

2014 WL 4379084

Only the Westlaw citation is currently available.
United States District Court, D. 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,
Maria Mendoza, et al., Plaintiffs,
United States of America, Plaintiff–Intervenor,

v.

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

Nos. CV 74–90 TUC DCB, CV 74–204 TUC DCB.

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Signed Aug. 20, 2014.

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Filed Aug. 21, 2014.

ORDER

DAVID BURY, District Judge.

*1 On June 3, 2014, the Special Master filed a Report and Recommendation (R & R) (Doc. 1612) relating to TUSD’s Action Plan for Recruitment and Retention, which is TUSD’s implementation plan for the Unitary Status Plan (USP), § IV, Administrators and Certificated Staff, subsection C, Outreach and Recruitment, and subsection F, Retention.

Section IV.C.3 requires the following:

By April 1, 2013, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed

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

a. The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year’s recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:

i. Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities (“HBCUs”), through the Hispanic Association of Colleges and Universities (“HACU”), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students, including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;

ii. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;

iii. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;

iv. Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including, for college

and university students, exploring and promoting opportunities for teaching in the District; and

v. Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

***2** Section F, Retention, requires the following:

1. The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:

a. Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;

b. Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and

c. Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (e.g., ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.

TUSD initially proposed a summary draft of the Outreach, Recruitment and Retention (ORR) Plan in July 2013, and after revisions to flesh out the details of the ORR Plan in February, March, and April, 2014, the Plaintiffs Mendoza, with Plaintiffs Fisher joining, (R & R (Doc. 1612), Ex. B), asked the Special Master for a R & R to the District's April 24, 2014, version of the Plan, *id.*, Ex. A-4. Apparently, there was another version, May 5, 2014, without substantive changes, and subsequent to the R & R, on May 22, 2014, TUSD agreed to further

changes, *id.*, Ex. F:ORR, which the Special Master concluded resolves some of the issues he had raised in the R & R on behalf of the class-Plaintiffs. The class-Plaintiffs would not agree to withdrawal of the R & R, therefore, the Special Master noted areas needing resolution and those he considered moot. In addition to the Special Master's recommendations, the Plaintiffs Mendoza filed objections to the R & R for omissions of two issues: 1) retention provisions aimed at attrition disparity, and 2) advertising outreach provisions. Because TUSD's Objection was limited to the R & R, the Court calls for a Reply to the Plaintiffs' objections related to omissions in the R & R.

The Plaintiff Intervenor, the United States Department of Justice (DOJ), did not seek a R & R on the ORR Plan, but did make comments to the initial summary draft of the ORR Plan: IV.C.3; IV.C.3.a.i-v. Three of the DOJ comments are echoed in the issues raised by the class-Plaintiffs in the R & R as unresolved. The Court finds the DOJ comments helpful.

***3** The R & R addressed seven issues, three of which are now moot because of the May 22, 2014, changes made by TUSD. The three moot issues are: 1) the District will not assert in the ORR Plan that it is not required to develop a retention plan; 2) the District clarified its commitment to nondiscriminatory hiring, and 3) "diversity" in the ORR Plan is defined as racial and ethnic diversity. The remaining four issues from the R & R, which the Court resolves now are as follows: 1) the quality and usefulness of the LMA; 2) the composition of the Recruitment and Retention Advisory Committee; 3) incentives for recruiting and retaining teachers with Spanish bilingual certification, and 4) support for African American and Latino Non-certified staff to attain certification.

The Court considers *de novo* the express provisions of the USP and whether the ORR Plan satisfies the USP program mandates to the extent practicable. *Fisher v. TUSD*, 652 F.3d 1131, 1135–1136 (9th Cir.2011) (citing *Missouri v. Jenkins*, 515 U.S. 70, 89, 115 S.Ct. 2038, 132 L.Ed.2d 63 (1995); *Freeman v. Pitts*, 503 U.S. 467, 492, 112 S.Ct. 1430, 118 L.Ed.2d 108 (1992); *Bd. of Ed. of Okla. City Public Schs. v. Dowell*, 498 U.S. 237, 249–50, 111 S.Ct. 630, 112 L.Ed.2d 715 (1991), *see also Swann v. Charlotte-Mecklenburg Bd. of Ed.*, 402 U.S. 1, 12, 91 S.Ct. 1267, 28 L.Ed.2d 554 (1971) (quoting *Brown v. Board of Ed.*, *Brown II*, 349 U.S. 249, 299 (1955) ("School authorities have the primary responsibility for elucidating, assessing, and solving these problems; courts [] have to consider whether the action of school

authorities constitutes good faith implementation of the governing constitutional principles.’ ”) The ultimate inquiry is whether the constitutional violator, here TUSD, has complied in good faith with the desegregation decree, here the USP, to eliminate the vestiges of past discrimination to the extent practicable. *Id.*, see also *Green v. County School Bd. of New Kent, Va.*, 391 U.S. 430, 435, 88 S.Ct. 1689, 20 L.Ed.2d 716 (1968).

In its review, the Court considers the R & R, including the attached briefs presented in the first instance to the Special Master regarding the questions addressed in the R & R, and the parties’ Objections. The Court may call for further briefing in the event it determines additional information is required to decide the issues and may, *sua sponte*, set a matter for hearing. Here, the Court finds no additional briefing or oral argument is necessary regarding the parties’ objections to the R & R, adopts the R & R, and approves the ORR Plan, with the revisions described below to clarify that the focus of the ORR Plan is to recruit qualified African American and Latino candidates for open administrator and certificated staff positions, and candidates with Spanish language bilingual certification. The Court calls for a Reply from TUSD to the Mendoza Plaintiffs’ objection that the R & R omitted a recommendation regarding omissions by TUSD from the ORR of the specific requirements, mandated in the USP, for an annual retention review and revision provision aimed at attrition disparity and the advertising outreach provision.

1) The Labor Market Analysis (LMA)

*4 The USP requires the District “to develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions.... The plan shall *address any and all disparities identified in the Labor Market Analysis.*” USP § IV.C.3. The ORR Plan shall “establish a nationwide recruiting strategy, *based at minimum on the outcome of the Labor Market Analysis,*” and the ORR Plan shall include all the specifics set out in subsections (i) through (v) of the USP. *Id.*

The Special Master concluded: that regardless of any results from the LMA, the District is not released from its responsibility to undertake aggressive efforts to increase the numbers of African American and Latino educators, as expressly required pursuant to specific strategies set

out in the USP. (R & R at 4.) According to the Special Master, the purpose of the LMA is to identify the potential pool of candidates from which the District might recruit so as to determine whether its efforts at recruitment are adequate to address disparities between the composition of the professional staff of the district *and the pools of potential candidates.* *Id.* (emphasis added). In other words, TUSD must develop a plan to implement the agreed to strategies for recruiting administrators and certificated staff, and if any disparities are identified in the LMA, TUSD must also address them.

The USP included: “The District hired an outside expert to undertake a Labor Market Analysis to determine the *expected* number of African American and Latino administrators and certificated staff in the District, based on the number of African American and Latino administrators and certificated staff in the State of Arizona, in a four-state region, a six-state region and the United States.” USP (Doc. 1450), § IV.C.2. In the context of the USP § IV, the expected number refers to the number of candidates which might be recruited in Arizona, in a four-state region, a six-state region and the United States.

