

TUCSON UNIFIED SCHOOL DISTRICT NO. 1

**Update to
Executive Summary
Of
Equity Initiatives
Under the Unitary Status Plan**

Fisher, et al. v. Tucson Unified School District, et al.
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:

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Table of Contents

<u>The District Since The Original Executive Summary</u>	1
I. <u>Improving Student Integration</u>	2
A. <u>Update on the Status of Integration at the District</u>	2
B. <u>Update on Principal Strategies to Improve Integration</u>	2
II. <u>Improving Minority Academic Achievement</u>	5
A. <u>Update on the Status of Minority Academic Achievement</u>	5
B. <u>Update on Principal Strategies to Improve Minority Academic Achievement</u>	7
III. <u>Other Equity Initiatives</u>	8
A. <u>Teachers and Administrators Diversity</u>	8
B. <u>New Teacher Hiring and Support</u>	8
C. <u>Discipline</u>	8
D. <u>Extracurricular Activities</u>	9
E. <u>Facilities and Technology</u>	9
F. <u>Evidence Based Accountability Systems</u>	10
IV. <u>Accountability and Transparency</u>	10

The District Since The Executive Summary

The Executive Summary was completed and filed on December 1, 2019, just a few short weeks before the world in general, but particularly the educational world, turned upside down with the COVID-19 pandemic. The sudden need to begin remote instruction, and the enormous effort required of District employees to implement a massive change away from the model of public instruction for the last hundred years, and then back to in-person instruction again, the debilitating uncertainty as to how long the pandemic would last, the waves of hope and then despair with new variants, the difficult transition back to in-person instruction, with issues such as mask requirements, quarantining for exposure, the fears of staff in coming back to work, and the crippling loss of a large portion of the workforce that has simply not come back to work, has almost completely consumed this District, and every other public school district in this country, over the past two and half years.

Nonetheless, throughout this turmoil, the District has continued to follow the Unitary Status Plan and to implement the individual plans that the Court ordered the District to develop. The programs and initiatives described in the Executive Summary remain in effect. This update to the Executive Summary focuses primarily on updates, changes and new developments in each area. This update is not intended to replace the original Executive Summary, but rather to supplement it with developments over the last two and a half years. Accordingly, this update does not stand alone, and should be read along with the Executive Summary.

The District remains committed to integration, diversity and equity for all students in the District. Since the Executive Summary, the District has strengthened its school improvement planning, both for magnet schools and struggling schools, revised and updated various plans, and made significant progress in implementation of all aspects of the Unitary Status Plan, as recognized by the Court in its orders dated April 19, 2021, and April 7, 2022. The key developments in each area are set out below.

I. Improving Student Integration

A. Update on the Status of Integration at the District.

The Executive Summary reported in detail on the progress of integration through the 2019-20 school year, based on 40th day data from the fall of 2019. Since then, the pandemic has driven overall enrollment down, but the broad demographics of the student population in the District have not changed materially. The District uses 40th day enrollment data for reporting purposes. In the fall of 2019, at the time of the Executive Summary, and just before the pandemic, overall the District had 43,875 students enrolled, of whom 10% were African American,¹ 61% Hispanic/Latino, and 20% White. In the fall of 2021, overall enrollment had dropped to 41,215 students, of whom 10% were African American, 62% Hispanic/Latino, and 19% white. This continues a long term enrollment trend: in 2013-14, District enrollment was 48,956.

Over the last two years, the number of integrated schools in the District (using the USP definition) has stayed steady at 27. As in the fall of 2019, all but one of the District's magnet schools are integrated. The number of students attending integrated schools has declined along with enrollment, to 13,716, representing 33% of total enrollment. The District believes this relatively small shift in enrollment results from pandemic-related issues, including a higher degree of importance attached to attending close-by neighborhood schools, and the shortage of bus drivers (a problem experienced by school districts throughout the nation), which has restricted overall transportation that the District is able to provide. The District is working hard to recruit bus drivers and to promote the benefits of attending integrated schools.

B. Update on Principal Strategies to Improve Integration.

The District continues to employ two main strategies to improve integration at the District: (a) managing the process by which students and their families select a school to attend, through boundary reviews, incentive transportation, an application and selection process, and a process for dealing with oversubscribed schools, and (b) the institution and maintenance of magnet schools, intended to attract a diverse student body from outside the neighborhood attendance area of the school.

