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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,

Plaintiffs,

v.

United States of America,

Plaintiff-Intervenor,

v.

Anita Lohr, et al.,

Defendants,

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

CV 74-90 TUC DCB  
(Lead Case)

Maria Mendoza, et al.,

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.,

Defendants.

CV 74-204 TUC DCB  
(Consolidated Case)

## **SPECIAL MASTER'S ANNUAL REPORT FOR 2014-15**

### **Introduction**

This Special Master's Annual Report (SMAR) is one of two reports required by the court-ordered Unitary Status Plan (USP). These reports are aimed at informing the plaintiffs; the Court; families, staff and students of the Tucson Unified School District (TUSD), and the public about progress being made in implementing the USP. The USP identifies the steps that need to be taken in order to bring about an end in 2017 to the 40+ year school desegregation case in TUSD. The second report for the 2014-15 school year is the District's Annual Report (DAR) that was issued on September 30, 2015. Since that time, the District has responded to numerous inquiries from the plaintiffs and the Special Master some of which altered and/or clarified the information provided in the DAR.

The DAR is extensive (352 pages and more than 8000 pages of appendices) and describes the considerable efforts made by TUSD to implement the USP. Understandably, the DAR highlights progress being made. The SMAR is informed by data from the DAR and from requests for information from the District as well as interviews with District staff and observations by members of the Special Master's Implementation Committee (members of the Implementation Committee [IC] are highly qualified educators with previous experience in TUSD).

This report does not deal with every issue addressed in the DAR. Its content reflects the following:

1. One of the goals of the USP is to enhance evidence-based decision-making within the District. It follows that this report emphasizes product over process when possible. The DAR does provide substantial information about outcomes. In many

1 cases, however, when relevant data are not available or are inadequate, processes  
2 are discussed.

3 2. While acknowledging that progress being made in numerous ways, the SMAR's  
4 focuses on work that still needs to be done. In so doing, this report draws attention  
5 to different ways that the data presented by the District might be viewed and/or  
6 analyzed (for example, a one percent increase in a student outcome that the  
7 District sees as progress might well be seen as inadequate given the goals and  
8 needs being addressed).

9 3. Suggestions are made about where more or better data are needed in this and  
10 future reports.

11 4. Throughout the DAR, the District directly or indirectly describes the plaintiffs and  
12 the Special Master as impeding its efforts, delaying needed action and increasing  
13 costs. This theme is reflected in a number of documents filed in Federal District  
14 Court and in the Ninth Circuit Court of Appeals by the District and in statements  
15 made at Governing Board meetings and attributed to school leaders by the local  
16 media. This report draws attention to these concerns of the District. An  
17 addendum to this report will be filed describing the issues about which the District  
18 considers unproductive so that readers of both reports can learn whether the goals  
19 pursued by the Special Master and the plaintiffs enhance support for student  
20 learning or undermine potentially effective actions by the District.

21 5. A major goal of the USP is to increase the number of students who have an  
22 opportunity to be educated in a racially and ethnically diverse school. The DAR  
23 does not give much attention to integration and the District's track record in  
24 promoting integration is, at best, mixed. This report will discuss this concern and  
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1 suggest what might be done to give more emphasis to the admittedly difficult task  
2 of achieving greater integration.

- 3 6. Rather than question every instance in which the District does not meet specific  
4 goals or requirements, this report seeks to draw attention to challenges most in  
5 need of attention in pursuit of unitary status.  
6

7 It should be that this report is focused on events that occurred between July 1, 2014 and  
8 June 30, 2015 and, therefore, does not reflect progress made since July 2015. There is reason to  
9 believe that efforts to implement the USP since February 2013 are now being used to accelerate  
10 the pace at which progress is being made regarding several actions required by the USP.  
11

## 12 **Overview**

13 The DAR does a good job of describing the District's considerable achievements in  
14 implementing aspects of the USP so there is no need to go into detail regarding that progress here.  
15 However, this report will draw attention to some of the more substantial achievements. The  
16 District and the plaintiffs, referred to usually as the parties, have agreed to track the progress of  
17 the USP on 61 "activities" that correspond to particular tasks described in the USP. These are  
18 described in the DAR. The members of the Implementation Committee (IC) and the Special  
19 Master (to whom the Implementation Committee reports) have assessed the status of progress on  
20 each of these activities as: on schedule, on schedule with reservations, delayed, or completed (at  
21 least for the 2014-15 school year--most activities are ongoing). Of the 61 activities, 32 were on  
22 schedule and/or completed, 20 were on schedule with reservations, and 9 were delayed during the  
23 year. For some activities, more information is needed to make a clear determination of status.  
24 *See* Implementation Status Report attached. For activities that were on schedule with reservations  
25 or delayed, a brief explanation is provided in the Status Report. The Status Report does not deal  
26 with whether implementation was effective, only with whether the activity was carried out in  
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1 accordance with milestones that had been agreed upon by the District and the Special Master.  
2 The Status Report is about process.

3 Like the DAR, this report is organized around nine sections of the USP (Section I of the  
4 USP does not specify actions to be implemented but provides introductory material so there are  
5 no entries for that section). As noted, the SMAR does not deal with every issue addressed in the  
6 DAR, only those that seem to need additional comment or emphasis.

7  
8 While Section I of the USP does not include any of the 61 activities that are regularly  
9 monitored and that are discussed in the Status Report, it is important to be aware of an important  
10 provision of this section given the District's complaints that the plaintiffs and the Special Master  
11 are usurping its prerogatives. Section I.D.1 says:

12 ... for all new or amended plans, policies, procedures, or other significant changes  
13 contemplated pursuant to this order, the District shall solicit the input of the  
14 Special Master and the Plaintiffs and submit such items for review before they are  
15 put into practice or use.

16 Recommendations follow each section. At the end of the report, recommendations that  
17 apply to all sections largely related to the content and formatting of future reports are provided.  
18 Most of these recommendations are made to the District rather than to the Court so as not to  
19 burden the Court. This means that recommendations to the District are not requirements but are  
20 proposals that could, if acted upon, facilitate progress towards the attainment of unitary status.

### 21 **A Caution**

22 Throughout the DAR, very small percentages of annual gains (one percent or so) are  
23 treated as evidence of progress – or less often, as evidence that progress has not occurred.  
24 However, differences this small in and of themselves probably don't mean very much. How one  
25 calculates these percentages may be problematic, as can be seen in the discussion of Advanced  
26 Learning Experiences below. And as some of the tables and appendices show, some relationships  
27 could vary from year to year because of differences in the cohort of students involved rather than  
28

1 the effects of the programs themselves. What is needed in the reports from the District are trend  
2 data, at least for the years since the adoption of the USP. One would expect the extent of annual  
3 gains attributable to effective implementation of the USP to grow over time.

## 4 **Section II: Student Assignment**

5 This section focuses on integration of students from different racial and ethnic  
6 backgrounds. There are two aspects of integration: across schools and within schools and  
7 classrooms.