In accordance with the USP, the ORR Plan requires TUSD to analyze the findings of the LMA, (R & R (Doc. 1612, Ex. F: ORR § III.A.2), develop a nationwide recruiting strategy based, at minimum, on the outcome of the LMA, and includes specific techniques to recruit African American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country, *id.* A.4. According to TUSD, it “hired [the] outside consultant to undertake a labor market analysis (“LMA”) that compares the actual number of African-American and Latino administrators and certificated staff [in TUSD] to the statistical expectation [for such staff] using various demographic group availability rates derived from labor market data.” (R & R (Doc. 1612), Ex. F: ORR § VI .A.2.) According to TUSD’s analysis of the findings of the LMA, it “revealed no negative disparities in hiring between TUSD’s workforce and the local and state labor markets. (See Appendix A for a Summary of Preliminary Findings).” *Id.*

*5 As noted by the Special Master, a LMA can include a multitude of factors relevant to determining successful recruiting strategies aimed at a specific pool of employees. (R & R (Doc. 1612) at 5.)¹ Here, the LMA looked at whether the racial/ethnic statistical composition of employees in TUSD is reflective of this particular demographic group’s representation in the relevant

external labor market. According to the LMA, the conclusion is that where the compositions are close it can be found that the employer's employment of that racial/ethnic group is consistent with their availability in the geographic area. The LMA concluded that the numbers of racial/ethnic employees in TUSD are close to the percent of like racial/ethnic employees in Arizona. (R & R (Doc. 1612), Ex. A-4: LMA at 1.) But, the LMA did not stop with concluding TUSD's employment of racial/ethnic employees is consistent with their availability in the geographic study areas. It went further to conclude: "The data fail to produce any evidence whatsoever that these demographic groups are underrepresented in the District's workforce." *Id.* at 18.

"In light of the findings of the LMA, TUSD has developed a nationwide outreach and recruiting strategy to *enhance* the racial and ethnic diversity of TUSD's workforce by focusing on "Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites." (R & R (Doc. 1612), Ex. F: ORR § VI.A.2) (emphasis added). Critical Needs Subject Areas are areas required for graduation (core subjects) and/or required by state or federal law, for which there have been an inadequate pool of qualified candidates. Such subject areas are assessed annually. For school year 2013-14, critical needs subject areas included exceptional education, math, and science. *Id.* at § IV: Definitions. Hard-to-Fill Content Areas are specialized content areas within the TUSD curriculum for which there are, or have been, an inadequate pool of qualified candidates. For school year 2013-14, hard-to-fill content areas included: dual language and Culturally Relevant Courses (CRCs). *Id.* A "Hard to Fill Site" is a school where traditionally there have been insufficient applicants for instructional vacancies to meet staffing needs. *Id.*

There are two problems with TUSD's use of the LMA. First, using the LMA to determine disparities in *hiring* between TUSD's workforce and the local and state labor markets goes beyond the scope of the use described for the LMA in the USP § IV.C.2 and the ORR, § VI.A.2. Both described the LMA in the context of identifying potential pools of candidates in Arizona, in a four-state region, a six-state region, and the United States, from which the District might recruit to determine whether its recruitment efforts were adequate. In this context, the USP requires that the nationwide *recruiting* strategy should be based at a minimum on the LMA. The Court finds no requirement nor allowance in the USP for the District to make a "disparity" determination, except pursuant to Subsection E, Assignment of Administrators

and Certificated Staff, which requires:

*6 The District [to] identify significant disparities (*i.e.*, more than a 15 percentage point variance) between the percentage of African American or Latino certificated staff or administrators at an individual school and district-wide percentages for schools at the comparable grade level (Elementary School, Middle School, K-8, High School). The assessment of significant disparities shall also take into account the percentage of African American and Latino students on each school campus. The District shall assess the reason(s) for the disparities and shall review and address, to the extent relevant and practicable, its hiring and assignment practices, including enforcing hiring policies and providing additional targeted training to staff members involved in hiring and assignment.

(USP (Doc. 1450) § IV.E.) The Annual Report filed by TUSD, July 31, 2014, reflects that the District completed compiling data for this disparity assessment in July and is currently identifying and analyzing significant disparities. (Annual Report (Doc. 1641) at 25-26.)

Here, § IV.C.3.a, Outreach and Recruitment, of the USP expressly requires TUSD's annual review of recruiting data to assess the "*effectiveness*" of *past recruiting practices in "attracting" qualified African American and Latino candidates, and candidates with Spanish language bilingual certifications.* See also, USP § IV. I.3, Professional Support, charged: "By July 1, 2013, "the District shall develop and implement a plan for the identification and development of prospective administrative leaders, specifically designed to *increase* the number of African American and Latino principals, assistant principals, and District Office administrators ." *Id.* (emphasis added).² The Court finds these provisions provide the relevant sufficiency markers for the ORR Plan, not whether there is a racial/ethnic disparity in the TUSD work force.

Second, the LMA is not a legitimate basis for TUSD to shift outreach and recruitment from a plan developed “to recruit qualified African American and Latino candidates for open administrator and certificated staff positions” to a plan “aligned with TUSD’s general recruiting practices, with a particular focus on recruiting and retaining qualified individuals from historically underrepresented groups and qualified individuals to fill hard-to-fill positions.” (R & R (Doc. 1612), Ex. F: ORR § II, Overview.) The ORR Plan “Overview” does not mention the USP goal.

The Executive Summary reflects the ORR Plan will focus on “two separate but interrelated objectives, ...:(1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs.” *Id.* § III. The latter objective is mandated by the USP. The former, while it is interrelated to the extent it is benefitted indirectly from the latter, cannot stand on equal footing as an objective for allocation of resources authorized under the USP “to recruit qualified African American and Latino candidates for open administrator and certificated staff positions.” The Court finds that the ORR Plan must be revised to make it clear the plan is aimed at this express objective, not at improving ethnic and racial diversity, generally, nor recruiting, generally, for hard-to-fill³ positions.

*7 Given the limited use of the LMA, the Court adopts the recommendation of the Special Master. The Court does not order a new LMA and finds that the LMA does not release the District from implementing the ORR Plan to *recruit qualified African American and Latino candidates for open administrator and certificated staff positions* and instead implement an ORR Plan to enhance racial and ethnic diversity by recruiting for “Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites.” Additionally, the Court finds that the LMA may not be applied to change the focus of the ORR Plan to address two objectives, one of which is not part of the USP, instead of focusing on the one objective mandated by the USP: “to recruit qualified African American and Latino candidates for open administrator and certificated staff positions.”

The Court turns to the class-Plaintiffs concerns that the LMA is flawed. Plaintiffs’ complain that a number of questions remain which must be answered to determine the integrity of the study’s data and, correspondingly, the integrity of any analysis. To the extent the ORR Plan, includes: “Analyzing the findings of the [LMA],” (R & R

(Doc. 1612), Ex. F: ORR § III.A.2, TUSD shall respond to Plaintiffs’ questions and produce any data relevant to the those findings. The Court notes that TUSD appears to have answered the questions, which Plaintiffs Mendoza assert remain unanswered. (Mendoza Objection (Doc. 1620) at 3–4; R & R (Doc. 1612), Ex. A–3.) Plaintiffs may always seek to compel answers and/or discovery by way of a Motion to Compel, which may be a better method for briefing the specific deficiencies related to TUSD’s answers.⁴ As noted by the Special Master, a better LMA would require gathering of more and/or different data and require continual updating. He offers some suggestions: analysis of differences in salary and other benefits that influence recruitment; quality of life, including economic considerations in the social context, and time specific analysis because resources change as geographic locals experience economic difficulties and reduce staff or vice a versa. In the event TUSD chooses to update the LMA, it should afford the Special Master and the Plaintiffs an opportunity to submit suggestions regarding the scope and use for any future LMA.

