

**Performance and Desegregation Impact Analysis**  
**Proposed Change in Process for Placing Students**  
**in Oversubscribed Grades in Schools**  
**December 2022**

**I. Proposed Action.**

The District operates under an open enrollment system that allows any student in any grade to apply to any school in the District. In some relatively limited instances, the District receives more applications for particular grades at some schools than there are seats available. The District proposes to modify its process for placing students in these oversubscribed grades to comply with federal and state law, by removing the process of reserving a target number of available seats for students of particular races or ethnicities.

The balance of the process, which involves a series of priorities unrelated to race/ethnicity, will remain. As the District works through priorities, when the priority is reached in which there are fewer seats than remaining applications in that priority level, the District will conduct a simple lottery among the applications in that priority. The race or ethnicity of the applying student will not be considered.

**II. Issues.**

During the pendency of the desegregation case, the District was subject to the orders of the District Court and the plans required by those orders. On July 20, 2022, the District Court found that the District had unitary status, acknowledged that the vestiges of the segregation that ended seventy years ago have been eliminated, and terminated court supervision of the District. Now, the District's admissions processes must comply with both state and federal statutory and constitutional mandates.

**III. Objectives.**

The objective is to implement a process for placement of students in oversubscribed grades that complies with federal and state constitutions and statutes.

**IV. USP Program Background.**

Under state open enrollment law (A.R.S. § 15-816.01), any student may apply for enrollment at any District school. If the school receives more eligible applications than the capacity of the school at a particular grade, subject to various statutory preferences, the District is required to select students "through an equitable selection process such as a lottery." A.R.S. § 15-816.01(E).

Section II.G of the Unitary Status Plan, entered by the Court in 2013, required the District to develop an admissions process for oversubscribed schools, for both magnet schools and others, such as priorities and a lottery.

Pursuant to this order, the District developed its “Admissions Process for Oversubscribed Schools” during the 2013-14 school year, which was reported in its Annual Report for that year, and filed with the Court at ECF 1686-7, pp. 212-221.

Under that process, if there are more applications than seats for a particular grade, students are selected by a process that allocates seats to particular racial and ethnic groups to meet the site’s integration targets (the “target-seat lottery”). Those targets are established to move each school and grade closer to the average racial/ethnic composition of all District enrollment at a particular type of school, and also to avoid more than 70% of any single racial/ethnic group. As noted in the District’s Annual Report for SY2013-14,

In this process, available seats are allocated by race/ethnicity to improve integration at each school. This allocation is done by projecting the demographics of neighborhood students for the entry grade and then determining how many students of each race/ethnicity should be admitted to fill remaining seats in order to bring the racial/ethnic composition of the pool of admitted students to the district average for that grade level (elementary, K-8, middle, high school).

ECF 1686 at 51. If there were not enough non-Hispanic seats to fill seats targeted for non-Hispanic students, the unfilled non-Hispanic seats were left unfilled. This has had the effect at some schools of leaving available seats unfilled despite having Hispanic students on waiting lists. This revised plan has remained in use since then, most recently in the winter and spring of 2022 for admissions for SY2022-23.

**V. Impact Analysis: Impact on Protected Classes (AA, LatinX, including EL students).**

**A. Impact on Effectiveness of USP Student Assignment Programs**

The District does not anticipate that this process change will result in any major impact on the demographics of particular schools. First, there will be no impact on any school, or any grade within a school, that is not oversubscribed. Because of the District’s overall decline in enrollment, oversubscription is less of an issue than it has been in the past. In SY2021-22, there were only eight instances across the entire District in which one grade at a school was oversubscribed. There was no instance in which more than one grade at a school was oversubscribed.<sup>1</sup>

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<sup>1</sup> The District reported on oversubscription in its most recent annual report, posted on the District desegregation webpages, at page 16. The oversubscribed grades and schools in SY2021-22 were as follows:

School	Program	Grade	Applications	Seats
Carrillo ES	Magnet	K	81	33
Davis ES	Magnet	K	120	30
Hughes ES	Open Enrollment	K	50	5
Miles ELC K-8	Open Enrollment	K	58	26
Roskruge K-8	Magnet	6	56	48
Dodge MS	Magnet	6	183	141
Mansfeld MS	Magnet	6	168	44
Tucson HS	Magnet	9	774	429

However, the District does expect at least some impact in a few of the more oversubscribed grades at two or three schools, increasing the percentage of the grade that is of Hispanic ethnicity, matching the race/ethnicity of the applicant pool.