### 8 Integration Across Schools

9 Overall, the District has made little if any progress in integrating schools. Of the schools  
10 operating in 2014-15 that were in existence in 2011-12 (several schools were closed since the  
11 USP was adopted), one additional school is now “racially concentrated” (RC). (Schools with  
12 more than 70 percent of one race are racially concentrated). In 2014-15, there was one percent  
13 more students attending RC schools than in 2013-14 and the percentage of students attending  
14 integrated schools during this time decreased.

15 TUSD is using three strategies to promote integration across schools: magnet schools and  
16 programs, open enrollment incentives and boundary changes.

#### 17 *Magnet Schools and Programs*

18 The purpose of magnet and programs is to facilitate integration. Of the 20 magnet schools  
19 and programs operating in the 2014-15 school year, fourteen are racially concentrated. Ironically,  
20 a greater proportion of magnet schools were racially concentrated that is true for all of the other  
21 District schools. A major consideration about whether to enroll one’s students in a given magnet  
22 school is the perceived quality of the education available in that school. In 2014-15, only 40  
23 percent of the magnet schools and programs were A or B schools (based on 2013-14 grades, the  
24 most recent year that schools were graded by the state of Arizona) despite the fact that all of the  
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1 schools received funding over and above the funding provided to non-magnet schools.

2 *Open Enrollment Incentives*

3 The District encourages integration by providing transportation to students who live  
4 within the boundaries of one of the District's racially concentrated schools and attend an out of  
5 boundaries school if her or his attendance increases the integration in the school being attended.  
6 No evidence is presented in the DAR or elsewhere about the effects of this strategy. The District  
7 reports that 636 students (less than two tenths of one percent of the District's students) took  
8 advantage of this incentive to attend a more integrated school in 2014-15.  
9

10 *Boundary Changes*

11 The District convened a boundary committee in 2014-15 that worked for several months  
12 and made one viable proposal that would have noticeably increased the number of students  
13 attending an integrated school. That proposal was to relocate and increase the size of Dodge  
14 middle school (an A school that is now integrated). That proposal was approved by the plaintiffs  
15 and the Special Master when the proposal carried a price tag of slightly less than one million  
16 dollars. However, when the District indicated that its initial estimates were off by more than 400  
17 percent and that the renovation of the facility to which Dodge would move would cost over \$4  
18 million, the support of the plaintiffs and Special Master was withdrawn, as was the District's  
19 proposal.  
20  
21

22 Marketing Strategies

23 The District engages in a number of different strategies to help families make a choice  
24 among school options. There is no evidence that some strategies are more effective than others  
25 though their effects on promoting integration are very small.

26 In its marketing efforts, the District provides families with no information about the  
27 academic, cognitive and social-cultural benefits of integration about which there is abundant  
28

1 evidence.

2 Making Integration a Priority

3           Since the approval of the USP by the plaintiffs and the District in late 2012, it would be  
4 difficult to know by the actions of the District that integration was a priority. In the summer of  
5 2013, a new board majority and a new superintendent rejected a staff proposal that would have  
6 likely lead to withdrawal of magnet status from some of the schools and programs that were and  
7 are racially concentrated. This proposal would also have set in motion processes for initiating  
8 new magnets. The only initiative for new and more productive magnet schools or programs now  
9 in planning is the conversion of Tully magnet school to a Gifted and Talented Education (GATE)  
10 school although this was done because of plaintiffs' concerns about the absence of self-contained  
11 GATE options in the western areas of the District. And, many plans for non-incremental  
12 improvement of existing magnet schools were imposed by an agreement initiated by the  
13 plaintiffs. In the District's Strategic Plan, the words integration or desegregation do not appear.  
14 Magnet schools and programs distribute brochures to families in efforts to recruit their children.  
15 Not one of the 15 brochures reviewed mentioned the benefits of integration.

16           Instead of drawing attention to the evidence that students benefit from the opportunity to  
17 learn with and from students of diverse racial and ethnic backgrounds, District leaders have  
18 directed public attention to the difficulties of meeting "outdated" criteria for integration. In  
19 particular, the USP requirement that a school cannot be considered integrated if more than 70  
20 percent of its students are of a single race is criticized as inappropriate for a District with as many  
21 Latino students as are enrolled in TUSD. Many of the benefits of integration derive from the  
22 opportunities students have to interact with people different from themselves. When schools are  
23 overwhelmingly of one race, these opportunities are diminished substantially. Long ago, the  
24 parties recognized a large number of the District schools are unlikely to be integrated; the goal of  
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1 the USP has been to increase the number of students who have the opportunity to attend an  
2 integrated school. That goal has not been realized.

3 In 2015, the District changed the policy for student assignment from lotteries in schools  
4 that were oversubscribed. This is a positive step and its effect depends on whether families  
5 actively seek a school at which their student's attendance will increase integration.  
6

7 The District argues that integration should include all of the steps involved in improving  
8 education within schools such as multicultural education and improving access to Advanced  
9 Learning Experiences. However, the term integration is commonly used to describe the  
10 opportunities that students have to learn with and from people of different races and ethnicities.  
11 And, that is how the term is used in the USP.

12 *Integration within Schools*

13  
14 Integration within schools is necessary to achieve the maximum benefit from integration  
15 across schools, but no information is provided in the DAR about efforts to ensure such  
16 integration.

17 Recommendations for the District

- 18 1. The effectiveness of marketing strategies for promoting integration should be  
19 studied and improved.  
20  
21 2. In marketing school options, the many benefits of learning with and from students  
22 and integrated schools should be emphasized.  
23  
24 3. The District's strategic plan should include increasing the opportunities of students  
25 to attend integrated schools.  
26  
27 4. A study should be undertaken to identify additional strategies for increasing the  
28 opportunity students have for an integrated education, including substantially

1 increasing the quality of integrated magnet schools and the creation of an  
2 additional magnet school or program near the center of the District.

3 5. Consideration should be given to expanding opportunities for free transportation  
4 when the students involved would increase integration at the receiving school (free  
5 transportation is now provided only to students who are attending racially  
6 concentrated schools).  
7

8 6. The definition used to describe an integrated school in the USP understates the  
9 extent to which students in TUSD are attending schools that in many other districts  
10 would be considered integrated. For example, a school could be 40% white, 40%  
11 Latino, 15% African-American and 15% students of other or mixed races and not  
12 be considered integrated. This makes no sense. The District should seek a way of  
13 expanding the definition of an integrated school so long as this does not change the  
14 definition of a racially concentrated school.  
15

16 **Section III: Transportation**

17 The District's efforts to implement the provisions of the USP relating to transportation  
18 appear to be effective.  
19

20 **Section IV-Administrators and Certified Staff**

21 This section of the USP focuses on recruitment, retention and assignment of racially and  
22 ethnically diverse educators and on their professional development. Note that some of the  
23 analysis in this section varies from information presented in the DAR because the numbers of  
24 personnel vary from table to table and topic to topic depending on when the data were collected  
25 and how positions are defined. For example, in the DAR, certified staff are sometimes equated  
26 with teachers and sometimes not, while positions defined as "leadership" appear to vary.  
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1 Recruitment

2 *Teachers*

3 The racial breakdown of teachers as a percentage of the total teaching force is 3 percent  
4 African-American, 26 percent Hispanic and 66 percent white. The percentage of white teachers  
5 varies by grade structure: HS-72%, MS-77%; K/8-53% and elementary-64%.