2) Recruitment and Retention Advisory Committee

The Special Master asks that TUSD align the membership of the Recruitment and Retention Committee with the USP and clarify whether the newly identified Committee members will influence the selections of 2014 recruitment and retention efforts. In respect to the ORR Plan the USP requires: “input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel.”

TUSD responds that it has so aligned the membership by adding six Latino members, where there was previously only one, for a total of seven Latino members on the 15 member committee. (TUSD Objection (Doc. 1625) at 9 (citing R & R (Doc. 1612), Ex. E: 2014–15 Advisory Committee.) It appears that the composition of the Recruitment and Retention Advisory Committee has been amended to include community members and a member from Pima Community College (PCC). The ORR Plan should note that the changed composition, while not provided for in the USP, corresponds to strategies reflected in the USP § IV.C .3.ii and .iii and the ORR Plan, § VI, Outreach and Recruitment, subsections 6, Partnership with Local Employers and 7, Local Programs, Colleges and Universities. TUSD clarifies: “The newly

selected Committee members will influence recruitment and retention efforts for school year 2014–15.” *Id.* at 9–10. There is no objection to this change in the composition of the Committee from that which was specified in the USP.

*8 The Court finds that TUSD has addressed the imbalance in the Committee objected to by Plaintiffs Mendoza and made the clarification sought by the Special Master. The Court finds the Special Master’s recommendation related to Recruitment and Retention Advisory Committee is moot.

3) Incentives: Recruiting/Retaining Teachers with Spanish Bilingual Certification

The Special Master notes that the USP is replete with requirements to recruit and retain teachers with Spanish bilingual certification. *See* USP § IV.B.1 (Personnel: TUSD to hire or designate human resource person to be responsible for regular review of applicant pool to ensure TUSD is considering African American and Latino candidates, candidates with demonstrated success in engaging African American and Latino students, and candidates with Spanish language bilingual certifications at the school sites and at the District level); § IV.C.3.a (Outreach and Recruitment: requiring annual review of recruiting data and effectiveness of past recruiting practices in attracting qualified African American and Latino candidates, and candidates with Spanish language bilingual certifications); *id.* at (i) (nationwide recruiting strategy shall include specific techniques to recruit African American and Latino candidates, and candidates with Spanish language bilingual certifications); § IV.D.1 (Hiring: TUSD to maintain database of all applicants for administrative and certificated staff positions, including all certifications (e.g. bilingual certification ...)); § IV.E.3 (Assignment of Administrators and Certificated Staff: TUSD to address disparities or address resource needs at a particular campus, TUSD to offer voluntary reassignment of bilingual personnel to campuses with increased numbers of ELL students or to dual language programs).

The ORR Plan mirrors the USP emphasis on recruiting and retaining teachers with Spanish bilingual certification. *See* ORR § III.A.3: (Outreach and Recruitment: TUSD to review and modify as needed to continually strengthen the Plan’s effectiveness in attracting, and retaining, qualified

African American and Latino candidates, candidates with demonstrated success in engaging African American and Latino students, and candidates with Spanish language bilingual certifications); *id.* at A.4 (nationwide recruiting strategy shall include specific techniques to recruit African American and Latino candidates, and candidates with Spanish language bilingual certifications); § VI.3 (Annual Review and Process for Modification: data to be collected and disaggregated by race/ethnicity where applicable, including Critical Needs (Math, Science, Exceptional Education, ELL/Dual language (including candidates with Spanish language bilingual certifications), etc., *but see* (§ IV Definitions: Critical Needs Subject Areas for school year 2013–14 of exceptional education, math, and science, not including ELL/Dual language or candidates with Spanish language bilingual certifications).

*9 At the urging of the Mendoza Plaintiffs, TUSD added two advertising sites, exclusively aimed at recruiting bilingual candidates: the National Association for Bilingual Education (NABSE) and the Arizona Association for Bilingual Education (NABE). TUSD commits to annually evaluating and modifying on an ongoing bases the in-person recruiting strategies as to effectiveness in attracting diverse candidates, including African American and Latino candidates, and candidates with Spanish language bilingual certifications.

Not required, expressly, by any provision of the USP, TUSD intends to offer recruiting incentives of financial reimbursements and stipends, “targeting” African American and Latino candidates. ORR § VI.A.4.c. The incentives are to be utilized as recruitment tools and are, therefore, not available to all incoming or existing administrators or teachers. *Id.* TUSD established the incentives for candidates beginning Spring, 2014, with a relocation reimbursement to out-of-state, new-to-TUSD, incoming administrators and teachers filling a position qualifying for a recruitment and retention incentive. The recruitment and retention incentives are financial stipends for the following: 1) Dual language/Bilingual (new or existing teachers with a bilingual certification teaching in a dual-language classroom); 2) Culturally Relevant Courses (CRCs) (incoming or existing CRC teachers meeting certain specified qualifications); 3) Hard-to-Fill Sites (new or existing teachers who voluntarily move to Hard-to-Fill Sites, and 4) Critical Needs (new or existing teachers teaching in critical needs subject areas, which for school year 2013–14 are exceptional education, math, and science.

Again, the Court is concerned that each incentive be

clearly linked to the USP objectives of *recruiting qualified African American and Latino candidates for open administrator and certificated staff positions, and candidates with Spanish language bilingual certifications*. While recruiting qualified teachers is notably an important goal, alone, it is insufficient for allocation of resources limited for the purpose of implementing the USP. The Court notes that the USP § IV, Professional Support, I. 3. requires the ORR Plan “to propose methods for ‘growing your own,’ including the possibility of financial support to enable current African American and Latino employees to receive required certifications and educational degrees needed for such promotions.” *Id.* Accordingly, TUSD should link any financial incentives to the USP § IV.I.3 or show why financial incentives are better used as alternatively proposed in ORR Plan § VI.A.4.c. As an aside, the Court questions whether ORR Plan § VI.B.b, Other Measures, Encourage Prospective Leaders to Become Leaders, satisfies USP § IV, Professional Support, I.3, requiring growing-your-own methods. This section of the ORR Plan references § V: Methods for Growing Our Own, but the Court has reviewed the ORR Plan attached at exhibit F to the R & R and finds no mention of any Growing–Our–Own methods.

***10** The Court finds that the ORR Plan must be revised to clarify the links between the incentives and a USP goal, and TUSD should explain why it chose to use financial incentives, alternatively, for recruitment rather than as proposed in the USP as a possible method of enabling current noncertificated African American and Latino employees to receive required certifications and educational degrees needed for promotions to administrators or certificated staff. *Id.* TUSD should also include the Methods for Growing Our Own in § V, if there was an oversight or provide the Court with a copy of the ORR Plan that includes it, if the copy provided by the Special Master is inaccurate.

4) Certification of Non-certified African American and Latino Staff

The Special Master does not take issue with the ORR Plan for supporting noncertificated staff in obtaining certification. Neither Plaintiff objected to the Special Master’s position on this subject. The USP, however, required TUSD to consider financial incentives here. Therefore, TUSD must explain why it chose to not use

financial incentives, here, and instead added financial incentives, *sua sponte*, as a recruitment method.

