the school year (79 teachers) taught math and/or English Language Arts (“ELA”). [Id.] There was not a strong relationship between the number of hours spent with new teachers and the gains students made on the benchmarks. [Id.] However, 10 teachers (13 percent) saw their students improve ELA benchmark scores by 10 percent or greater, and 17 teachers (22 percent) saw their students improve math scores by 10 percent or greater. [Id.]

Mentor and Administrator Surveys. The teacher mentor survey indicated that the mentors valued the mentor-to-mentor observations in helping them improve their mentoring. [Id.] Sixteen mentors facilitated professional development seminars, and thirteen facilitated study groups for new teachers and other certified teachers. [Id.] All teacher mentors rated the program as effective or very effective overall. [Id.]

The administrator survey showed that 79 percent of administrators met with mentors at least two times during the school year, while half indicated they met more than two times (some even met weekly). [Id.] 65 percent saw improvement in both classroom management and instruction, and 59 percent saw improvement in lesson planning/design. [Id.] The administrator results were positive overall, indicating that administrators value mentor support. [Id.] Some administrators suggested continuing mentoring for third-year teachers, fourth-year teachers, and fifth-year teachers. [Id.]

Pre-Post Teacher Surveys. The most significant change made to the FYTP in SY 2016-17 was the development of a new evaluation instrument to replace the use of attendance rates and AzMERIT achievement data, which were determined to be neither readily available nor effective measures of teachers’ practices. [Id., p. 138.] In their place, the District developed pre- and post-survey instruments to accomplish this evaluation. [Id.] The District presented the revised FYTP to teacher mentors during their professional development meeting on September 7, 2016, along with the names of the

110 teachers participating in the plan. [*Id.*] Of those 110 teachers, five did not complete the school year. [*Id.*] The remaining 105 first-year teachers participated in the program over the full school year, averaging out to 22 hours of collaboration per mentor-teacher relationship. [*Id.*] Forty-four teachers (42 percent) completed 22 hours or more. [*Id.*]

Eighty-three first year teachers completed the end-of-year program evaluation. [*Id.*] Of those, 73 percent reported that their mentor helped them improve their classroom procedures and management. [*Id.*] Eighty-nine percent reported that observations, discussions, and collaborations with their teacher mentor influenced their teaching practice in some way. [*Id.*, pp. 139-140.] And 90 percent agreed that their mentor met their needs as a growing professional. [*Id.*, p. 140.] Overall, 83 percent reported that the teacher mentor program had been effective or highly effective in supporting their growth as a teacher. [*Id.*]

The change to FYTP to include pre- and post-surveys for teachers and their mentors proved not to be fully sustainable. [*Id.*] Mentors did not take the survey, as the program was not fully staffed at the beginning of the year, and caseloads and/or individual teachers proved to be too fluid to provide meaningful data. [*Id.*] Of the twenty-one teachers that completed the self-reported 12-item pre- and post-assessments, the most frequently cited areas of improvement were “the incorporation of student’s interests, aspirations, and backgrounds” and “equipping students with the planning, thinking and self-assessment skills they need.” [*Id.*] Because the responses lacked variation, the District will be revising this component of the evaluation for next year. [*Id.*]

NTC Learning Zone. The District also purchased NTC Learning Zone (“Zone”) software in September 2015. [*Id.*] Implementing this software in SY 2015-16 allowed the District to better collect data on instructional practices, with which first-year teachers most often struggle, and analyze the data with respect to the teaching standards as measured by the modified/revised Danielson Framework. [*Id.*] The data were used to

track the work between teacher mentors and teachers in the NTIP. [*Id.*] On October 7, 2015, teacher mentors attended a webinar with the NTC for training on Zone. [*Id.*] Teach mentors began using Zone immediately after the training, and from October through December 2015, mentors learned how to use Zone with fidelity. [*Id.*] In SY 2016-17, teacher mentors continued to use Zone to track collaboration time and monitor focus areas for each new teacher. [*Id.*]



#### IV. Teacher Support Plan.

- A. The District developed appropriate identification and referral procedures for teachers in need of support.