6  
7 In 2014-15, Anglo teacher applicants out-numbered Latino applicants by 450 percent.  
8 Only 25 African Americans applied to teach in TUSD. Seventy nine applicants did not provide  
9 their race.

10 According to the DAR, the number and proportion of African American and Latino  
11 teachers increased in 2014-15 but only slightly-significantly less than one percent. The District's  
12 analysis, however, understates progress made. Comparing the increase in the number of African  
13 American and Latino teachers over the last two years, there were nine percent more teachers of  
14 each racial group in TUSD. Comparing 2014-15 to the current year (2015-16), African American  
15 teachers increased by nine percent and Latino teachers by 12 percent. These gains over the last  
16 two years are significant. However, the percentage of African American and Latino teachers is  
17 less than half of the proportion of African American and Latino students. There is much work yet  
18 to be done and this work will have to be accomplished in the context of a shortage of teacher  
19 candidates.  
20

21 *Administrators*

22  
23 According to the DAR, in 2014-15 there were 85 school principals-4 African-Americans,  
24 35 Latinos, and 45 Anglos. Offers that year were made to seven Anglo candidates, nine Latinos  
25 and no African Americans. When all site and central leadership positions are considered, 89 of  
26 these positions are held by Anglos, 19 by African Americans and 69 by Latinos. Of those  
27 appointed for the 2015-16 school year, there was an increase of four Anglo administrators and a  
28

1 decrease of two African American and three Latino administrators.

2 *Leadership Development*

3 One strategy the District uses for improving the quality of school leadership and  
4 increasing the racial diversity is the Leadership Prep Academy. Sixty-seven individuals were  
5 nominated to participate in 2014-15: 43 Anglos, 21 Latinos, two African Americans and one  
6 Asian American. Twenty-two participants were selected, 12 Anglos, seven Latinos, two African  
7 Americans, and one Asian American. Ten of the participants were appointed to leadership  
8 positions as of the beginning of the 2015-16 school year, only one of whom was nonwhite. Of  
9 the 29 participants in the Academy in 2013-14, four nonwhite participants were appointed to site-  
10 level leadership positions. The Leadership Prep Academy may be improving the quality of  
11 school leadership, but it is not substantially increasing the diversity of the District's  
12 administrative leaders.  
13  
14

15 The District launched a master's degree cohort program in collaboration with the  
16 University of Arizona College of Education. Nine of the 11 participants in this program are  
17 nonwhite. While it is too early to tell what effect this program will have on the racial  
18 composition of the District leadership cadre, it seems a potentially effective response to the  
19 provisions of the USP seeking greater diversity among the Districts leaders.  
20

21 *Professional Learning Communities*

22 The USP requires that the District implement Professional Learning Communities –  
23 collaborative evidence-based problem-solving and professional development groups – in every  
24 school. The requirement was not implemented until 2015-16 except for six principals who were  
25 part of a school improvement initiative. Not until July 2015 did all principals receive formal  
26 training for PLCs and steps were taken to implement this provision of the USP in 2015-16.  
27  
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1           *Selection Criteria*

2           The USP does not specifically identify the capabilities the District should value when it  
3 recruits candidates for critical administrative positions. However, the USP does detail  
4 responsibilities of school principals. The Implementation Committee identified more than 15  
5 such responsibilities. At best, the job announcements for school principals identified only three  
6 or four of these as “essential” capabilities. A cardinal principle of human resource management  
7 is to specify the capabilities of the people you want to hire.  
8

9           Similarly, the job description for the assistant superintendent position most responsible for  
10 implementing the USP makes virtually no reference to relevant experiences or expertise; it  
11 describes a position that would be the same as that needed in a rural mid-western town.  
12

13           Retention

14           The fewer teachers who voluntarily leave the District, the better able the District will be to  
15 recruit qualified candidates. Data presented to the parties on October 6, 2015 indicates that the  
16 number of teacher vacancies consistently dropped from 2012-13 to the present, but the dates on  
17 which these data were applicable are not clear.

18           Forty six teachers left the District during the first semester of 14-15. Thirty-three were  
19 white, one was African American. Five schools lost three teachers-the highest from any one  
20 school: Mary Belle McCorkle, Pueblo, Naylor, Robison and Valencia. The reasons people give  
21 for leaving are varied and do not mean much anyway because people who are unhappy with their  
22 workplace seldom say so unless interviewed by someone who they are confident will not identify  
23 their response.  
24

25           For the entire year, approximately 400 teachers left the District. This attrition was  
26 proportionately greater among Anglo teachers. The overall rate of attrition was about 15 percent.  
27 The rates of retention among different racial and ethnic groups does not suggest that the disparity  
28

1 in the racial composition of the teaching force is due to disproportionate attrition among African  
2 American and Latino teachers.

3 The District surveys teachers annually about their job satisfaction. Depending on the  
4 question being asked, only about one fourth to one half of the teaching force responds. Moreover,  
5 the number of responding teachers in different racial groups varies from question to question.  
6 The very significant differences in the number of respondents from different races to particular  
7 questions would seem to warrant analysis.  
8

9 In response to the USP requirements, the District conducts regular focus groups of  
10 teachers. Seven hundred and eighty-one teachers were invited to participate in these focus groups  
11 but apparently only 26 attended. This is rather extraordinary and seems to warrant some  
12 explanation.  
13

#### 14 Assignment of Teachers

##### 15 *Racial Diversity within Schools*

16 Section IV.E of the USP says that the District shall seek to have a racially and ethnically  
17 diverse staff in each school and defines diversity as a no more than a 15 percentage point  
18 variance. A 15 point percentage variance is a difficult measure to apply given the availability of  
19 faculty with different areas of expertise/certification. And, given the small number of African  
20 American teachers, ensuring that African American teachers are distributed evenly throughout the  
21 District does not seem wise and there are no examples of concentrations of African American  
22 teachers in any particular school. Many schools have no African American teachers and a  
23 handful have one or no teachers of color. Using the 15 percentage rule by grade structure, 19 of  
24 49 elementary schools 8 of 13 K-8 schools one high school do not meet the diversity criterion.  
25

26 Despite some improvement from the situation in 2013-14, the District is out of  
27 compliance with the USP. There does not appear to be a plan for resolving this problem.  
28

1           *New Teachers and Principals*

2           Section IV.E.5 of the USP says that the District should make efforts to increase the  
3 number of experienced teachers and reduce the number of beginning teachers assigned to racially  
4 concentrated schools and to those schools achieving below the District average. It also requires  
5 the District to avoid placing beginning principals in RC schools and in schools performing below  
6 the District average. In 2014-15, there were 274 first-year teachers in TUSD schools; 19 (over 70  
7 percent) of these first-year teachers were assigned to C and D schools and racially concentrated  
8 schools. Having a beginning teacher is one predictor of lower student achievement. In other  
9 words, a substantial number of students in the District who most need excellent teachers are being  
10 taught by teachers who are, on average, less likely to be as effective as their professional peers.  
11