5) Plaintiffs’ Objections to Omissions in the Special Master’s R & R

Plaintiffs complain that the R & R omitted any recommendation to the ORR Plan for failing to include the requirement pursuant to the USP § IV.F. 1.a: “If disparities [in attrition rates for African American or Latino administrators or certificated staff] are identified, the District shall ... develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified.” Plaintiffs complain that the ORR Plan does not reflect that remedial measures are mandatory and required the very semester following the semester in which a disparity is found to exist.

Additionally, Plaintiffs complain that the ORR advertising plan is limited to certain express publications, ORR § VI.A.4.a,⁵ when it should instead reflect the USP’s requirement that TUSD advertise job vacancies “on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities.” USP § IV.C.3.a.i.

TUSD did not respond to Plaintiffs’ Objection to the R & R. Because TUSD has not had an opportunity to respond to Plaintiffs’ Objection in respect to omissions in the Special Master’s R & R, the Court calls for a Reply.

Accordingly,

IT IS ORDERED that the Court adopts the Report and Recommendation (Doc. 1612) in Part as to the limited use for the LMA. The remainder of the Special Master’s recommendations require no action by the Court.

IT IS FURTHER ORDERED that within 21 days of the filing date of this Order TUSD shall file a Reply to the Mendoza Plaintiffs Objection to omissions in the R & R.

***11 IT IS FURTHER ORDERED** that TUSD shall have 21 days from the filing date of this Order to revise the ORR Plan to conform to the findings and directives of the Court made herein, including providing an explanation for

the use of financial incentives, if used alternatively to the USP proposal to consider financial incentives in the context of a “Grow Your Own” program. Any objection may be filed within 14 days of the filing of the revised ORR. The Court shall rule, thereafter, to adopt the ORR Plan for implementation in TUSD.

June 3, 2014

To: Honorable David C. Bury

From: Willis Hawley, Special Master

Re: Report and Recommendation Relating to TUSD’s Action Plan for Recruitment and Retention

Overview

The action plan that is the focus of this Report and Recommendation (R&R) is the District’s plan to implement Sections IV.C and IV.F of the Unitary Status Plan. The action plan for recruitment and retention was initially proposed by the district in July 2013 (see Exhibit A-1) with a revision submitted in February 2014 to the plaintiffs (see Exhibit A-2) and yet another on March 24, 2014 (see Exhibit A-3). On April 24, 2014 was again revised (See Exhibit A-4) but not sent to the plaintiffs and the special master until May 5, 2014, the date this report and recommendation was scheduled for submission to the court. The April 24, 2014 revised plan included very small changes so this report and recommendation is based on that revision because doing so obviated the need to address some minor concerns in this R&R. Relying on the previous drafts, the plaintiffs have asked for a report and recommendation identifying the following objections as not having been addressed:

1. The quality and usefulness of the labor market study commissioned by the district are inadequate. (Mendoza, Fisher and Department of Justice)
2. The district’s claim that it need not develop a retention plan is incorrect and should be negated. (Mendoza and Fisher)
3. There is a need to specify the provisions for a program that is required by the USP to support paraprofessionals to become certified teachers. (DOJ)

4. The provisions in the plan for providing recruiting for bilingual teachers should be clarified. (Mendoza and DOJ)

5. The district should clarify its commitment to nondiscriminatory hiring. (Mendoza and Fisher)

6. The composition of the recruitment and retention advisory group does not meet criteria in the Unitary Status Plan (USP). (Fisher)

7. “Diversity” in the plan should be defined as racial and ethnic diversity. (Fisher)

The district has agreed to remedy other objections by the plaintiffs. First the district agrees to add venues in which to advertise for Spanish bilingual certified teachers. Second, the district includes its support for first-year teachers in the list of incentives for recruitment. Third, requests by the Mendoza plaintiffs for some changes in wording were responded to affirmatively by the district.

Objections to the plan by the plaintiffs occurred over many months. Attributions here are general and the specifics vary. The analysis below focuses on particular aspects of those objections. Attached are the most recent summary of objections from each of the plaintiffs and requests from R&R by the Fisher and Mendoza plaintiffs—Fisher, Exhibit B; Mendoza, Exhibits C-1, C-2, and C-3; and DOJ, Exhibit D. The District’s most recent responses to the objections are attached as Exhibit E.

On May 5, 2014, this R&R was submitted to the parties. The process for submitting R&Rs provides the District with 10 days to align its Action Plan under consideration with the Special Master’s recommendations. On May 22, 2014 the District submitted a revision of its Recruitment and Retention plan that addresses some but not all of the recommendations in the R&R See Exhibit F. The Fisher and Mendoza plaintiffs have indicated that they do not feel that the May 22, 2014 revision adequately addresses all of their concerns and do not want their requests for an R&R to be withdrawn.

This version of the R&R draws attention to the recommendations that have become moot as a result of the District’s revisions and do not require action

by the Court. I do not delete those sections of the R&R because the revisions fell outside the prescribed time frame for alignment. Once the R&R is submitted to the Court, the plaintiffs have seven days to respond to the R&R if they feel that my judgments that the District has addressed the objections are inadequate (or that the R&R is otherwise inadequate). The District also has this period to object to the R&R.

Analysis of Plaintiff Objections

Adequacy of Labor Market Study

The objections here are of two kinds. The Fisher plaintiffs claim that the study is not usable because the contractor who carried out the study is biased and slants the evidence to support the district's position. Second, plaintiffs argue that the labor market study is flawed in numerous ways that undermine the use of the study to assess whether the action plan adequately addresses disparities in hiring.

The Issue of Bias

It seems likely that the district selected the contractor for the study who it expected would deliver data supporting its position. Organizations often select consultants who they believe will provide evidence that supports positions they want to pursue or believe they have attained. The dispositions and previous work of consultants, in and of themselves, are not evidence that a study is flawed or unusable. This takes us to the question of whether the study is so flawed that it must be redone and whether another labor market study addressing the plaintiffs' concerns would be productive.

Substantive Adequacy of the Labor Market Study

In the development of the USP, the parties agreed that specific quantitative goals for recruitment of persons of different races and ethnicities would not be part of the USP. It was further acknowledged that whether the racial and ethnic composition of the administrative, teaching and other certified staffs matched the racial and ethnic composition of the student body was not the legal test to which the district could be held accountable.

The purpose of the labor market study is to identify the potential pool of candidates from which the district might recruit so as to determine whether its efforts at recruitment are adequate to address disparities between the composition of the professional staff of the district and the pools of potential candidates. The district concludes from the data from the study that there are no disparities. The plaintiffs assert that the study is so flawed that the conclusion the district draws is problematic.

It is important to note that even if the data from a new study legitimated the district's claims, this would not release the district from the responsibility to undertake aggressive efforts to increase the numbers of African American and Latino educators. The USP identifies a number of strategies the district must pursue to increase the number of African American and Latino certified staff (see IV.A.3). Moreover, even if a new study that addressed the plaintiffs' objections, was to show that there were disparities, this would not help much in knowing whether the district's recruitment efforts were adequate for reasons identified below.

The labor market study commissioned by the district is limited in a number of ways. While it's not necessary to list them all, among the ways its usefulness in this case is undermined are:

1. The data from different sources are from different years and most are not current.
2. How positions are identified vary from source to source.
3. The selection of jurisdictions from which data were derived is problematic.
4. The categories of positions mask the real pool of candidates for particular types of positions. For example, the only candidates for principal positions are those with appropriate certification (certification requirements vary by state) and for whom a principal position was an upward career move. The data do not provide such information.