*TSP P. 2. "REFERRAL PROCESS. Teachers shall be referred to the support program by school- or District-level administrators based on evidence [] that the teacher requires additional professional development and/or mentor support.*

*Underperforming Teachers. Administrator Observations and/or Annual Evaluations. If a principal identifies a teacher as "Underperforming," the principal (evaluator) will begin the Plan for Improvement process outlined in Appendix A by initiating the request for a coach to be assigned to the teacher for the duration of the improvement plan.*

*Struggling Teachers. Observations, Evaluations, or Data Identifies an Area, or Areas, in need of Support. Once evidence reveals that a teacher is struggling , the Principal will conference with the teacher and identify targeted professional development."*

In SY 2013-14, the District worked with the Special Master and Plaintiffs to develop the TSP. [AR 13-14, ECF 1686, p. 99.] The TSP is available at AR 13-14, App. IV-25 [ECF 1687-3, pp. 8-15.]

Key to the success of the TSP is the ability of administrators, both at sites and central administration, to identify teachers who need additional support and provide assistance for those teachers. [*Id.*, p. 149.] Accordingly, the District provided training on the TSP (covering both the Plan for Improvement and Targeted Support Plan processes) to central administrators, principals, and assistant principals during a fall 2016 ILA. [*Id.*] To help teachers improve on instructional practices, new principals also received training on several District initiatives, including: using the reflective feedback protocol to plan PLC coaching conversations; unwrapping standards to assist teachers in implementing the District curriculum with fidelity; focusing on essential elements of the Tier 1 process via instructional supervision to improve teacher practice; and aligning objectives to Common Formative Assessments to guide instruction. [*Id.*] Principals also reviewed TSP information with all certified employees during staff meetings and/or

early-release Wednesdays, and the Tucson Education Association communicated the plan to its members. [*Id.*]

Elementary and secondary directors work with site administrators to develop and monitor Targeted Support Plans. [*Id.*] They then worked with assistant superintendents and the HR Department to implement plans. [*Id.*] The District workflows for the Targeted Support Plan and the Plan for Improvement guided the processes for both plans of support. [*Id.*; AR 16-17, App. IV-61, ECF 2060-4, pp. 40-41; AR 16-17, App. IV-62, pp. 42-43.] In SY 2016-17, teachers were on a Targeted Support Plan for an average of nine weeks before completing the plan's objectives. [AR 16-17, ECF 2057-1, p. 150.] The District expects that teachers on a Targeted Support Plan will improve and maintain an acceptable level of performance within the identified area of concern. [*Id.*]

- B.** The District developed and implemented support programs to assist struggling or underperforming teachers.

TSP PP. 2-3. *“SUPPORT PROCESS. Support is aligned with the Danielson framework to ensure consistency between teacher training, teacher and principal expectations, and best practice. Principals and Teachers are expected to work collaboratively, and in a manner consistent with Governing Board Policies and Bargaining Unit Agreements, in providing and receiving the support outlined below.*

*45-Instructional Day Improvement Plan - Teachers Identified as Having Inadequate Classroom Performance [].” The TSP outlines the steps of the 45-Instructional Day Improvement Plan.*

*“Targeted Professional Development - Teachers Identified as Needing Support (But not Identified as Having Inadequate Classroom Performance).” The TSP outlines the support to be provided for targeted professional development.*

*\*If a teacher is identified as needing support due to evidence of excessive or disproportionate discipline referrals, the support provided must also include a data monitoring component to ensure that (a) the teacher is inputting referrals into the student information system, and (b) data for a comparable time frame is compared with the data that was used to initiate the referral to ensure that progress is being made.”*

Since the inception of the TSP, the District has implemented strategies to support underperforming or struggling teachers regardless of their length of service. [AR 16-17, ECF 2057-1, p. 148.] Under the TSP, school or district-level administrators refer teachers to one of the programs set forth in the plan based on administrator observations, student surveys, discipline referrals, annual teacher performance evaluations, classroom management reviews, and other evidence. [*Id.*] The TSP offers two programs for teacher support: the Plan for Improvement and the Targeted Support Plan (*id.*):

1. The Plan for Improvement, which complies with Arizona state law, supports underperforming teachers who are rated in the lower two evaluation classifications (“Developing” or “Ineffective”) for two consecutive years. Administering a plan for improvement requires issuing a Notice of Inadequacy of Classroom Performance.