12           The wording of the USP says that the District to *make efforts* to avoid assigning first year  
13 teachers to RC schools and those with students achieving below the district average suggesting  
14 that this is not a requirement – the position taken by the District. However, the intent of the  
15 provision seems clear; the Superintendent is allowed to make exceptions on a case-by-case basis.  
16 The USP assumes that the assignment of teachers to the named schools would be the exception,  
17 not the rule.  
18

19           Seven first-year principals were assigned to racially concentrated C and D schools.  
20 Research tells us that students in schools with first-year principals will typically achieve at lower  
21 rates than students in schools led by more experienced principals.  
22

23           With respect to the assignment of beginning teachers, the District appears to be clearly out  
24 of compliance with the provisions of the USP. With respect to the assignment of principals, the  
25 matter is less clear because the USP does allow the Superintendent to make exceptions for good  
26 reasons. He may well have done so but no relevant evidence is provided in the DAR.  
27

28           The District argues that a critique of the assignment of principals and teachers should

1 measure the level of effort made to comply with the intent of the USP. But no relevant evidence  
2 is provided by the District. For example, a reduction in the number or proportion of beginning  
3 teachers and principals placed in schools serving students who would benefit most from excellent  
4 teachers and leadership might be assessed by looking at data over time but the District provides  
5 no such information.

6  
7 *Long Term Substitutes*

8 There is some concern among the plaintiffs that long-term substitutes (LTS) were hired to  
9 fill vacant many positions and that this was more likely the case in racially concentrated schools.  
10 The information provided by the District indicates that there were 79 long-term substitutes in the  
11 spring of 2015, about half of whom were in middle and high schools. LTS do not appear to be  
12 serving disproportionately in racially concentrated schools. Doolen, Palo Verde, Utterback,  
13 Pueblo and Sahuaro had 4 to 6 LTS each. There was a greater number of LTS (96) in October  
14 2015 than in the previous term.

15  
16 Enhancing the Quality of Teaching

17 *Beginning Teachers*

18 In 2014-15, the on-paper exemplary program for first and second year teacher mentoring  
19 was significantly undermined – fewer resources were allocated to its implementation than the  
20 program called for. The reason given for this is that there was a need to support a curricular roll  
21 out to all faculty members. Fifty-two of the 431 first and second year teachers received  
22 mentoring support. No additional services were apparently provided support under the first year  
23 teacher plan. A curriculum not well taught is not a curriculum that will make much of a  
24 difference.  
25

26 USP requires the District to implement a pilot plan to support first-year teachers serving in  
27 schools where student achievement is below the district and average. This pilot was conducted in  
28



1 2013-14, but teachers did not receive the full amount of mentoring provided for in the plan. The  
2 DAR says that a new approach was adopted based on the first year teacher plan. If this is the  
3 case, the District did not provide extra support to first year teachers in underachieving schools as  
4 anticipated in the USP. The plan has been changed for the 2015-16 year and the level of support  
5 increased.

6  
7 These provisions of the USP were not effectively implemented; indeed the beginning  
8 teacher support program was consciously abandoned to a significant degree.

9 *Evaluation*

10 The District developed new instruments for evaluating teachers and school principals.  
11 Both of these instruments incorporate professional practices identified in the USP to a much  
12 greater extent than the previous evaluation instruments. It remains to be seen how rigorously  
13 these tools are applied, whether professional development is targeted on the needs of individuals  
14 and groups accordingly, and if those who are identified as particularly effective are selected for  
15 leadership positions or otherwise recognized for their expertise.  
16

17 *Struggling Teachers*

18 Out of more than 2700 teachers, 10 were identified as ineffective and provided support for  
19 improvement. Another 14 teachers were identified as needing extra support. This means that 99  
20 percent of the District's core staff were determined by their supervisors to be effective. This  
21 suggests that the evaluation of teachers has been less than rigorous is not to suggest that the USP  
22 student teachers ineffective. But very few if any large organizations can say that virtually all of  
23 their employees are less effective than they need to be. In the absence of effective evaluation of  
24 teacher performance, the improvement of teaching experienced by the District's students is  
25 undermined.  
26

1           *Professional Development*

2           The District provides certified personnel with an extensive array of professional  
3 development opportunities. Many of these opportunities deal specifically with practices expected  
4 of teachers and administrators that are identified in the USP. However, information provided by  
5 the District indicates that, with the exception of professional development for a small number of  
6 teachers who the District found to be ineffective or struggling, professional development was not  
7 targeted to the needs teachers might have for improving their practice.  
8

9           There is apparently no systematic assessment of the relative effectiveness of different  
10 approaches to professional development. It appears from the DAR that many educators self-  
11 select the training they experience. Research shows that most people do not know what they need  
12 to know in order to improve their performance. They may know what they want to know more  
13 about but there is considerable research that indicates that individuals overestimate their  
14 capabilities. This may be particularly true in the helping professions, of which education is one.  
15

16           Recommendations to the Court

17           The District should develop and implement a plan to reduce by half by the beginning of  
18 the 2016-17 school year the number of schools in which there are racial disparities as defined by  
19 the USP in 2015-16 and eliminate racial disparities in staffing by 2017-18.  
20

21           The District should be required to fully implement its plan for support of first year and  
22 second year teachers. In addition to this general support, the District should be required to  
23 implement what it has learned from his pilot program for beginning teachers assigned to schools  
24 that are racially concentrated or in schools performing below the district academic levels.

25           As the Court did with respect to the 2013-14 budget, the Court should require the District  
26 to describe its professional development strategies in greater detail to include the following: the  
27 core content and its relationship to provisions in the USP, the number of people in different roles  
28

1 receiving such professional development, mode of delivery, and the number of hours in which the  
2 learners participated,

3 Recommendations to the District

- 4
- 5 1. Efforts to recruit teachers should emphasize the District's commitment to equity  
6 and excellence giving greater attention to the unique opportunities to teach in the  
7 district with culturally relevant courses, support for culturally responsive pedagogy  
8 and a multicultural curriculum among other strengths. And, the District has in  
9 place policies and practices to support teachers – especially beginning teachers –  
10 that, if effectively implemented, could be seen as an important incentive to work in  
11 TUSD. Some strategies being used (some of which are mandated by the USP) are  
12 clearly unproductive and the District should ask the parties that they should be  
13 abandoned.
- 14
- 15 2. Given recruitment and retention challenges, the District should consider a new  
16 compensation system that rewards teachers with exceptional ability who are  
17 undertaking leadership roles. Such compensation systems are being adopted in  
18 several urban school districts.
- 19
- 20 3. Job announcements for persons responsible for implementing provisions of the  
21 USP should include those skills and characteristics necessary to implement these  
22 provisions for which they will be held accountable.
- 23
- 24 4. Announcements for key leadership positions should be advertised widely in  
25 professional publications and websites to maximize the quality and diversity of the  
26 pool of candidates.
- 27
- 28 5. Given that the Leadership Prep Academy yielded only one non-white appointee in  
2014-15, the District should assess its selection process.