These limitations are, for the most part, not the result of failures by the consultant but rest in the characteristics of the data available and the scope

of the study. More fundamentally, the labor market study deals with only some of the factors that influence the ability of the district to recruit and retain African American and Latino staff. For example:

- There are no analyses of differences in salary and other benefits and that influence successful recruitment.
- Potential hires are influenced by the quality of life that they can experience in Tucson. This includes not only economic considerations but the social context.
- The attractiveness of a position is relative and can be time-specific. If more attractive locales for teaching are experiencing economic difficulties and are reducing staff these sites become potential sources of high quality staff that would not be available in different circumstances.

Of course, a better labor market study could be undertaken. But, a study that provided the information needed to facilitate the assessment of whether the district has undertaken the appropriate level of effort to recruit African American and Latino staff would be very expensive and require continual updating.

Given that the USP is replete with intention to enhance the number and quality of African American and Latino teachers and administrators. Moreover, the USP provides that the strategies for recruitment should be based on the outcomes of the labor market study "at minimum" (IV.A.3). The best way to assess whether the district is aggressively pursuing that goal of increasing the numbers of African American and Latino administrators and certified staff is to continually examine and evaluate the recruitment and retention practices that are spelled out in the recruitment and retention plan. A new labor market study is not warranted but there is nothing in the labor market study that would negate or reduce the district's responsibility to implement provisions of the USP related to recruitment and retention.

Identifying the Recruitment and Retention Plan as a Retention Plan

The District revised its plan in accordance with the recommendation below. No action by the Court is needed.

For whatever reason, the district asserts that it has no responsibility to develop a retention plan despite the fact that it calls its own plan, though not consistently, a recruitment and retention plan. The plan it submitted to the plaintiffs has a full section for "Retention" (IV.F). It would be possible to identify a number of provisions of the USP and of the district's own retention and recruitment that contradict the district's assertion that it has no obligation to provide a retention plan. The district disclaimer is not actually part of the plan. The offending words appear in what the district calls an executive summary (and the summary is, in fact, not an accurate summary of the plan, not only with respect to issue of retention but in other ways).

In its counter to the plaintiffs' objections, the district argues that it is doing a retention plan even if it doesn't have to. At one point in its argument, it seems to seek to limit its responsibility to responding to problems of retention, if any. But in the plan, it proposes proactive steps. The assertion that it has no responsibility to develop a retention plan is likely what concerns the plaintiffs. And, as noted, the USP is clear that the District must develop a retention plan.

Rather than belabor this issue, the fix is simple: the relevant phrase in the executive summary should be deleted.

The Composition of the Recruitment and Retention Advisory Committee

The USP provides for the creation of a "...racially and ethnically diverse recruitment team comprised of school level and district level administrators, certified staff and human resources personnel" (IV.A.3). Elsewhere in the USP, in sections dealing with recruitment and retention, strategies for engaging local organizations and employers in partnerships are identified (IV.A.3.d.iii).

As of March 2014, there were four white members, eight African-Americans, one Latino, one Native American and one Asian-American. In April, following a challenge by the plaintiffs to this makeup, the District announced that the membership of the committee for 2014-15 will be

changed significantly to add six more Latino members, who will be the largest racial group. In district's recruitment and retention plan, this committee is defined as consisting of a racially and ethnically diverse group representing community members, select TUSD leaders, corporations, colleges and universities, teachers and administrators. The composition of the current committee does not meet these criteria. All but four members of the current 15 person committee are TUSD employees. There are no representatives of community organizations or corporations. While proportional representation of the race and ethnicity of the district's employees or students is not required (nor urged), it does seem anomalous that the majority of members are African Americans and that there is not a single Latino employee among the district's 11 employees on the committee. This will change in the next few months though the current committee members are presumably shaping recruitment and hiring policies and practices for the 2014-15 school year unless the committee's new members are being appointed to guide hiring and recruitment for people who will serve in the coming year.

The District proposed a change in its plan for the composition of the advisory committee that does not address the recommendations made.

Clarification of the District's Commitment to Non-discriminatory Hiring

The District's May 22, 2014 revision includes the wording from the USP confirming that it "...shall conduct recruitment for all employment vacancies on a nondiscriminatory basis". This is the recommendation or the R&R. There is no need for Court action on this recommendation.

Plaintiffs argue that the wording in the USP requiring that the district "...shall conduct recruitment for all employment vacancies on a nondiscriminatory basis" (IV.C.1) should be included in the recruitment and retention plan. This reference to nondiscriminatory practice is included in the executive summary of plan but not in the plan itself. The plan does say that the district will follow board approved policies and regulations which mandate that TUSD employees shall not discriminate against employees or applicants on the basis of race, color, religion, gender, age, national origin disability, marital status, and sexual orientation in any of its

activities or operations. This language commits the district to nondiscriminatory behavior in its hiring practices and there are ways that this commitment can be accessed through the monitoring process.

In its response to the plaintiff's objections regarding the use of the USP language, the district argues that it is doing so because of how the language of the USP is structured and because the USP requires special efforts to recruit and retain African-American and Latino staff. This seemingly unnecessary defense, given existing board policy, suggests that the district sees itself acting in a discriminatory way with respect to candidates or employees in the district who are not Latino and African American. Nowhere in the plan is there a provision that says that the district must select, retain or reward a person of Latino or African American background whose qualifications or performance are inferior to those of a person of another race or ethnicity. In any event, belaboring this point seems unnecessary. If the district were to act in a discriminatory way in hiring, it would violate the district's policy, the USP, local, state and federal laws. On the other hand, why the district wants to avoid using the wording in the USP is of concern to the plaintiffs. In an April 24, 2014 response to Mendoza plaintiff objections, the district says that it "will comply with the...USP provision regarding nondiscrimination whether or not that language is in the [district's] plan..."

Recruiting and Retaining Teachers with Spanish Bilingual Certification

The Mendoza plaintiffs and the Department of Justice assert that the district's strategies for attracting and retaining teachers with Spanish bilingual certification need to be clarified and enhanced. Main concerns are the nature of incentives for hiring and retention, how positions are advertised, and attention to increasing the number of Latino administrators. The district has agreed to increase the number of venues in which positions are advertised and to clarify that its efforts included administrators.

The USP places an emphasis on the recruitment and retention of teachers with bilingual certification in Spanish (IV.A.3.a). It does not, however, require that financial incentives be offered bilingual certified staff. The

district's March, 2014 plan says that such incentives may (emphasis added) be offered. In its April response to Mendoza plaintiffs' objections, the district says that..."certain financial incentives will (emphasis added) be promoted....targeting African American and Latino candidates (Exhibit E). In the revised plan, the word "targeting" is omitted, there is no focus on teachers with bilingual certification and the words "will" and "may" are both used to describe the intentions of the district with respect to financial incentives.

In its May 22, 2014 revision of the recruitment and retention, the District says that it will "promote" financial incentives and that these will "target" rather than "include" African American and Latino candidates. This change, while urged by plaintiffs, does not address their concerns noted above.

The efficacy of any incentive would, of course, depend on the nature and magnitude of the incentive. It does appear that many TUSD teachers with bilingual certification are serving in teaching positions where such certification is most needed.

Support for African American and Latino Non-certified Staff for the Attainment of Certification.