To estimate the impact of modifying the student placement process to comply with federal and state law, the district analyzed the effects of applying a random placement process to the data reported in the 2019 Desegregation Annual Report. The data from this annual report was selected because it provided the total number of applicants, by race and ethnicity for each oversubscribed school with enrollment data unaffected by COVID anomalies.

As seats available for placement are only large enough to make a difference in entry grades, or sometimes sixth grades in K-8 schools, those are the only grades analyzed herein. To complete the analysis, staff subtracted the reported placements from the fortieth-day enrollment for that year and replaced them with the same number of placements in a racial-ethnic composition matching, as closely as possible, the composition of the applicant pool.

The following is a summary of the resulting enrollment, for the entry grade, at each of the oversubscribed schools that would have been expected if the district had placed students without using race and ethnicity as placement criteria (i.e. applying a random placement process). The only schools where there would have been a significant impact are Hughes Elementary School and Tucson Magnet High School and, to a lesser extent, Dodge Magnet Middle School. Detailed data is presented in Exhibit A.

#### Davis Bilingual Magnet Elementary School Kindergarten

A random lottery would have resulted in seven more Hispanic students balanced by six less students in other minority classifications. No single group would have been at or over 70% so the school would still have been integrated.

#### Hughes Elementary School Kindergarten

Given the significant number of non-Hispanic student applications, the entry grade would have had substantially more non-Hispanic students placed. The school would still have been “integrated” under the expanded definition of integration used by the District after unitary status.<sup>2</sup>

#### Miles K-8 School Kindergarten

The target placement for this school was designed to create an enrollment that matched the average composition of K-8 schools.<sup>3</sup> Using random placement, the number of Hispanic students would have been reduced by five and the number of non-Hispanic students correspondingly increased; thus, moving the kindergarten, but not the school, out of integrated status.

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<sup>2</sup> As defined by the USP, an integrated school has a composition in each racial-ethnic classification that is within 15% of the average for that school level (elementary school, middle school or high school), and no more than 70% in any single racial-ethnic category. As modified by subsequent order for use by the District after unitary status, the 15% criterion was expanded to 25%.

<sup>3</sup> The current placement process is designed to meet the definition of integration by moving the school as close as possible to the average composition of that school grade level (elementary, middle, K-8, high) and move the composition below 70% for any single racial-ethnic category, to the extent possible.

#### McCorkle K-8 School Sixth Grade

Due to very small number of non-Hispanic applicants, the random placement of applicants would have made virtually no different in the composition of the sixth-grade enrollment.

#### Roskruge Bilingual Magnet K-8 School Sixth Grade

The relatively low number of Anglo applicants means that the random placement process would not have resulted in a different composition of the sixth grade.

#### Dodge Middle School Sixth Grade<sup>4</sup>

Random placement of applicants in the Dodge sixth grade would have placed 13 more Hispanic students. Regardless, the sixth grade would still have been classified as integrated.

#### Mansfeld Middle School Sixth Grade

A random placement of applicants at this school would have resulted in the placement of 13 more Hispanic students and 10 less Anglo students, yet, due to the large number of neighborhood students, the minority ratio would only have increased by 3%. Due to the high composition of Hispanic students the school would not have been integrated in either case.

#### Cholla High School Ninth Grade

With the large number of Hispanic students in the neighborhood and the relatively small applicant pool, also largely Hispanic, the random placement would have had no effect.

#### Tucson Magnet High School Ninth Grade

The lottery process that year placed all the non-Hispanic applicants. Using a random selection process approximately 100 more Hispanic students would have been placed, increasing the Hispanic composition by 11% to 74%, thereby moving the grade out of integrated status.