- 1           6.     The District should undertake a systematic analysis of the extent to which ratings  
2           of teacher effectiveness correlate with student performance and whether principals  
3           provide sufficiently detailed feedback to teachers so as to facilitate the targeting of  
4           professional development.
- 5           7.     Assess the extent to which various approaches to professional development meet  
6           the District's own statement of principles for the design of effective professional  
7           development.
- 8           8.     The very significant differences in the number of respondents from different races  
9           to particular questions on the teacher survey dealing with working conditions  
10          warrants analysis.
- 11          9.     The District should undertake recurrent analyses of the validity and variation in the  
12          evaluation of teachers and principals.
- 13          10.    No first year principal should be assigned to a RC school or a school with students  
14          performing below the district average

## 17           **Section V-Quality of Education**

18           This section of the USP covers a broad range of activities including Advanced Learning  
19           Experiences (ALE), dual language, retention of students in grade, graduation and dropout rates,  
20           multicultural curricula, culturally responsive courses and student support services.

### 21           Advanced Learning Experiences

22           Advanced Learning Experiences (ALE) include a number of different types of learning  
23           opportunities meant to be particularly demanding: gifted and talented education, advanced  
24           placement, dual credit, dual language, International Baccalaureate, middle school credit for high  
25           school credit, Advanced Placement (AP), Pre-AP and pre-AP honors courses, and University  
26           High School.  
27  
28

1           The USP calls for the District to increase the numbers and proportions of African  
2 American and Latino students who are participating in ALE. The DAR identifies progress being  
3 made. However, except for participation in dual credit courses and middle school credit for high  
4 school credit and pre-AP honors courses, the improvements are quite small – about one percent  
5 per year.

6  
7           The District’s approach to analysis of progress appears to examine the percent of students  
8 in each racial group of the total number of students participating in each type of ALE. But this  
9 does not necessarily tell us whether the numbers and the proportion of students in each racial  
10 group are increasing or decreasing because the calculation depends on the total number of  
11 students participating in each type of ALE. An alternative way of looking at the data would be to  
12 compare the percentage of students in each racial group who are taking the ALE and compare this  
13 to a similarly calculated measure for one or more previous years.

14  
15           The DAR does not provide the data needed to calculate the progress made within each  
16 racial and ethnic group for all ALE. However, raw numbers are provided for each of three types  
17 of gifted and talented education (GATE). Using the official enrollment numbers for the District  
18 as a whole would be problematic because it would depend on when the data were collected.  
19 Throughout the DAR, what appear to be District-wide enrollment numbers vary from table to  
20 table. Nonetheless, the available information provides a somewhat different picture of GATE  
21 participation than is presented in the DAR. This, in turn, suggests the need for alternative  
22 calculations for all ALE.

23  
24           In Resource GATE programs, 31 fewer Latino students participated while overall Latino  
25 enrollment in the District declined. Four more African American students benefited from this  
26 program over a two-year period but five fewer participated over the last year. In Pull-Out GATE,  
27 there were relatively large increases in Latino enrollments for 2012-13 to 2013-2013 (42), but  
28

1 only four more students participated in 2014-15. In self-contained GATE programs, there was an  
2 increase of six African American students over four years, but a decrease of four students during  
3 the most recent time period. The point is that different ways of looking at the data provide  
4 different understandings of progress and that, in any event, with two or three exceptions, progress  
5 made in African American and Latino participation in ALE is quite small.  
6

7 The District increased the number of AP courses available by 31 over the last year thereby  
8 making this type of ALE more accessible to all students even if this did not have a corresponding  
9 effect on the number of students enrolled.

10 The text of the DAR indicates that changes in the admission process led to relatively large  
11 increases in the number of African American and Latino students in the freshman class at  
12 University High School. But the report does not explain that this new process was mandated by  
13 the Court and that the District studied the effect of an assessment tool it had proposed that the  
14 Court had rejected and found that that District-preferred assessment would not have been as  
15 productive a way for achieving the goals that were achieved as was the method approved by the  
16 Court. The District is proposing to test an additional measure for admission to UHS that might  
17 increase access and should be commended for doing so.  
18

19 The DAR identifies a number of strategies being used to increase ALE participation by  
20 African American and Latino students and plans are underway to increase the number of African  
21 American and Latino students in ALE. An evaluation of the efficacy of the efforts is warranted.  
22

### 23 Dual Language Programs

24 Dual language programs are identified by the Governing Board as ALE. Section V.C.1  
25 requires the District to "...to build and expand its Dual Language programs..." The District has  
26 not met this requirement. The total number of students involved in dual language programs has  
27 declined significantly – by 935 students – between 2012-13 and 2014-15, a 29 percent drop. This  
28

1 decline cannot be accounted for by losses in enrollment. In many Districts, dual language  
2 programs serve as a valuable tool for promoting integration. This is not the case in TUSD, at  
3 least for the two dual language magnet schools (which account for over 45 percent of dual  
4 language enrollment), where over the last three years the percentage of Latino students in these  
5 programs has hovered around 87 percent.

6  
7 Professional Development

8 The District offers a wide variety of professional development opportunities for teachers.  
9 Research at the national level on the relationship between professional development and student  
10 achievement is not encouraging. Given the considerable time and expense TUSD invests in  
11 professional development, systematic evaluation of these programs would seem warranted. The  
12 first step would be to examine how well professional development experiences align with  
13 research-based characteristics of effective teacher and administrative learning opportunities.

14  
15 During the year, the District developed new instruments for assessing teacher and  
16 administrative practices. The teacher instrument in particular breaks new ground and aligns well  
17 with the mandates of the USP.

18 In its efforts to monitor and improve teaching, especially teaching relating to culturally  
19 responsive strategies and curriculum, the District has developed a number of instruments for  
20 recording observations of teacher practices. However, the content of some of these instruments  
21 has little to do with culturally responsive practice, and they use different terms to describe similar  
22 practices. This must surely be confusing to teachers, if not to those who are supervising them and  
23 trying to record and make sense of variations in teacher practices. In fairness to teachers and in  
24 order to have more consistent and fewer measures of teaching practices, it seems desirable to  
25 examine the extent to which these various instruments could be consolidated and the language  
26 used standardized so that teachers and trainers will have common understandings of what is  
27  
28

1 expected and how these expectations are being assessed. Moreover, these instruments should be  
2 aligned with the teacher evaluation instrument (the “modified Danielson” instrument).