1. School Choice and Incentive Transportation.

a. Boundary Review Process

¹ The District uses a different self-identification process for racial and ethnic grouping than the one used under Federal law, pursuant to court order in the desegregation case. 40th day data for 2021-22 appears as Exhibit 1 to this Update.

There have been no changes to the District's boundary review process since the Executive Summary. The boundary review process is described in the Executive Summary and codified in Governing Board Policy JC and supporting regulation JC-R (School Attendance Boundaries). Changes to student assignment patterns go through a rigorous process of research, evaluation, and development. This process includes collaboration with stakeholders, desegregation impact analyses (DIAs), parent and community outreach, and evaluations of various scenarios to improve integration.

Since the Executive Summary, the District has opened its no-boundary, Advance Academics Coursework middle school at Wakefield, as part of its effort to improve access to Advanced Learning Experiences for underserved communities. Also as part of that effort, the District partnered with the Pima County Joint Technical Education District to open a no-boundary high school focused on Career and Technical Education (CTE).

b. Application and Selection Process

There have been no changes to the District's open enrollment, application, and lottery selection processes. The application and selection process is described in the Executive Summary, and is codified in Governing Board Policies JFB (Open Enrollment and School Choice) and supporting regulations JFB-R1 to -R4 and JFB-E1 and -E2.

2. Magnet Schools and Programs

The role and purpose of the magnet school in promoting integration at the District, the role and purpose of the District's central Magnet Department, and the District's commitment to that role and purpose, are described in the Executive Summary, and have not changed. The Magnet Department now reports up through the Assistant Superintendent for Equity, Diversity and Inclusiveness. In a series of orders beginning in the summer of 2020, the Court directed the District to revise its Comprehensive Magnet Plan, the process for school improvement planning, and the resulting annual school plans. The revised Comprehensive Magnet Plan appears on the District's Desegregation webpages, along with the current annual school plans for all magnet schools, and all schools currently rated "D" or "F" by the Arizona Department of Education.

The Special Master recommended that the District work with Dr. Mark Smylie, an expert on school improvement planning and strategies, to revise the planning process and the resulting plans. In the summer of 2020, the District worked with Dr. Smylie to develop protocol or process for school planning, with templates,

worksheets and guidelines for creating annual school improvement plans. Since then, the District has worked to train principal and other school staff in the planning process, and to refine the format for school plans, resulting in the recent Court approval of a prototype plan (using Carrillo Magnet Elementary School as the example) which the District will follow in developing annual school improvement plans for its magnet, and “D” and “F” schools. The District will continue to work with Dr. Smylie in the development of its annual school plans.

3. University High School²

University High School (UHS) continues to be the District’s only “exam-based” high school, where admission is limited to those qualifying with entrance exam scores and grades. UHS is a college preparatory high school that offers an advanced and rigorous academic curriculum in a highly supportive environment. The District’s special efforts to promote integration in this exam-based school are described in detail in the Executive Summary, and they continue. This year, UHS has continue to show gains in integration and diversity, as shown by the chart below:

UHS Student Demographic Data: Fall 2017 – Fall 2021					
School Year	White	African Am.	Hispanic	Asian	Multi-Racial
2017-18	46%	3%	35%	11%	5%
2018-19	44%	3%	35%	7%	4%
2019-20	45%	4%	34%	12%	5%
2021-22	43%	5%	34%	11%	6%

UHS continues to implement various strategies for access, recruitment and support of potential and current students. These strategies are described in the Executive Summary and the ALE Progress Report, and are codified in the ALE Policy Manual (all of these documents are posted and available on the desegregation webpages of the District’s website).

² UHS is addressed in the USP in the context of advanced learning experiences, but it is a school that, because of its admissions requirements, requires unique efforts to promote integration and diversity, and is thus discussed separately in this section addressing efforts to integrate.

II. Improving Minority Academic Achievement

A. Update on Status of Minority Academic Achievement

The principal and overwhelming factor impacting academic achievement since the Executive Summary has been the pandemic. As instruction moved to remote on-line instruction in the initial phases of the pandemic, the District took extraordinary steps to ensure that every student had access to remote instruction. This required substantial logistics efforts and expenditures, to ensure computers and internet access were available at home for every student in the District. The District restructured its curricula for online presentation, and provided professional learning opportunities to help teachers transition to remote instruction.