2. The Targeted Support Plan is for (1) struggling teachers who need support in one or more areas but who are not identified as performing inadequately in the classroom; and (2) teachers who personally request additional assistance in one or more area.

In SY 2016-17, teachers were on a Targeted Support Plan for an average of nine weeks before completing the plan’s objectives. [*Id.*, p. 150.] The District expects that teachers on a Targeted Support Plan will improve and maintain an acceptable level of performance within the identified area of concern. [*Id.*] The total number of teachers on any plan in SY 2016-17 increased by 23 teachers, and significantly more teachers were on a Targeted Support Plan than a Plan of Improvement (*id.*):

Teachers on Targeted Support Plans or Plans of Improvement, 2015-16 and 2016-17

Ethnicity	Targeted Support Plans (Struggling)		Plans of Improvement (Underperforming)		Total	
	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17
White	15	34	0	3	15	37
African American	1	2	0	0	1	2
Hispanic	8	5	0	1	8	6
Native Am.	0	1	0	0	0	1
Asian/Pacific Islander	0	1	0	0	0	1
Other	0	0	0	0	0	0
Total	24	43	0	4	24	47

**TSP PP. 3-4.** *“SUPPORT PROVIDERS. Support Providers (aka coaches/mentors) will be selected from, but will not be limited to, those who received professional development on the Danielson Framework for Teaching. Coaches/Mentors include, but are not limited to: Teachers/Coaches[;] Teacher Mentors[;] Language Acquisition Coaches[;] Professional Development Academic Trainers[;] Program Coordinators[;] Directors.”*

All support providers have received professional development on the Danielson Framework for Teaching and are chosen from the one of the groups identified in the TSP.

**TSP P. 4.** *“CASELOAD. Teacher/Coach: no more than 10 referrals at any given time (site specific)[;] Teacher Mentors: will manage their caseload as assigned via the New Teacher Induction Program, and may not coach any of their mentees[;] Other as assigned.”*

The District has ensured that teacher/coaches do not have more than 10 referrals at any given time, that teacher mentors manage their caseloads as assigned via the NTIP, and that mentors do not coach any of their mentees.

- C. The District regularly monitors information regarding the identification and support of struggling teachers.

*TSP P. 4. "MONITORING. TUSD's Academic Leadership will review and monitor information provided by Principals regarding the identification of, and support provided to, both struggling and underperforming teachers. (See Appendices A and B)[:] The Office of Professional Development will run monthly observation reports from Teachscape (if report is available)[:] The monthly report run the last week of the month and will be cross-referenced with the referrals received from sites[:] The Office of Professional Development will notify principals and their supervisor of any disparities between the report and the referrals within the first week of the subsequent month [:] The principal's supervisor will take appropriate action in accordance with Governing Board Policies and Regulations."*

The District's Academic Leadership reviews and monitor information provided by principals regarding the identification of, and support provided to, both struggling and underperforming teachers. The Office of Professional Development runs observation reports and cross-references those reports with referrals received from sites. The Office of Professional Development also notifies principals and their supervisors of any disparities between the report and the referrals, and principals' supervisors take action accordingly.

## V. The Principal Evaluation Model.

Beginning in SY 2012-13, the District worked to revise its principal evaluation instrument for compliance with recently enacted state law and the USP. [AR 12-13, ECF 1549-1, p. 36.] The District selected its current evaluation instrument, which is aligned to the Danielson framework, in April 2013. [AR 13-14, ECF 1686, p. 97.] After an evaluation and review of the instrument to ensure compliance with the USP, the District found that no amendments were required. [*Id.*] In winter 2014, the District worked with a consultant from the Danielson Group to conduct a follow-up review and analysis of the evaluation instrument's Framework for Teaching, specifically to identify the CRP components imbedded in the evaluation model and to create professional development around those elements. [*Id.*, p. 98.] A summary of that review can be found at AR 13-14 App. IV-24 [ECF 1687-3, pp. 1-7.]