### 3 Retention of Students in Grade

4 Retention in grade does not vary much by race and appears lower (better) than many other  
5 urban Districts. However, African American students are more likely, depending on the grade but  
6 in general, to be retained in grade. While high school students are technically not retained in  
7 grade, it would be useful to know the extent to which students in which schools fail to receive  
8 credit in the courses they took, disaggregated by race and type of course. The District engages in  
9 a number of efforts to minimize retention and dropout rates and improve graduation rates. With  
10 respect to retention, the summer experience programs serving eighth-grade students seems to be  
11 particularly effective.  
12

### 13 Graduation and Dropout Rates

14 Graduation rates for TUSD are higher for Anglo, African American and Latino students  
15 than is true for students nationally and in Arizona. Anglo students are more likely to graduate  
16 “on time” than African American and Latino students but the roughly five percentage points gap  
17 is smaller than the national average. Graduation rates for ELL are between 45 and 50 percent  
18 which, while low, is also better than the national average.  
19

### 20 Attendance

21 There are no significant differences in the rates of attendance among Anglo, African  
22 American, and Latino students. But the aggregate data suggests that, on average, TUSD students  
23 miss one day of class every two weeks. Of course, attendance rates differ greatly among students  
24 and it would be useful in future reports to know the number of students who do not attend school  
25 for particular lengths of time (*e.g.*, more than 30 days a year, etc.), and to know whether the acute  
26 rates of non-attendance differ by race and school.  
27  
28



1 Multicultural Curricula

2           The District has significantly increased the resources available to teachers so as to  
3 increase enhance the multicultural content of the curriculum. This enrichment of learning  
4 resources is the product of a collaborative decision-making process among the parties. The  
5 District has committed to infusing multicultural content throughout the curriculum. This is an  
6 ambitious and exemplary goal.  
7

8 Culturally Relevant Courses

9           During the fall term 2014, the Mendoza plaintiffs requested that the Special Master file a  
10 report of noncompliance asserting that the District failed to implement the provisions of the USP  
11 related to culturally relevant courses (CRC). An agreement was negotiated between the District  
12 and the Mendoza plaintiffs, with the concurrence of the Special Master, to expedite efforts to  
13 offer and enroll students in CRC during the spring term and to develop a more robust effort going  
14 forward. For a number of reasons – problems staffing the central office responsible for, hiring and  
15 training teachers, inadequate student recruitment efforts and differences in commitment on the  
16 part of principals – the District did not effectively implement the provisions of the agreement for  
17 the spring term 2015, a reality the District acknowledges (the provisions of the agreement for the  
18 implementation of CRC for 2015-16 school year have been much better implemented as will be  
19 reported in the next annual reports).  
20  
21

22 Student Services Support

23           At the outset of the 2014-15 school year, the District significantly restructured the way  
24 student support services would be provided. While activities of “student service specialists” are  
25 described in the DAR, there is no evidence of the effects of these efforts or how requests for  
26 services might be related to the characteristics of the schools requesting this support. The District  
27 is undertaking a study of these student services departments during the 2015-16 school year.  
28

1 Recommendations

2 Note: in December 2015, the Court ordered the District to increase its efforts to  
3 implement new dual language programs.

4 Recommendation to the District

- 5
- 6 1. Review the various formative and summative instruments used to evaluate  
7 teachers to ensure that the behaviors being described are the same across  
8 instruments.
  - 9 2. Report attendance data by school.
  - 10 3. Present data so that one can determine whether the proportion of students involved  
11 changes from year to year in absolute rather than relative numbers.
  - 12 4. See recommendation related to reporting on professional development in Section  
13 IV.  
14

15 **Section VI: Discipline**

16 The District reports that the level of discipline problems decreased from 2014 to 2015,  
17 except for short-term suspensions. The report says that while African-American students were  
18 overrepresented, the actual number of disciplinary actions decreased. This analysis is presumably  
19 based on Appendix VI-1. This appendix examines the proportion of students of different racial  
20 backgrounds who were involved in disciplinary action out of the total for 2014 and then compares  
21 this with data from 2015. Another way to examine progress and the level of disciplinary actions  
22 is to compare the percentage of students in each racial group who were disciplined in each of the  
23 two years. Looking at the most consequential forms of disciplinary action – action taken for more  
24 serious offenses that result in out of school suspension, both short-term and long-term – it appears  
25 that the number of African American students disciplined through out of school suspension in  
26 2014-15 exceeded the number and proportion of African American students so disciplined in  
27  
28

1 2013-14. Almost one-sixth of the incidents resulting in out of school suspension involved an  
2 African American student; most of these (more than 90 percent) were short-term (African  
3 America students make up 8.6 percent of the District's students). The percentage of incidents that  
4 resulted in out of school suspension that involved Latino students was similar in each of the two  
5 years. Long term out of school suspension was reduced for both African American and Latino  
6 students.  
7

8         Recalculating the data for in-school suspension based on actual numbers of students  
9 affected confirms the report in the DAR. The drop in the number of times African American  
10 students are involved in in-school suspension is dramatic – from 15 to 10 percent. But, the  
11 likelihood that an African American student will be suspended in school is twice what it is for  
12 Latino students.  
13

14         The District refers to a “risk ratio” that compares the extent to which the proportion of  
15 African American students disciplined with the proportion of students of different races  
16 disciplined. This district-wide measure can be found in Appendix VI-31. This measure shows  
17 that an Anglo student is more likely than an African American or a Latino student to be  
18 disciplined in elementary schools but an Anglo student is half as likely to be disciplined in  
19 middle, K-8 and high schools as an African American student. The risk ratio for Anglo and  
20 Latino students varies by about one percent depending on the level of school except in elementary  
21 schools where a Latino student is much less likely to be disciplined.  
22

23         The Guideline of Student Rights and Responsibilities permits offenses that are repeated to  
24 be “elevated” so as to allow more serious discipline action for a violation that, by itself, would  
25 not warrant more severe action. This has been a concern of the plaintiffs and the Special Master  
26 and there are procedures requiring review of all such actions where offenses are pushed to the two  
27 highest levels of violation. There were 24 such cases in 2014-2015. Ten of these involved white  
28

1 students, 10 involved Latino students and two African American students were affected.

2 A major program that the District uses to minimize discipline problems is called Positive  
3 Behavioral Intervention and Support (PBIS). PBIS is a research-based program and District  
4 personnel receive training about its characteristics and implementation. However, the examples  
5 of how PBIS is promoted in different schools suggest that there may be different understandings  
6 of its essential components throughout the District. It would seem that the effective  
7 implementation of PBIS would be facilitated if the same concepts were used from school to  
8 school allowing for adaptation to particular school themes to make the concepts more relevant to  
9 students and faculty. This would facilitate training and the transfer of such training to practice as  
10 well as student understanding of what is to be expected. It will also facilitate the monitoring of  
11 the implementation of PBIS.  
12

13  
14 The District identifies 14 schools as having greater problems with discipline than others  
15 and reports that “academic leadership” took the analysis and recommendations to meet with the  
16 schools and then implemented best practices, corrective actions, or corrective action plans as  
17 appropriate.” It would be useful to know what the consequences of such actions by academic  
18 leadership were and what lessons were learned that could be shared, assuming such information is  
19 available.  
20

21 The USP requires the District to identify and share evidence of effective disciplinary  
22 practices that will reduce or eliminate discipline problems. The District says that at one time  
23 during the year two principals were invited to share what they have done that has been effective.  
24 The District says that best practices are also shared when central office staff worked one on one  
25 with principals. These practices do not seem to meet the requirements of the USP. It should be  
26 possible, for example, for District staff to go to a resource online that would tell them that Cholla  
27 High School (according to the school principal) has virtually eliminated in school suspension and  
28

1 to learn how that extraordinary accomplishment was achieved.