The USP, in section IV.C.a.v, says that the District shall, "Encourage and provide support for African American and Latino non-certified staff...who are interested in pursuing certification". In an early response to the plaintiffs, the district says that is researching the characteristics of such programs. The provision in the district's recruitment and retention plan to support certification for non-certified personnel is essentially a counseling program and it does not reflect the research on these types programs. The district justifies this minimal response to the USP by asserting that the labor market study showed no disparities and thus no need for a more robust—and expensive—program. Since the USP does not define the characteristics of a certification program, even if the labor market study did find disparities, the district cannot be required to implement a program that, unlike the district's proposed program, is likely to have a positive effect on increasing the number of African American and Latino teachers.

The Meaning of Diversity

The District has revised its plan to modify the word "diversity" with "racial; and ethnic" as recommended below. There is no need for Court action on this recommendation.

The plaintiffs ask the District to specify that diversity means racial and ethnic diversity for the purposes of the plan. With respect to the particular provision raised by the Fisher plaintiffs, the district agrees to this change. The first lines of the USP provisions mandating recruitment (IV.C.3) and retention (IV.F) plans speak specifically to the recruitment and retention of African American and Latino candidate and employees. It follows that adding "racial and ethnic" to diversity is appropriate throughout the plan (sometimes the district uses the phrase, racial and ethnic diversity and sometimes it does not).

Recommendations

I have shown the recommendations that have been incorporated in the District's May 22, 2014 revision of its recruitment and retention plan in italics. There is no need for the Court to take action on these recommendation unless the parties argue that my analysis is inadequate.

Labor Market Study

For the reason outlined above, I do not recommend that the court require that additional effort be invested in a new labor market study. However, the limits of the labor market study mean that the study should not be used to release the district from acting on any provision of the USP related to recruitment and retention.

Responsibility for a Retention Plan

The district has a responsibility to develop and implement a retention plan. Indeed, it has developed such a plan. To eliminate any ambiguity on

this point, the court should require that the district delete from its plan and the executive summary words that deny such a responsibility.

Membership on the Recruitment and Retention Advisory Committee

The court should require the district to align the membership of the recruitment and retention committee with the provisions and intent of its own recruitment and retention plan and clarify if the newly identified committee members will influence the selections of 2014 recruitment and retention efforts.

Nondiscriminatory Hiring

The district's recruitment and retention plan should include a clear statement of intent to engage in nondiscriminatory hiring. Since the district agrees to abide by the language of the USP, there seems little reason not to include the language of the USP. Moreover, that commitment should be clearly stated in its announcements of jobs for which it is recruiting. This recommendation is predicated by the fact that district job announcements have not always included statements. Currently, the website includes such a statement but jobs are advertised in many other venues.

Incentives for Bilingual Certified Teachers

While the need to attract and retain teachers with bilingual certification in Spanish is identified in the USP as a priority, the USP does not require that the district provide financial or other incentives to achieve that goal. Thus, the court should not require that such incentives be provided. In its 4-24 comments on the plaintiffs' objections, the district says that it will target incentives on African American and Latino candidates and employees. That intention should be included in the final plan.

Support for Noncertified Staff to Attain Certification

The USP clearly requires the district to create a program that encourages and supports noncertified staff to achieve certification. The district's plan is

a minimal response to this provision but there is no basis for requiring that it do more.

The Meaning of "Diversity"

While the district appears to agree with plaintiffs' concerns that diversity in this plan for recruitment and retention should be defined as ethnic and racial diversity, the court should require that the district modify "diversity" with the terms "ethnic and racial" throughout the recruitment and retention plan.

Timing

The district should submit the modifications of the recruitment and retention plan within 21 days of issuance of the court's order.

TUSD

Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan

BACKGROUND

Pursuant to the Unitary Status Plan (USP), Tucson Unified School District (TUSD) shall seek to enhance the racial and ethnic diversity of its administrators and certificated staff through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures. In this regard, TUSD is focused primarily on the following areas: Outreach and Recruitment, Hiring, Assignment of Administrators and Certificated Staff, Retention, and Reductions in Force.

This Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan (the "Plan") outlines TUSD's approach to the first and fourth focus area as one part of TUSD's comprehensive and coordinated approach to addressing Faculty and Staff Assignment within the context of the USP. The primary goals of TUSD's outreach, recruitment, and retention efforts are as follows:

1. To develop outreach and recruitment strategies to attract highly-qualified administrators and certificated staff
2. To develop strategies to retain highly-qualified administrators and certificated staff
3. To develop specific outreach and recruitment strategies to attract highly-qualified African-American and Latino administrators and certificated staff
4. To develop specific strategies to retain highly-qualified African-American and Latino administrators and certificated staff

TUSD has designated an employee to coordinate personnel recruitment efforts. This employee coordinates the development of outreach, recruitment, and retention efforts (as outlined in the plan below) through the recruitment team. This employee will be responsible for organizing and monitoring TUSD outreach, recruitment, and retention efforts pursuant to the USP.

Exhibit A-1

EXECUTIVE SUMMARY

The purpose of the Plan is to recruit and retain highly qualified and appropriately certificated administrators and certificated staff, representative from diverse backgrounds and cultures, who are competent and ready to manage, teach, engage, and challenge our present and future learners.

The Plan focuses on two separate but interrelated objectives, aligned with the goals identified above: (1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs. The Plan aims to recruit and retain highly qualified 21st Century educators who represent broad spectrums of diverse backgrounds and cultures, with the skillsets to implement the latest educator processes to drive superior teaching. Recruitment is principally focused on Math, Science, and Special Education teachers.

TUSD's recruiter is responsible for the development of the Plan, with input from a racially and ethnically diverse advisory recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. While a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce. In developing and implementing the Plan TUSD shall, at a minimum,:

1. Include measures to ensure that TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis;
2. Identify and address any and all disparities identified in the Labor Market Analysis¹;
3. Develop a process for annual modifications based on reviews of the previous year's recruiting and retention data and the effectiveness of past recruiting and retention practices in attracting, and retaining, qualified African American and Latino candidates and candidates with Spanish language bilingual certifications;
4. Develop a nationwide recruiting strategy based, at minimum, on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country;
5. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
6. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
7. Develop local programs to identify and support local high school, college, and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
8. Develop strategies to encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

¹ This Labor Market Analysis (LMA) began in October of 2012, and was revised in the spring of 2013.

Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan

1. Measures to Ensure Nondiscriminatory Recruitment of All Employment Vacancies

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

2. Address Disparities Identified in the Labor Market Analysis

The District hired an outside consultant to undertake a workforce or labor market analysis that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. Differences between the actual and expected numbers are considered "statistically significant" when the number of standard deviations of the observed disparity is above approximately 2 or below approximately -2. Positive differences that are less than approximately 2 standard deviations and negative differences that are greater than -2 standard deviations are not statistically significant. (The threshold for statistical significance is +1.96 standard deviation.)

(Greater than 2)

A statistically significant positive disparity (more than +2) means that TUSD has a higher number of identified employees than is available in the relevant labor market.

(Less than -2)

A statistically significant negative disparity (less than -2) means that TUSD has a lower number of identified employees than is available in the relevant labor market.

(Between -2 and +2)

A disparity greater than -2, but less than +2, means that the disparity level is not statistically significant.

Relevant findings are as follows (see Attachment 1, LMA):

- Compared to the state of Arizona, TUSD's labor force has higher-than-expected staff levels of African American and Latino administrators and certificated staff. This means that a comparative analysis between the available relevant labor market in Arizona and TUSD reflected a positive disparity in the African American and Latino administrator and certificated staff workforce. This data is statistically significant (+3.14 for African

American Administrators, +6.47 Latino Administrators; +3.04 for African American Certificated Staff; and +22.83 for Latino Certificated Staff).