Despite this comprehensive and spectacular effort (District staff were as a group utterly exhausted by the effort), it is clear that during the full year or more that instruction was remote (instruction was fully remote during the final quarter of SY19-20 and the first three quarters of SY20-21), growth in achievement levels fell below expected levels.

Compounding the problem was the lack of consistent and reliable data to measure achievement. Annual statewide achievement tests were not administered in the spring of SY19-20; in SY 20-21, the District attempted to use its own benchmark assessments to measure achievement, but found them to be unreliable when administered remotely. The statewide test administered in spring 2021 was administered in-person only to 11th grade students, and was optional. Many students and families were willing to participate in any events in person, and thus only 26% of District students took the test. This low participation was a statewide issue not limited to the District.

This took place against a backdrop of instability and lack of consistency in statewide achievement testing at the high school level. In 2016, the Arizona state legislature enacted A.R.S. § 15-741.02, which required the state Department of Education to offer a menu of alternative assessments in addition to the statewide achievement test (at that time, AzMERIT). For high schools, the alternative measures adopted by the state pursuant to the new statute included the ACT, the SAT, and others of less universal applicability.

Simultaneously, the state Department of Education reported that it intended to revise the AzMERIT test, and that the new contract for the test would be for only two years with the plan thereafter to transition all high school testing to a national test such as the ACT or SAT. This plan raised the prospect that the new state-administered

achievement test would include national test choices or AzMERIT in 2018-19, and then change again two years later.

Accordingly, beginning in 2018-19 year, the District elected to move to the ACT test, in the hopes that this change would provide a continuously available measure that is carefully normed on a national basis to compare year-over-year, to allow meaningful analysis of achievement data over time, for purposes of measuring gaps, trends, and improvements.

However, in 2019, the federal Department of Education notified the state that the menu of alternative measures did not comply with the federal Every Student Succeeds Act (ESSA) law that requires all schools to take the same statewide assessment for academic accountability, and denied Arizona's request for a waiver. Thus, in 2019-20, all districts would have been required to return to the current statewide achievement test, which by then had switched from AzMERIT to AzM2. But due to the pandemic, no statewide achievement test was administered by the state in 2019-20.

In 2020-21, AzM2 testing was offered but was voluntary, and only 26% of eligible high school students district-wide took the test because of the state requirement of in-person testing during the pandemic (low participation was also a statewide issue). For 2021-22, the state has adopted the ACT Aspire for 9th grade and the ACT for 11th grade as required state tests. Accordingly, the District has no reliable way to compare achievement year over year, as there is no way to compare test results across AzMERIT (administered spring 2018), ACT (11th grade only, administered spring 2019), the voluntary but low participation AzM2 administered in spring 2021(10th grade only), and the ACT Aspire (9th grade only) and ACT (11th grade only) administered in 2022. The different test types and different grades assessed makes measurement of gaps, trends, setting goals, and results across these time periods effectively impossible in any meaningful way, through no fault of the District.

The bottom line is that while it is clear that the pandemic has had negative effects on all student achievement, including minority achievement, the District does not yet have a reliable way to quantify the impact, or assess the degree to which it may have differentially impacted minority student achievement. Nonetheless, the District has made substantial efforts over the last year, largely using federal ESSER funds, to address issues with learning loss and achievement, including greatly expanded summer school availability last summer, planned again for this summer, along with intensified academic interventions and supports during the regular school year. The District intends to use the data from the statewide achievement tests administered this spring, in an effort to assess the current levels of achievement, and

as best as possible correlate them to different past tests, to begin to measure the net impact of the pandemic and remediation efforts to date.

B. Update on Principal Strategies to Improve Minority Academic Achievement

The principal strategies to improve minority academic achievement remain Targeted Academic Interventions and Supports (TAIS), Advancement Via Individual Determination (AVID), Student Engagement through curriculum, Family and Community Engagement (FACE), the Dual Language Program, and Advanced Learning Experiences. The summary of each of these strategies set out in the Executive Summary remains accurate and complete.