In compliance with the USP, the District has attached to each of its annual reports copies of the principal evaluation instrument as it has developed since the implementation of the USP.

## VI. The Teacher Effectiveness Evaluation Model.

Beginning in SY 2012-13, the District worked to revise its teacher evaluation instrument for compliance with recently enacted state law and the USP. [AR 12-13, ECF 1549-1, p. 36.] The District selected its current evaluation instrument, which is aligned to the Danielson framework, in April 2013. [AR 13-14, ECF 1686, p. 97.] After an evaluation and review of the evaluation instrument to ensure that its compliance with the USP, the District found that no amendments were required. [*Id.*] In winter 2014, the District worked with a consultant from the Danielson Group to conduct a follow-up review and analysis of the evaluation instrument's Framework for Teaching, specifically to identify the CRP components imbedded in the evaluation model and to create professional development around those elements. [*Id.*, p. 98.] A summary of that review can be found at AR 13-14 App. IV-24 [ECF 1687-3, pp. 1-7.]

During June 2017, the Teacher Evaluation Joint Committee convened to review the teacher evaluation instrument and process. [AR 16-17, ECF 2057-1, p. 142.] The committee made the following three recommendations for changes to the 2017-18 teacher evaluation: 1) Grade 3 teachers will receive academic growth scores by comparing 2016-17 AzMERIT 3rd grade scores to the 2015-16 composite SchoolCity Benchmark (a combined score from fall and spring) from 2nd grade; 2) teachers in 4th through 11th grade will receive growth scores based on AzMERIT 2016-17 scores as compared to AzMERIT 2015-16 scores; and 3) the District will utilize the standard error of mean ("SEM") to determine academic growth scores for "B" Teachers. [*Id.*; AR 16-17, Apps. IV-46 and IV-47, ECF 2060-3, pp. 88-99.] These changes will go into effect for SY 2017-18, and Governing Board Policy GCO, approved on August 9, 2016, will remain in effect for SY 2017-18 with the same cut scores referenced above. [*Id.*]

In compliance with the USP, the District has attached to each of its annual reports copies of the teacher evaluation instrument as it has developed since the implementation of the USP.



VII. The Prospective Administrative Leaders Plan.

- A. The District identifies, recommends, recruits, and reaches out to prospective administrative leaders.

PAL Plan P. 1. *“TUSD will identify prospective administrative leaders in the following ways (the focus of identification will fluctuate annually based on the needs of the District):*

*Recommendations: Current leadership will discuss the opportunities presented in the plan, outline the criteria and requirements, and solicit recommendations for qualified applicants, with a specific focus on African American and Latino candidates.*

*Recruitment: Through the District recruiter, in implementing the Recruitment Plan, TUSD will share the attractive opportunities within this plan (e.g. Leadership Prep Academy and Grow Our Own methods) with prospective new hires and encourage them to apply to work for TUSD, but also to apply to participate in these opportunities.*

*Direct Outreach: The primary opportunities described in this plan (e.g. Leadership Prep Academy and Grow Our Own methods) will be described in communications to prospective African American and Latino staff with instructions on the application processes, and encouraging them to apply. In addition, current leaders will be encouraged to speak directly with prospective participants to encourage participation. (note: there is no application process for SY 2013-14; the application process will be used in future years).”*

In SY 2013-14, the District developed and implemented the PAL Plan, available at App. IV-26 to AR 13-14 [ECF 1687-3, pp. 16-20]. The PAL Plan focuses on how the District will identify and develop prospective leaders from within its own ranks, with an emphasis on preparing African American and Hispanic staff for administrative and leadership positions. [AR 13-14, ECF 1686, p. 100.] Through its “Grow your Own” program, the District takes the “best of the best” from within its own ranks and helps them become outstanding District leaders. [*Id.*]

PAL Plan PP. 2-3. *The PAL Plan describes the Leadership Prep Academy, including its mission, protocol, objectives, and expectations. It also provides the following recommendations and evaluation structure.*

*“In addition to current protocol, we are recommending the following changes for school year 2013-2014: Employ targeted recruitment efforts by sending the Leadership Prep Academy*

*information directly to African American and Latino employees on the list[;] Increase the number of release days from two to four.*

...