- Compared to surrounding states, TUSD's labor force has lower-than-expected staff levels of African American administrators (central and site-based combined). However, a comparative analysis between the available relevant labor markets and TUSD reflected that the disparities are not statistically significant. Compared to the United States, TUSD's labor force has statistically significant, lower-than-expected levels of African American administrators (central and site-based combined). (-2.60).
- Compared to surrounding states, TUSD's labor force has statistically significant, higher-than-expected levels of African American central administrators, specifically. (-2.64, +2.57, and +2.88).
- Compared to surrounding states, TUSD's labor force has statistically significant, lower-than-expected levels of African American certificated staff. (-7.29, -7.45, and -6.63). This means that a comparative analysis between the available relevant labor market in surrounding states and TUSD reflected a negative disparity in the African American certificated staff workforce.
- Compared to the United States, TUSD's labor force has statistically significant, lower-than-expected levels of African American certificated staff. (-10.37). This means that a comparative analysis between the available relevant labor market in the U.S. and TUSD reflected a negative disparity in the African American certificated staff workforce.
- Compared to surrounding states and the United States, TUSD's labor force has statistically significant, higher-than-expected levels of Latino administrators (central and site-based combined). (+3.97, +3.23, +4.27, +15.33).
- Compared to surrounding states and the United States, TUSD's labor force has statistically significant, higher-than-expected levels of Latino certificated staff. (+16.57, +5.35, +7.26, +33.12).

Based on the LMA:

1. There are significant disparities when comparing TUSD's African American certificated staff workforce with the relevant labor markets for the U.S. and for surrounding states.
2. There is a slight disparity when comparing TUSD's African American administrator workforce with the U.S. relevant labor market.

Based on this information, TUSD's outreach, recruitment, and retention strategies will primarily target African American certificated staff, in addition to continuing to recruit and retain a diverse

workforce, with a focus on Math, Science, Exceptional Education, and Spanish/Bilingual certificated staff.

C. Recruitment and Retention Advisory Committee

The Recruitment Advisory Committee was created in 2008 to enhance recruitment efforts. The committee consists of a 15 member diverse group of community members, select diverse District leaders, corporations, colleges/universities, teachers, and administrators. The role of the Advisory Committee will expand to enhance the retention of African American and Latino staff. TUSD has capitalized on a synergy of critical thinking in various domains. This diverse group, chaired by the District recruiter, actively engages the community and key constituencies in the District's Recruitment and Retention Plan and works collaboratively to recruit and retain highly qualified teachers who live and work in the District.

The committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on diversity challenges, information resources, and ethnic-cultural opportunities in the community. The committee analyzes risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing). The advisory committee meets quarterly.

D. Recruitment of African American and Latino Candidates for Open Administrator and Certificated Staff Positions

1. Make the Move Program: The program takes existing TUSD General Education teachers and provides incentives to train and become Special Education Teachers. The following are incentives that have been generated to fulfill this effort.
2. Recruitment Incentives: TUSD utilizes incentives for critical needs (math, science and special education) and hard to staff sites to include stipends in accordance to federal guidelines. A one-time stipend of \$2,500 and moving expense up to \$2,000 is offered to new incoming teachers.
 - Tuition Reimbursement (Reimbursement not to exceed \$5,000 per individual per lifetime)
 - CCS-AEPA Study Group (Test preparation class)
 - Hard to staff signing stipend (One time stipend of \$7,500)
3. Nationwide Recruitment Strategy: The recruitment objective is to attract quality applicants to fulfill TUSD and USP needs. TUSD will collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:
 - Teachers of Color (print and web)

Fisher v. U.S., Not Reported in F.Supp.3d (2014)

- Teach.gov (web)
- Teachers-Teachers (web)
- Want to Teach (web)
- Career Media Solutions –HBCU (print and web)
- American Association for Employment in Education
- Various college/university career center postings

4. Historically Black Colleges/Universities (HBCU) and Hispanic Association of Colleges/Universities (HACU): The goal is to increase the ethnic/racial diversity of TUSD's certificated staff to more closely reflect relevant labor market availability. This strategy includes the following activities:

- Recruitment trips to identified HBCU's and HCAU's and other colleges and universities with teacher preparation programs with high numbers of minorities in the education department.
- Meet and Greet venues are held for Student Teachers from various colleges in Arizona to provide student teachers with information about TUSD and how to apply for vacant positions. Guest speakers from TUSD are invited to attend include Leadership teams, certification specialists, mentoring and professional development department, special education, and math innovation team.
- The recruitment and retention coordinator attends the U of AZ South campus in the fall to meet the new student teachers in the program. TUSD will create new and stronger relationships with in state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments.
- Collaboration with HBCU and HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD.
- Welcome Groups- The purpose is to welcome new employees into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas.

5. Other Colleges and Universities: TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.

6. Local and State-wide Job, Diversity, and Education Fairs and/or Expos: Local and State-wide Job, Diversity, and Education Fairs and/or Expos are provided for employers, recruiters and school districts to meet with prospective job seekers. In the college setting, education fairs are

commonly used for entry level teaching positions. Often sponsored by career centers, job fairs provide a convenient location for students to meet employers and participate in first interviews.

E. Recruitment of Retired African American and Latino Administrators and Certificated Staff

TUSD recruiter will compile a list of retired African American and Hispanic administrators and certificated staff and send email announcements as positions for administrators and certificated staff are posted on the TUSD job listing.

F. Productive Partnerships

The recruitment outreach objective is to attract quality applicants to fulfill TUSD and USP needs. TUSD will collaborate with the following entities:

- Tucson Values Teachers
- Troops for Teachers
- Re-establish connection with Raytheon
- Local Chamber of Commerce (Metropolitan, Black, Hispanic)
- Pima One Stop
- DMAFB

TUSD builds partnerships with local companies that recruit nationally to build an alternative means of recruitment. Local corporations and government entities that recruit non local candidates are provided with informational materials about TUSD to share with family members. In turn, this facilitates the recruitment of work eligible family members about employment opportunities within TUSD.

G. Teaching Career Development

The goal of this initiative is to create interest in education. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.

- High Schools: recruiter will partner with high school administrators to set up forums with students who are interested in teaching careers.
- Colleges and Universities: recruiter will visit the local college and university educational teacher programs to attract new teachers. In addition, the recruiter will visit diversity programs with a focus on African American and Latino studies programs to support USP obligations to create interest in a teaching career.
- Paraprofessionals: recruiter is researching the development of paraprofessional programs to provide support for African American and Latino non-certified staff who are interested in pursuing certification.

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Recruit Plan: 7.1.1.13(TM)

- Professionals: recruiter will continue to solicit interest at Davis-Monthan AFB and military spouse interested in teaching or other opportunities at TUSD.

IV. RETENTION

A. Evaluation of Disparities in the Attrition Rates of African American and Latino Administrators or Certificated Staff

1. Assess Reasons for Disparities:

TUSD will assess the labor market study and District reports to identify potential disparities. If disparities are identified TUSD will work on addressing the disparities and identifying necessary corrective actions. As previous noted TUSD has done an excellent job at hiring African American and Latino Administrators and Teachers from the relevant market of professional in Arizona. TUSD will continue to promote and seek additional African American professional from surrounding states to continue to increase and promote the diversity of our District.