The District has continued to follow its plans in these areas since the Executive Summary was prepared. First, the District has strengthened its school improvement planning with a strong emphasis on goals, strategies and action steps to reduce any achievement gaps between African American and White students, and Hispanic/Latino and white students. As provided in the CR AAC Expansion Plan, the District has added CR Advanced Academic Courses at Hollinger and Utterback schools. Pursuant to its Dual Credit Expansion Plan, the District has expanded its dual credit offerings at Catalina, Sahuaro and Sabino high schools. Pursuant to the CR AP Expansion Plan, the District has added a CR AP course at Pueblo High School. Following the AVID Expansion Plan, the District has added a school-wide school AVID program at Davidson Elementary School. As provided in the TWDL Expansion Plan, the TWDL strand at Bloom Elementary School has expanded to include 4th and 5th grades, and the TWDL strands at McCorkle expanded, adding 8th grade to the first strand and 2nd grade to its second strand. All of these plans are available through links on the opening page of the District's desegregation web pages.

III. Other Equity Initiatives

A. Teacher and Administrator Diversity. The District has continued to focus on the three broad areas addressed in the District’s Diversity Plan for Teachers and Administrators: (a) recruiting and hiring people not currently employed by the District to join the District teaching and administrative staff; (b) encouraging individuals already connected to the District in some capacity to become teachers or administrators (“grow-your-own” programs); and (c) persuading District teachers and administrators to transfer from one school to another where their presence improves diversity (“diversity transfer” programs). All of these programs are described in the Executive Summary, which continues to be an accurate summary of the District’s efforts. Both the Diversity Plan and the Executive Summary are available through a link on the opening page of the District’s desegregation webpages.

Despite strong headwinds from the national shortage of teachers and administrators (particularly acute for teachers and administrators of color), and low teacher pay in Arizona compared to national averages, the District has continued to do well on diversity compared to local, state and national averages. The District continues to employ more teachers and administrators of color than would be expected given community demographics in Tucson and demographic averages for teachers and administrators, both in Arizona and nationally.

B. New Teacher Hiring and Support. The District continues to follow its plans for new teacher hiring and support, as described in the Executive Summary. As in past years, first-year teachers are less than 5% of the total teaching force of the District, reflecting the lower than average attrition rates experienced by the District, and the success of its efforts to recruit and hire more experienced teachers for all open positions.

The District continues to provide special support to first and second year teachers, as described in the Executive Summary. The level of support the District provides for first-year teachers at underperforming or racially concentrated schools is higher than at other schools. A more complete description of support provided by the District for first year teachers are available through a link on the opening page of the District’s desegregation webpages.

C. Discipline. The District continues its efforts to reduce the absolute levels of discipline imposed and disparities in the administration of discipline among racial and ethnic groups, as described in the Executive Summary. There is virtually no difference in discipline rates between Hispanic and White students for out-of- school suspensions (short or long term). The District has reduced the disparity gap with

respect to both short-term and long-term suspensions between African American and White students.

The District's central Student Relations Department continues to work primarily through three sets of teams at the site level: MTSS, site discipline teams, and Positive Behavioral Interventions and Supports (PBIS) teams. The District continues to press forward with discipline initiatives, including use of PBIS and restorative practices, the District's alternative education program, in-school intervention programs, and positive intervention centers. Each of these initiatives is discussed in more detail in the Executive Summary and the Discipline Progress Report both of which are available through a link on the opening page of the District's desegregation webpages. The Student Relations Department continues to monitor discipline data, and work with school to correct issues with the administration of discipline as they are identified.

D. Extracurricular Activities. The District continues to promote, track and analyze participation in extracurricular activities, which provide an opportunity for interaction among students of different racial and ethnic groups outside of the classroom setting. The District completed the recommendations of the Special Master's completion plan, and continues to follow the requirements of those recommendations, including reporting on both participation and funding sources, and the principal review process. The Executive Summary sets forth the reporting structure for the Interscholastics Department, which has primary responsibility for the District's commitments in this area, and the other departments that work with the Interscholastics Department to help increase the participation of African American and Hispanic students in extracurricular activities and to provide high interest activities for these students throughout the year. Of course the pandemic significantly impacted participation in extracurricular activities, and many parents have been reluctant to permit students to participate in any activities which may increase risk of infection, but the District continues to actively promote its extracurricular activities as a means of building relationships among students across racial and ethnic groups.