2 The District has enhanced its data monitoring process and it is possible to identify schools  
3 in which there appear to be excessive problems, both in terms of volume and disproportionality.  
4 But, one cannot tell from the DAR whether this process has led to changes in school policies and  
5 practices that make a significant difference in reducing the incidence of student misbehavior or  
6 the improvement of the understandings and capabilities that teachers and other professional staff  
7 have and are able to implement.  
8

9 The provisions of the USP focus the attention of the District on racial differences in  
10 disciplinary action that might be unfair or inappropriate (excessive). This is important and the  
11 DAR provides evidence that work is yet to be done here with respect to African American  
12 students in particular. But it is also important to be concerned about the level of discipline. The  
13 number of students of all races being disciplined appears to be high compared to some other  
14 diverse districts (*e.g.*, Los Angeles).  
15

16 Recommendations for the District

- 17 1. Data should be reported so that it is possible to know when disciplinary problems  
18 in a given school are the result of a relatively small number of students or whether  
19 there is inappropriate behavior by large numbers of students.
- 20 2. The district should identify and report on the effects of the interventions aimed at  
21 reducing student discipline problems.
- 22 3. The District should more systematically identify effective practices for reducing  
23 discipline problems, including behaviors by teachers were able to create learning  
24 environments in classrooms. These practices should be easily accessible to all  
25 district personnel through an online inventory brief tutorials by teachers and  
26 administrators would effective in minimizing discipline problems.  
27  
28

1 **Section VII-- Family and Community Engagement**

2 The DAR identifies some of the District's efforts to engage families and community  
3 organizations in support of students. Family and community engagement takes many forms.  
4 Without knowing which forms of engagement are involved it is not possible to know what is  
5 happening or to evaluate the effects of these efforts.  
6

7 Recommendations for the District

- 8 1. The District should improve its reporting of family and community engagement  
9 activities organizing these by types of activities reporting how many families of  
10 different racial backgrounds were served and what the purposes of these services  
11 were. One widely used typology for categorizing family and community  
12 engagement activities is available from the Center for Family and Community  
13 Partnerships at Johns Hopkins University ([www.csos.jhu.edu/P2000/htm](http://www.csos.jhu.edu/P2000/htm)).  
14  
15 2. The District should identify the role of specific partnerships and the provision of  
16 the services that these partners provide.

17 **Section VIII—Extracurricular Activities**

18 This section of the DAR is difficult to comprehend. One cannot know the way in which  
19 the rates of participation were determined. For example, in some cases rates of participation by  
20 race are determined by looking at the total number of participants in the activity rather than  
21 comparing the percentage of African American or Latino participants from year-to-year.  
22 Sometimes data for Anglo students is provided and sometimes not. An increase in participation  
23 of two-tenths of one percent is seen as progress for African American students. School-by-school  
24 data are not useful because we do not know what the percentage of students by race in each  
25 school is. No doubt, the data presented overstate the number of students who participate in  
26 extracurricular activities because some students participate in more than one activity so the  
27  
28

1 students are counted more than once. This is particularly likely for high school students.

2 The DAR says that in 2014-15, a total of 85 African American and Latino students  
3 participated in high school clubs (somewhat fewer than in 2013-14). This is a remarkably small  
4 number of students. The data for K-8 clubs tells a quite different and positive story. Between  
5 2013-14 and 2014-15, African American student participation in clubs more than tripled and  
6 Latino participation more than doubled. We cannot tell what these clubs were about and, overall,  
7 student engagement in K-8 clubs is quite low given evidence that participation in clubs that are  
8 related to academic programs in schools – such as science clubs or writing clubs, etc. – is  
9 correlated with student achievement in related subjects.  
10

11 Student and parent surveys about satisfaction with extracurricular activities are not useful  
12 because response rates are so low that they are unlikely to be representative.  
13

14 Many schools relied on volunteers for after-school tutoring. How this varies by school  
15 and by race within schools is not presented. No evidence was presented that tutoring enhances  
16 student learning much less that tutors with teaching experience are more effective than those who  
17 are not. The District says that it will increase the number of certified tutors in 2015-16.

18 Recommendations for the District

- 19 1. The District should significantly increase opportunities for participation in clubs,  
20 especially at the high school level and clubs that would complement in-school  
21 learning.  
22
- 23 2. Data on participation in clubs and other activities should be reported by type of  
24 activity with yearly comparison data. If aggregates for types of activities are  
25 reported, individual students should be counted only once (if possible).  
26
- 27 3. Efforts should be made to significantly increase the proportion of respondents to  
28 relevant surveys.

1           4.       Tutoring should be provided by certified personnel whenever possible. When this  
2                   is not possible because of the availability of tutors, significant training of tutors  
3                   should be provided. Tutoring should be aligned with what students are learning in  
4                   school and focused on the particular challenges that impede each individual  
5                   student's learning.

6           5.       Participation rates in extracurricular activities and tutoring should be reported by  
7                   school and by race.

8  
9       **Section IX—Facilities and Technology**

10           In this section of the DAR, a great deal of attention is given to how the adequacy of  
11           facilities and technology are assessed. But unlike many other sections of the DAR, there is  
12           virtually no analysis of the data that is derived from the assessments. There is only one table in  
13           the DAR and it reports that access to computers is not significantly different between racially  
14           concentrated schools and non-racially concentrated schools.

15  
16           One can go to the appendices to find data on each of three important measures of the  
17           characteristics of facilities and technology as well as indices within these measures. But the data  
18           are not organized so as to facilitate analysis and, unlike data from previous sections, there are no  
19           comparisons from year-to-year. For example, if one wants to know whether the racial  
20           composition of the school has anything to do with the quality of facilities or teacher proficiency  
21           in the use of technology or access to computer and other technology, one would have to undertake  
22           such analyses.

23  
24           Research on the effects of technology on student learning indicates that teachers vary  
25           significantly in how knowledgeable they are about how to use technology to enrich student  
26           learning opportunities and outcomes. For example, teachers with low levels of knowledge about  
27           technology are likely to have students use devices to improve so-called basic skills while teachers  
28



1 who are more knowledgeable will engage students in research and problem solving. It seems  
2 important, therefore, to present data on the proficiency of teachers in the use of technology and  
3 how this might vary by the racial composition of the school in which teachers serve.