The District will continue its outreach, marketing and recruitment activities focused on these grades and schools, in an effort to promote voluntary choices that support diversity and integration. The District will also continue to track race and ethnicity by school and grade to gauge the impact of the change during the next year.

### **B. Impact on Other District Programs or Obligations under the USP**

- 1. Compliance:** The District does not anticipate any impact on its Compliance programs under the USP.
- 2. Student Assignment:** The possible impact on enrollment demographics for particular schools is discussed above. The District does not anticipate any impact on other student assignment programs and initiatives.
- 3. Transportation:** The District does not anticipate any impact on transportation programs under the USP. Overall school enrollment at a small number of schools may increase slightly in the few instances where the existing process left seats

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<sup>4</sup> Although Dodge Magnet Middle School has not attendance boundary, approximately 30 students each year pipeline from Bonillas Elementary School to Dodge.

unfilled at a school, with corresponding decreases at other schools, but this will not be sufficient to impact materially either the magnet or incentive transportation programs offered by the District pursuant to the USP.

**4. Admin/Certified Staff:** Because the District does not anticipate major changes in enrollment at any school, the proposed change is unlikely to impact administrative or certified staffing requirements for any particular school. Other programs for administrative and certified staff will not be affected.

**5. Quality of Education:** Because the District does not anticipate major changes in enrollment at any school, the District does not anticipate any material impact on its programs under Section V of the USP, including its ALE programs, the Dropout Prevention and Graduation Plan, the operation of the MTSS system, Exceptional Education, the Dual Language program, culturally responsive course offerings and CR teacher training as assessment, maintenance of a multicultural curriculum, or the operations of the African American Student Services and Mexican American Student Services Departments.

**6. Discipline:** The District does not believe that the proposed changes will have any impact on its discipline-related programs and education under Section VI of the USP.

**7. Family and Community Engagement:** The District does not believe that the proposed changes will have any impact on its family and community engagement programs and operations under Section VII of the USP.

**8. Extracurricular Activities:** The District does not believe that the proposed changes will have any impact on its programs and education to foster, promote and equitably fund extracurricular activities as a means for development of friendships among students of diverse racial and ethnic backgrounds, under Section VIII of the USP.

**9. Facilities and Technology:** The District does not believe that the proposed changes will have any impact on its facilities and technology plans and reporting under Section IX of the USP.

**10. Accountability and Transparency:** The District does not believe that the proposed changes will have any impact on its accountability and transparency activities under Section X of the USP or the Post Unitary Status Reporting and Accountability Plan.

**C. Data Sources.**

The data sources used for this are enrollment data from the current year, and the results and data from the placement process in prior years.

**D. Assumptions.**

The District has not made any assumptions in proposing this change.

**E. Research Based Sources.**

There are no research-based sources applicable. This change is proposed to comply with state and federal law.

**VI. Conclusion.**

For the foregoing reasons, District staff recommends adoption of the proposal to remove targeted seats reserved for students of any particular race or ethnicity from the process for placement of students at oversubscribed grades in schools.

December 2022

District Staff

Reviewed and Approved by Superintendent Gabriel Trujillo

**EXHIBIT A**  
**ANALYSIS OF PLACEMENT BY RACE-ETHNICITY VERSUS RANDOM PLACEMENT**  
**Tables of Entry Grades in Oversubscribed Schools from the 2019 Desegregation Annual Report**

**Davis ES Kindergarten**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual K	19	5	39	2	0	6	71
	27%	7%	55%	3%	0%	8%	
Lottery Placements	15	5	20	2	0	1	43
	35%	12%	47%	5%	0%	2%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	31	5	62	3	0	1	102
	30%	5%	61%	3%	0%	1%	
Random Placements	13	2	27	1	0	0	43
	30%	5%	63%	2%	0%	0%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical K	17	2	46	1	0	5	71
	24%	3%	65%	1%	0%	7%	

**Hughes ES Kindergarten**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual K	18	1	33	0	3	2	57
	32%	2%	58%	0%	5%	4%	
Lottery Placements	5	1	21	0	1	2	30
	17%	3%	70%	0%	3%	7%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	37	1	21	0	1	2	62
	60%	2%	34%	0%	2%	3%	
Random Placements	18	0	10	0	0	1	29
	62%	0%	34%	0%	0%	3%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical K	31	0	22	0	2	1	56
	55%	0%	39%	0%	4%	2%	