E. Facilities and Technology. The District continues two facilities ratings to ensure that there is no pattern of conditions at school facilities which correlates to the racial and ethnic makeup of the school: the Facilities Condition Index (FCI) to measure and rate the physical condition of each school facility across the District, and the Educational Suitability Score (ESS) to rate the design and suitability of each school for its educational mission. The District continues to prioritize repair and improvement projects based on FCI and ESS scores, and the integration status of the school, to ensure that repairs and improvements are equitably administered. Health and safety issues always take precedence over regular maintenance and

improvement projects. The District also continues to use its Technology Condition Index (TCI) to assess technological conditions at school sites, and ensure that there is no pattern of technology conditions that correlates to the racial and ethnic makeup of the school.

The District continues to provide enhanced professional learning activities for teachers and staff in the use of instructional technology, pursuant to its Professional Learning Plan for Use of Instructional Technology in the Classroom, available through a link on the opening page of the District's desegregation webpages. Since the Executive Summary, the District has finalized its Technology Integration Observation Tool, for use in assessing teachers' use of technology in the classroom. The primary responsibility for implementing the plan continues with Instructional Technology Department, as described in the Executive Summary.

F. Evidence Based Accountability Systems. The District continues to use its set of data collection, reporting and analysis capabilities, described in the Executive Summary, to enable evidence-based accountability and decision-making. The Department of Assessment and Program Evaluation (A&E) remains the unit within the District most involved in the application of the data collected to decision-making and accountability, but the District's Technology department also continues to work to increase direct, real-time access for all departments to updated data, specific to each department's operations.

IV. Accountability and Transparency.

Since the Executive Summary, the District has developed its Post Unitary Status Reporting and Accountability Plan (not yet approved), which is available through a link on the opening page of the District's desegregation webpages.

As currently formulated, the plan provides key elements that will govern the District's operations after the entry of unitary status. This includes, for at least three years following the termination of court supervision:

- the continuation of the District's Annual Report, with consistent data measures, to the extent possible, and a public hearing on the annual report in each January;
- the preparation of a Performance Impact Analysis for any change to or termination of USP programs or plans;
- the publication of the proposed budget for expenditures under A.R.S 15-910(G), using a series of prescribed forms and information, and a subsequent public hearing; and

- the maintenance of a portion of its website devoted to USP programs, with prescribed content for each page.

Finally, the District has revised the reporting structure for the key departments involved in the delivery of USP-related programs and services. The mission and role of each of these departments is described in the Executive Summary and has not changed. Formerly, most of these departments reported to the Assistant Superintendent for Curriculum and Instruction, along with a wide range of other departments not related to the District's USP and equity-based programs and services.

The District has added a new assistant superintendent to oversee and direct most of the central departments involved in the District's USP and equity-based programs and services. Accordingly, the following departments now report to the Assistant Superintendent for Equity, Diversity and Inclusiveness:

- Equity, Diversity and Inclusiveness Department (formerly named Desegregation Department)
- Magnet Department
- Family and Community Outreach Department
- Student Relations Department
- African American Student Services Department
- Mexican American Student Services Department
- Native American Student Services Department
- Asian American and Refugee Student Services Department
- Alternative Education Department

The following departments are involved in aspects of the District's USP and equity-based programs and services (as described in the Executive Summary), but continue to report to the Assistant Superintendent for Curriculum and Instruction:

- Language Acquisition Department
- Advanced Learning Department
- Culturally Relevant Pedagogy and Instruction Department
- Multicultural Curriculum Department
- Assessment and Program Evaluation Department
- MTSS Program
- Curriculum Development Department

The following departments are also involved in important elements of the District's USP and equity-based programs (as described in the Executive Summary), and report

to the District's Chief Technology and Operations Officer, who reports directly to the Superintendent:

- Transportation
- Facilities
- Technology
- Instructional Technology

The Executive Director of Human Resources oversees and directs the District's teacher and administrator diversity program, reporting directly to the Superintendent. The Executive Director of Finance oversees budget and finance issues for the District, including the budgeting and administration of USP related expenditures under A.R.S. § 15-910(G). The Executive Director of Finance also reports directly to the Superintendent.

Individual schools remain the most important point of delivery for the District's USP and related equity programs and services, and the District continues to rely heavily on school principals in this regard. Formerly, schools were organized and supervised by school level, with one assistant superintendent for secondary education, and one assistant superintendent for primary education. The District has substantially increased oversight and accountability in this regard, by adding three additional assistant superintendents: schools are now organized into five geographic regions, with one assistant superintendent responsible for all schools in one geographic region.