*The effectiveness of the program will be evaluated by three measures: End of the program evaluation[;] Positions of increased leadership responsibility obtained by participants[;] Increase in the number of African American and Latino site- and/or District- level administrators \*this is dependent on the availability of leadership positions.”*

Leadership Prep Academy. To support the growth of District staff into District leaders, the District’s LPA cultivates the leadership skills of certificated staff members who pursue administrative positions in the District. [AR 15-16, ECF 1958-1, p. 128.] In SY 2015-16, the LPA consisted of an eight-month leadership preparation program with 26 participants. [*Id.*] The District made targeted recruitment efforts to encourage administrators to identify prospective and aspiring African American and Hispanic candidates. [*Id.*, pp. 128-129.] The LPA has seen early success: 8 of the 30 site-level administrator positions filled during the spring and summer of 2016 were filled by LPA graduates, and 7 of the 8 approved site administrative positions resulted in assistant principals becoming principals, and one certified support staff member moved to principal. [*Id.*, p. 130.]

For SY 2016-17, The District selected candidates for the academy from staff members recommended by their principal, director, assistant superintendent, chief, or deputy superintendent. [AR 16-17, p. 152.] In fall 2016, District leaders reviewed the names and qualifications of 57 nominees recommended by their supervisors. [*Id.*] The candidate pool consisted of ethnically diverse applicants from many different staff positions. [*Id.*] The prospective candidate pool consisted of 30 teachers, one professional development academic trainer, five MTSS facilitators, seven assistant principals, two magnet coordinators, eight certified support staff, two counselors, and two assistant directors. [*Id.*] The District required the candidates to participate in the LPA to demonstrate clear leadership qualities in their current position or assignment. [*Id.*] These

qualities included being a strong team member; going above and beyond regular duties, responsibilities, and assignments; being dependable and reliable; maintaining a positive attitude; and having a proven track record of making a difference on a campus or department. [*Id.*]

Of the 57 nominees, 26 candidates were selected, including nine white, four African American, and thirteen Hispanic candidates. [*Id.*, p. 153.] African American and Hispanic participants made up 63 percent of the LPA Cohort IV. [*Id.*] The LPA met for ten sessions throughout SY2016-17. [*Id.*] Between sessions, the District required LPA participants to attend Governing Board meetings and participate in discussions regarding meetings with the LPA staff and other attendees. [*Id.*, p. 154.] The District designed the LPA to produce a cadre of qualified candidates to fill positions for site principals, assistant principals, or central office directors. [*Id.*] Three Hispanic participants in the LPA Cohort IV secured administrative positions—one principal and two assistant principal positions—for SY2017-18. [*Id.*] Overall, 59 out of 101 LPA graduates secured a site administrative position (*id.*):

Board-Approved Cohort I, II, III, and IV LPA Site Administrators

Ethnicity	Targeted Support Plans (Struggling)		Plans of Improvement (Underperforming)		Total	
	2015-16	2016-17	2015-16	2016-17	2015-16	2016-17
White	15	34	0	3	15	37
African American	1	2	0	0	1	2
Hispanic	8	5	0	1	8	6
Native Am.	0	1	0	0	0	1
Asian/Pacific	0	1	0	0	0	1

Islander						
Other	0	0	0	0	0	0
Total	24	43	0	4	24	47

Leadership Development Academy. The District learned from SY 2015-16 that two academies were needed to support its newly approved site and central administrators as well as aspiring leaders (those not yet appointed to administrative roles). [AR 16-17, ECF 2057-1, p. 151.] Accordingly, the District implemented the LDA to complement the LPA by assisting all Governing Board-approved new central and site administrators' transition to their new roles. This allowed the District to fill LPA Cohort IV with "aspiring" leaders and expand the administrative applicant/candidate pool for SY 2017-18. [*Id.*] Both academies (LPA Cohort IV; LDA Cohort I) were eight-month leadership programs. [*Id.*] LDA Cohort I had 20 participants. [*Id.*] This cohort included three African American and eight Hispanic participants. [*Id.*]

- B.** The District worked to develop and implement methods to "grow our own" leaders.