**Miles K-8 Kindergarten**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual K	6	3	17	1	0	1	28
	21%	11%	61%	4%	0%	4%	
Lottery Placements	6	3	14	1	0	1	25
	24%	12%	56%	4%	0%	4%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	27	4	23	1	0	7	62
	44%	6%	37%	2%	0%	11%	
Random Placements	11	2	9	0	0	3	25
	44%	8%	36%	0%	0%	12%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical K	11	2	12	0	0	3	28
	39%	7%	43%	0%	0%	11%	

**McCorkle K-8 Sixth Grade**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual 6th	11	2	128	7	0	0	148
	7%	1%	86%	5%	0%	0%	
Lottery Placements	1	0	25	1	0	0	27
	4%	0%	93%	4%	0%	0%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	3	1	87	1	0	0	92
	3%	1%	95%	1%	0%	0%	
Random Placements	1	0	26	0	0	0	27
	4%	0%	96%	0%	0%	0%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical 6th	11	2	129	6	0	0	148
	7%	1%	87%	4%	0%	0%	



**Roskruge K-8 Sixth Grade**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual 6th	1	5	80	12	5	1	104
	1%	5%	77%	12%	5%	1%	
Lottery Placements	4	3	34	7	1	0	49
	8%	6%	69%	14%	2%	0%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	4	3	61	7	1	0	76
	5%	4%	80%	9%	1%	0%	
Random Placements	3	2	39	4	1	0	49
	6%	4%	80%	8%	2%	0%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical 6th	0	4	85	9	5	1	104
	0%	4%	82%	9%	5%	1%	

**Dodge MS Sixth Grade**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual 6th	29	13	90	4	4	5	145
	20%	9%	62%	3%	3%	3%	
Lottery Placements	27	12	63	3	3	5	113
	24%	11%	56%	3%	3%	4%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	31	18	122	3	3	5	182
	17%	10%	67%	2%	2%	3%	
Random Placements	19	11	76	2	2	3	113
	17%	10%	67%	2%	2%	3%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical 6th	21	12	103	3	3	3	145
	14%	8%	71%	2%	2%	2%	

**Mansfeld MS Sixth Grade**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual 6th	44	28	244	8	4	6	334
	13%	8%	73%	2%	1%	2%	
Lottery Placements	14	4	13	0	2	3	36
	39%	11%	36%	0%	6%	8%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	21	9	127	8	3	6	174
	12%	5%	73%	5%	2%	3%	
Random Placements	4	2	26	2	1	1	36
	11%	6%	72%	6%	3%	3%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical 6th	34	26	257	10	3	4	334
	10%	8%	77%	3%	1%	1%	

**Cholla HS Ninth Grade**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual 9th	36	21	382	30	4	8	481
	7%	4%	79%	6%	1%	2%	
Lottery Placements	1	2	32	0	1	1	37
	3%	5%	86%	0%	3%	3%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	1	3	78	1	1	1	85
	1%	4%	92%	1%	1%	1%	
Random Placements	0	1	36	0	0	0	37
	0%	3%	97%	0%	0%	0%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical 9th	35	20	386	30	3	7	481
	7%	4%	80%	6%	1%	1%	

**Tucson HS Ninth Grade**

	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
<b>Actual 40th-Day SY18-19</b>							
Actual 9th	132	81	551	57	22	36	879
	15%	9%	63%	6%	3%	4%	
Lottery Placements	90	44	178	33	9	23	377
	24%	12%	47%	9%	2%	6%	
<b>Lottery Applications and Placement by a Random Lottery</b>							
Applications	90	44	590	34	9	27	794
	11%	6%	74%	4%	1%	3%	
Random Placements	43	21	280	16	4	13	377
	11%	6%	74%	4%	1%	3%	
<b>Hypothetical Enrollment by Random Placement</b>							
Hypothetical 9th	85	58	653	40	17	26	879
	10%	7%	74%	5%	2%	3%	