4 The DAR describes three general types of support for teachers (and none for  
5 administrators) in the use of technology. First, each school has a Teacher Technology Liaison  
6 who is available to assist colleagues and will receive extra pay. Having on-site support like this is  
7 essential, but such support was not provided in 2014-15. Second, there were site visits to assess  
8 need – only seven of the more than 80 school sites received such visits. It is not clear whether  
9 these visits were exploratory or are part of a monitoring program. Third, there are courses  
10 offered, most of which appear to be online. A very small number of teachers participate in these  
11 courses many of which appear to be not directly related to instruction. The District does identify  
12 two trainings dealing with computer-assisted instruction (used primarily for students who are  
13 falling behind) and the use of interactive whiteboards. A total of 134 teachers took these courses  
14 – a minuscule percentage of the District’s teachers. The District promises to increase its  
15 technology related professional development efforts.  
16  
17

#### 18 Recommendations to the District

- 19 1. The needs teachers and administrators have to learn more about how to effectively  
20 utilize technology should be identified. This needs assessment should drive  
21 professional development at the school and individual level.
- 22 2. The next DAR should provide information about the support Teacher Technology  
23 Liaisons provide and how much time they give to providing such support.  
24

### 25 **Section X- Accountability and Transparency**

#### 26 The Evidence-based Accountability System

27 The USP calls for the development of an Evidence-Based Accountability System (EBAS).  
28

1 EBAS, when fully implemented, will provide (1) information to educators about student needs in  
2 ways that facilitate the application of strategies most appropriate for each individual student's  
3 learning and (2) information to families, the Governing Board and the public that can be used to  
4 assess the effectiveness of policies and practices. Implementing this system is essential to the  
5 long term success of TUSD. But it will not be easy. It requires the integration of virtually all of  
6 the District's information gathering and processing procedures and the development of the ability  
7 of teachers, support personnel and administrators to utilize the data in productive ways. The  
8 implementation of EBAS is behind schedule for a number of understandable reasons: difficulty  
9 in finding and keeping leadership for such a sophisticated technology-driven effort, the need to  
10 coordinate the development of the system at TUSD with changes in state information systems,  
11 and identifying and putting in place necessary software in a changing data management  
12 environment. The implementation plan for EBAS has been revised more than once, but the  
13 current plan holds considerable promise.

#### 16 Budget

17 The USP provides that the plaintiffs and the Special Master can comment and make  
18 recommendations about budget allocations affecting the implementation of the USP. The DAR  
19 describes the budget development process in this regard as complicated and time-consuming.  
20 There are at least three reasons why the development of a USP-related budget has been difficult  
21 and sometimes contentious.

23 First, because the District budgeting process was archaic and did not align well with the  
24 activities within the USP for which the District is held accountable, it has been difficult to know  
25 whether changes in budgetary allocations reflected changes in policies and practices. The  
26 development of new budgeting codes and software to track expenditures will significantly  
27 improve the process.  
28

1 A second problem is that the parties have agreed that what are popularly called  
2 “desegregation funds” must only be used to fund activities that are required by the USP or  
3 agreements with the Office for Civil Rights. Because the USP deals not only with integration  
4 narrowly defined but with improving the quality of educational opportunities for all students,  
5 especially African American and Latino students, disagreements about whether desegregation  
6 funds are used to supplant rather than supplement conventional funding are frequent and difficult  
7 to resolve.

8  
9 The third reason that the budget process is complex and frustrating at times is that the  
10 budget defines priorities and should change as new and better ways to improve student  
11 performance are identified. But evidence about effective practices is not always clear and  
12 priorities differ among the stakeholders in TUSD (and virtually all other districts) .

#### 13 Recommendations

14  
15 Note: The Court has given direction to the parties to develop a more efficient system for  
16 developing and reviewing the USP budget. That work is underway.

#### 17 **Recommendations about the Formatting of the DAR**

18 The preparation of the District’s Annual Report is a demanding task. Once the report is  
19 developed by many staff members and legal advisors, even more staff time is devoted to  
20 answering questions responding to requests for clarification by the plaintiffs and the Special  
21 Master. The following recommendations are made to increase the clarity of the report and reduce  
22 the need for subsequent elaboration and explanation.

#### 23 Recommendation to the Court

24  
25 The District should be required to file a revision of the DAR that includes additional data  
26 and documents describing actions taken that it provided in response to inquiries from the  
27 plaintiffs and the Special Master in order to correct any errors that might of been made in the filed  
28

1 DAR. One would think that this would not require a Court order but the District has indicated  
2 that it has no intention of correcting errors or adding clarifying information but will instead  
3 provide a separate document that those reading the report can examine if they wish. This intent  
4 will, of course, make it difficult for readers of the report to readily access accurate information  
5 about progress made in implementing the USP.  
6

7 Recommendations to the District

- 8 1. The District should decide on common definitions. For example, it is difficult to  
9 understand who is included in “Leadership.” Teachers and certified staff are  
10 sometimes the same and in other cases different.
- 11 2. When personnel and student data are provided, Anglos should be included in all  
12 tables and analyses.
- 13 3. Whenever possible, data should be provided from the 2012-13 school year to the  
14 year of the current report.
- 15 4. When goals have been set for particular outcomes, the goals should be included  
16 along with the results of the efforts to implement those goals.
- 17 5. In calculating progress and participation, it seems important to know not only the  
18 percentage of teachers or students or administrators participating in a given  
19 activity/program, but whether the proportion of individuals of different races who  
20 are participating is changing.
- 21 6. When students are double-counted, this should be made clear (*e.g.*, in disciplinary  
22 actions and extracurricular activities).
- 23 7. When data are presented for K-8 schools but not middle schools, what grades are  
24 included and are equivalent middle school students in such data?  
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1           8.     The report itself should provide all of the information the reader needs in order to  
2           understand what progress is being made. It should not be necessary to go to the  
3           appendices unless one wants information in addition to that needed to respond to  
4           the requirements of the USP.

5           9.     The District uses a format that provides different sections on strength,  
6           commitment, and experience for each part of the USP. This unusual format results  
7           in some redundancy but, more important, it results in invitations to challenge the  
8           assertions that sometimes represent the District's interpretation of events rather  
9           than evidence about progress.  
10          than evidence about progress.

11           **Concluding Thoughts**

12           The process for TUSD's achievement of unitary status is more than halfway through the  
13           time period set by the Court for fully implementing the USP. Some no doubt will see a glass that  
14           is half-full; and others will see one that is half-empty.

15           The USP is comprehensive and in many ways its implementation is challenging. It seeks  
16           to institutionalize structures and processes to sustain equity-focused continuous improvement.  
17           Even more ambitiously, it seeks to foster a culture that infuses the potential of the structures and  
18           processes with energy and commitment; this is what lasting and productive change requires. Too  
19           often, efforts at school improvement, and especially efforts to remedy the vestiges of segregation  
20           and discrimination, regress in the absence of shared values that are sustained by well-developed  
21           policies and practices that are supported not because courts or legislative bodies require them but  
22           because they are right.  
23           because they are right.

24           In February 2013, the USP was endorsed with relatively few reservations by all of the  
25           parties. The vote for the document by the TUSD Governing Board was unanimous. The  
26           consensus that gave birth to the USP has unraveled to some extent and mistrust among the parties  
27           consensus that gave birth to the USP has unraveled to some extent and mistrust among the parties  
28           consensus that gave birth to the USP has unraveled to some extent and mistrust among the parties

1 born of and nurtured by 40 years of conflict competes with recurrent testimonials for the need for  
2 collaboration. It seems unlikely that the potential that the parties saw in the USP they signed onto  
3 will be realized if collaboration regresses, as it too often does, to frustrated negotiation or the  
4 defense of prerogatives.  
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6 Respectfully submitted,  
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8 Dated: January 21, 2016

9 \_\_\_\_\_/s/  
10 Willis D. Hawley  
11 Special Master  
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**CERTIFICATE OF SERVICE**

I hereby certify that on, January 21, 2016, I electronically submitted the foregoing **SPECIAL MASTER'S ANNUAL REPORT FOR 2014-15** for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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