PAL Plan PP. 5-6. "PROPOSED METHODS FOR 'GROWING OUR OWN'[:]

*Collaboration with the University of Arizona. TUSD staff has had initial meetings with representatives of the University of Arizona's College of Education to explore a proposal to provide a TUSD-specific set of coursework towards obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions*

...

*Invitation and Participation at TUSD Instructional Leadership Academy (ILA). On a weekly basis, site- and District- level leaders meet with the Deputy Superintendents for ongoing professional development, collaborative learning, and opportunities for interactive learning that is based on fundamental District principles. Current ILA participants will be encouraged on a routine basis to encourage prospective leaders (specifically African American and Latino staff members) to shadow them at an ILA meeting, meet other*

*District leaders, and gain insight into how the primary work of the District occurs.*

*Mentoring/Shadowing Program. The District Recruiter will facilitate a Mentoring/Shadowing Program to identify prospective leaders (specifically African American and Latino staff members), pair them with a mentor for a year, and monitor mentoring and shadowing activities to ensure interaction. The District Recruiter will be responsible for providing mentoring training to include specific issues (aligned to Superintendent and Administrator Certification domains) that mentors will be expected to address with their mentees throughout the year. Mentors will be expected to meet in-person with mentees at least twice a month, to have their mentee shadow them for a day on at least a quarterly basis, and have other formal or informal meetings in-person or by phone. In total, each mentor will be expected to have contact with their mentee (in-person, shadowing, phone call, etc.) at least five times per month. On an annual basis, the mentors and mentees will complete a survey about the experience, and the program will be evaluated for improvements for the upcoming year. Participants will be formally recognized and provided with a certificate of completion to document the additional training and professional development received over the year.*

The District has partnered with the University of Arizona to develop the Masters Cohort in Educational Leadership. [AR 16-17, ECF 2057-1, p. 155.] Participants who complete the two-year advanced education program earn a Master's degree in Educational Leadership. [Id.]

For the SY 2016-17 program, potential candidates attended meetings to learn about the Masters Cohort III. [Id.] The District required candidates to be: current Tucson Unified employees in good standing, certified teachers, teachers with three years' tenure in the District by the end of the program (summer 2017); and teachers who signed a Commitment Agreement. [Id.] Approved applicants received a commitment letter and scholarships from both the University of Arizona and the District to cover a portion of university tuition. [Id.]

In SY 2016-17, Cohort II completed and graduated from the two-year program. [Id., p. 156.] Cohort III, which completed the first year of the program, included one Asian candidate and three female candidates among the five prospective administrators—four teachers and one certified support staff member. [Id.]

Current ILA participants are encouraged on a routine basis to encourage prospective leaders (specifically African American and Latino staff members) to shadow them at an ILA meeting, meet other District leaders, and gain insight into how the primary work of the District occurs.

The District also runs numerous mentoring programs that are evaluated on an ongoing basis, as discussed throughout Section IV of this Assessment.

VIII. The Reduction in Force Plan.

The District's RIF Plan was approved on December 10, 2013. [AR 13-14, ECF 1686, p. 97.] As contemplated by the USP, the RIF Plan takes into account the District's desegregation obligations for any RIF or other employment actions requiring the dismissal of ACS members who have been hired to fulfill a need specifically identified in the USP. [AR 13-14, App. IV-21, ECF 1687-1, pp. 421-428]. Fortunately, the RIF Plan has never been enforced, but should there be a need to implement an RIF in the future, the District is committed to ensuring the plan is administered as approved. [AR 15-16, ECF 1958-1, p. 150; AR 16-17, ECF 2057-1, p. 172.]



## IX. The Teacher Diversity Plan.

The CHRO, other District staff, and the Special Master developed the TDP to address identified disparities between the percentage of African American or Hispanic ACS at an individual school and the District-wide percentages for schools at the comparable grade level. [AR 16-17, ECF 2057-1, p. 130.] The TDP sets goals of (1) eliminating disparities from 13 schools (of a distinct list of 26 schools) by SY 2016-17; and (2) eliminating disparities from the remaining 13 schools by SY 2017-18. [*Id.*] The disparities are eliminated by creating plans for teacher incentives, professional advancement opportunities, and transfers. [*Id.*] The plan, which is available at Appendix IV-27 to AR 15-16 (ECF 1962-1, pp. 203-206), was unanimously approved by the Governing Board on June 14, 2016 and was implemented for SY 2016-17 (AR 15-16, ECF 1958-1, p. 109.)

During SY 2016-17, the District advertised the TDP through emails and letters to teachers. [AR 16-17, ECF 2057-1, p. 130.] The HR Department instructed principals on the new initiative and the resources they could use to diversify their campuses through recruitment. [*Id.*] The HR Department also provided information to job candidates and site administrators at each of the District-hosted job fairs. [*Id.*]

The District met its 2016-17 goal to reach targets at 13 of the 26 schools. [*Id.*] The District has met targets at more schools at the beginning of SY 2017-18, and is continuing to work toward the goal to bring all schools within the plan targets.

**A.** The District implemented the incentives set out in the TDP.

TDP Plan P. 1. “*Site Incentives: Principals at target schools who recruit and hire a teacher after July 1 whose presence reduces racial disparity will be granted \$3000 (per teacher) to use toward classroom supplies.*”

The District has granted a \$3000 (per teacher) stipend to use toward classroom supplies to principals at target schools who recruited and hired teachers whose presence reduced racial disparity after July 1.

TDP Plan P. 2. *“Teacher Incentives: Requested Transfers: District teachers who seek to transfer to a target school and whose presence reduces racial disparities will receive a benefit package of \$5,000, chosen from the incentive options below. Some of these items may be taxable[;] Cash stipend[;] Reduced or modified teaching schedule (through the Master Teacher Team Initiative)[;] Technology Package; laptop, bag, printer (for classroom use; may be taken home for professional use)[;] National Board Certification support[;] Master’s degree support[;] Professional Development (conferences and/or specific training). All qualifying transfers will be offered a two year contract.”*

The District has granted a benefit package, including a \$5000 stipend and two-year contract, to District teachers who seek to transfer to a target school and whose presence reduces racial disparities. The District is on track to recruit a total of 25 teachers via teacher-initiated transfers and recruited transfers.

TDP Plan P. 2. *“Teacher Incentives – Targeted Recruiting For Diversity: In addition to teacher-initiated transfers, the District will actively recruit selected District teachers to transfer to schools where their presence will reduce racial disparity. The same incentives will apply to qualifying recruited transfers as to teacher-initiated transfers (see item 2 above). The goal is to recruit 25 teachers across initiatives 2 and 3.”*

The District actively recruited selected District teachers to transfer to schools where their presence will reduce racial disparity. The District provided the same incentives that it provided to teacher-initiated transferred teachers. The District is on track to recruit a total of 25 teachers via teacher-initiated transfers and recruited transfers.

TDP Plan P. 2. *“Teacher Incentives – Targeted Recruiting for Low-Achieving Schools: When there is a vacancy at a low-achieving school, the District will identify top teachers in the District with high-achieving students using data provided by the Assessment and Evaluation Department (A&E) and invite them to transfer to the low-achieving school. In addition, teachers will be assigned to sites so that it reduces any faculty racial disparity, if possible. Teachers will be selected using teaching experience of at least five years and being rated Highly Effective for at least two years in a row. Participating teachers would select from teacher incentive options (see item 2 above). In addition, all selected and participating teachers would be offered a two-year contract. The goal is to recruit a total of 20 teachers to transfer to these sites.”*

The District identified the top teachers in the District with high-achieving students, using data provided by the Assessment and Evaluation Department, and invited them to transfer to the low-achieving school. Teachers were assigned to sites to reduce faculty racial disparity where possible. Selected teachers were those with five years' experience and with Highly Effective ratings for at least two years in a row. Participating teachers selected from the incentive options discussed above. All selected and participating teachers were offered a two-year contract. The District is on target to reach its goal of 20 teachers transferred under this requirement.

- B.** The District has worked to comply as much as practicable with the professional support and advancement provisions of the TDP.

*TDP Plan P. 2. "Beginning Teachers: When there is a vacancy at a low-achieving school, the District generally prefers to fill the vacancy with experienced, effective teachers. However, the District may place a beginning teacher at such a school where it will improve faculty diversity. Should beginning teachers be placed in these schools, they will receive extra support as provided in the USP."*

The District gave priority to experienced, effective teachers for vacancies at low-achieving schools, placed beginning teachers at those schools where it improved faculty diversity, and provided those teachers with extra support.

*TDP Plan PP. 2-3. "Professional Advancement Opportunity: Master Teacher Team. The District will implement a Master Teacher Team pilot program, based on the Opportunity Culture Initiative supported by the Arizona Department of Education. The model of the plan is attached to this report. The pilot will involve two teams, one at an elementary school and another at a middle school. Each team will consist of four specially selected highly rated teachers. Teachers will be selected through an analysis of student data, teacher evaluations, and principal input. The District is committed to selecting teachers who will comprise a diverse team. Selected teachers would receive a \$6,000 stipend and a modified or reduced workload. All selected and participating teachers would be offered a two-year contract. Each team will be invited to participate in one of the models in the Opportunity Culture initiative that benefits the selected individual school sites (see Table 1 on pp. 5&6 of the Opportunity Culture Toolkit). The decision of what Opportunity Culture model to use at each site will be made by a group consisting*

*of site leadership, central directors, and the master teacher team assigned to that school.”*

The District has implemented the Master Teacher Team pilot program. The program successfully operated during SY 2016-17 according to the procedures and requirements outlined in the TDP.

C. The District followed the school transfer provisions of the TDP.

*TDP Plan P. 3. “Other School Transfer Requests. School transfer requests that reduce racial disparities will have priority. There will be no delay in processing any transfer request that eliminates the racial disparities at any Tucson Unified school site. These will be processed for approval on the next available board agenda. The District will not approve transfers by District teachers which increase racial disparities in any school. As transfer requests are received by the Human Resources Department, they will be reviewed and checked for the effect on the diversity of that school. The site administrator will be contacted and informed if the transfer will not be permitted. The administrator will be reminded of the diversity requirement and provided with a new list of applicants.”*

The District gave priority to, and eliminated delay associated with, school transfer requests that reduce racial disparities. The District also did not approve any transfer requests that would increase racial disparities in any school.

D. The District complied with the TDP’s reporting requirements.

*TDP Plan P. 3. “Reporting: The District will report twice monthly the race and certification of the actual appointments in the target schools, and in certain additional schools.” “These schools are Banks, Borton, Carrillo, Cavett, Manzo, Ochoa, Warren, C.E. Rose, Morgan Maxwell, Bloom, Davis, Grijalva, Hollinger, McCorkle, Mission View, Pistor, Pueblo, Roskruge, Van Buskirk, White.”*

The District reported twice monthly on the race and certification of the appointments at target schools, and the listed additional schools, during SY 2016-17.

- E.** The District continued efforts to recruit and retain Anglo and African American bilingual teachers in dual language program schools.

TDP Plan P. 3. *“Dual Language Program Schools: Schools with a dual language program have not been included in the list of target schools, but the District will continue efforts to recruit and retain Anglo and African American bilingual teachers in dual language program schools.”*

The District continued efforts to recruit and retain Anglo and African American bilingual teachers in dual language program schools.