2. Corrective Action Plan:

The corrective action plan is to develop strategies to minimize disparities identified that shall continue to promote quality education for the students in our District. In addition, to further promote the rich and diverse cultures of our students and our communities.

3. Remedial Plan:

The remedial plan is to utilize the labor market study results and any subsequent analysis and reports to address necessary corrective actions that shall promote greater representation of African American administrators and certificated staff to TUSD. TUSD shall continue to capitalize on what it does well and improve on areas that need further development for a conscious level of excellence.

B. Teacher Job Satisfaction Survey

Teacher focus groups have been created to enhance teacher interaction, communication, and support feedback sessions to improve TUSD's support efforts to improve retention rates. TUSD will organize focus groups to survey teachers each year by race, ethnicity, and school site to assess teachers overall job satisfaction and their interest in continuing to work in TUSD.

A. Hard-to-Fill Positions Focus Groups

Recruiter will conduct biannual focus groups to gather perspectives on certificated staff in hard to fill positions (ELL, Special education teachers).

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Recruit Plan: 7.1.1.13(TM)

Exhibit A-2

TUSD

Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan

I. USP LANGUAGE

IV. ADMINISTRATORS AND CERTIFICATED STAFF

C. Outreach and Recruitment

3. By April 1, 2013, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.
- a. The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:
 - i. Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities ("HBCUs"), through the Hispanic Association of Colleges and Universities ("HACU"), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students, including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;
 - ii. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
 - iii. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
 - iv. Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including for college and university students, exploring and promoting opportunities for teaching in the District; and
 - v. Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

IV. ADMINISTRATORS AND CERTIFICATED STAFF

F. Retention

1. The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:
 - a. Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;
 - b. Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers' overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and
 - c. Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (e.g., ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.

II. OVERVIEW

TUSD is committed to recruiting and retaining highly qualified and appropriately certificated administrators and certificated staff members, representative from diverse backgrounds and cultures, who are competent and ready to manage, teach, engage, and challenge our present and future learners. To carry out this commitment, TUSD has developed an Outreach, Recruitment, and Retention Plan ("Plan") aligned with TUSD's general recruiting practices, with a particular focus on recruiting and retaining qualified individuals from historically underrepresented groups and qualified individuals to fill hard-to-fill positions. In addition to the specific strategies outlined in the Plan below, TUSD will utilize the following three general strategies to ensure the success of the Plan:

- Developing a "Recruiter's Guide" containing resource materials (such as those contained in the Appendices to this Plan) so staff members involved in recruiting are well-versed and prepared to discuss incentives, discuss TUSD and the City of Tucson, and to address other concerns of prospective recruits.
- Contacting and networking with recruiters from other school districts and/or private entities to learn and internalize best practices.
- Basing part of the Chief Human Resources Officer's evaluation on the progress made in increasing the racial and ethnic diversity of central and site-based administrators and certificated staff.

III. EXECUTIVE SUMMARY

The Plan focuses on two separate but interrelated objectives, aligned with the goals identified above: (1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs. The Plan aims to recruit and retain highly-qualified 21st Century educators who represent broad spectrums of diverse backgrounds and cultures, with the skillsets to implement the latest educator processes to drive superior teaching. Recruitment is principally focused on enhancing the diversity of the workforce, and in recruiting hard-to-fill positions as identified each year. While a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce.

The Plan focuses on eight areas for Outreach and Recruitment, and four areas for Retention:

Outreach and Recruitment

1. Ensuring TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis;
2. Analyzing the findings of the Labor Market Analysis (LMA);
3. Reviewing and, where needed, modifying the Plan to continually strengthen the Plan's effectiveness in attracting, and retaining, qualified African-American and Latino candidates and candidates with Spanish language bilingual certifications;
4. Developing a nationwide recruiting strategy based, at minimum, on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African-American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country;
5. Creating a process to invite retired African-American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
6. Incorporating strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
7. Developing local programs to identify and support local high school, college, and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
8. Developing strategies to encourage and provide support for African-American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification;

Retention

1. Evaluating and addressing disparities, if any, of African-American and Latino administrators and certificated staff. Where applicable, assess reasons for disparities and implement corrective actions;
2. Conducting surveys to assess teachers' overall job satisfaction and interest in continuing at TUSD;
3. Facilitating teacher focus groups to gather data identify specific concerns of staff in hard-to-fill positions and/or staff hired to fulfill a need specifically identified in the USP; and
4. Providing family support and professional development.

III. DEFINITIONS

LMA – Labor Market Analysis

CCS – Cross Categorical Special Education-

Critical Needs Subject Areas – subject areas that are required for graduation (core subjects) and/or are required by state or federal law, and for which there have been an inadequate pool of qualified candidates. By December each year, TUSD will identify critical needs subject areas for the subsequent school year based on an analysis of vacancies and multiple postings for various areas. For SY 2013-14, for example, critical needs subject areas included exceptional education, math, and science.

AEPA – (now known as) NES, National Evaluation Series

HBCU – Historical Black Colleges / Universities

HACU – Hispanic Association of Colleges/Universities

ELL – English Language Learners

Hard to Fill Content Areas – specialized content areas within the TUSD curriculum for which there are, or have been, an inadequate pool of qualified candidates. By December each year, TUSD will identify hard-to-fill content areas for the subsequent school year based on an analysis of current-year vacancies and staffing needs. For SY 2013-14, for example, hard-to-fill content areas include: dual language and Culturally Relevant Courses (CRCs).

Hard to Fill Site – school sites for which there have traditionally been insufficient applicants for instructional vacancies to meet staffing needs.

New-to-TUSD (Teachers or Administrators) – Teachers or administrators who are new to TUSD, and have never worked for TUSD.

IV. RECRUITMENT AND RETENTION ADVISORY COMMITTEE (Recruitment Team)

The Recruiter coordinates the development and implementation of the Plan, with input from the Recruitment and Retention Advisory Committee ("Committee"). The Committee was created in 2008 to enhance recruitment efforts. The committee meets four times per year, and consists of a 15 member diverse group of community members, select diverse TUSD leaders, corporations, colleges/universities, teachers, and administrators. This diverse group actively engages the community and key constituencies in the Plan and works collaboratively to recruit and retain highly qualified administrators and certificated staff with diverse backgrounds. The Committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on diversity challenges, information resources, and ethnic-cultural opportunities in the community. The Committee analyzes risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing).

V. OUTREACH, RECRUITMENT, AND RETENTION

A. OUTREACH AND RECRUITMENT

1. Ensure Nondiscriminatory Recruitment of All Employment Vacancies

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

2. Labor Market Analysis

TUSD hired an outside consultant to undertake a labor market analysis ("LMA") that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. TUSD notes that the LMA findings revealed no negative disparities in hiring between TUSD's workforce and the local and state labor markets. (See Appendix A for a Summary of Preliminary Findings). In light of the findings of the LMA, TUSD's outreach and recruitment strategies will focus on enhancing the diversity of TUSD's workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites.

3. Annual Review and Process for Modification

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

- Colleges or Universities Visited for Recruiting
 - Including whether the school was an HBCU, HACU, or one with a diverse student population
 - Including participating colleges and/or universities
- Critical Needs (Math, Science, SPED, ELL/Dual-Language, or other as identified)
- Resumes Received
- Phone Interviews Conducted
- Letters of Intent Extended
- Letters of Intent Accepted
- Reason(s) Individuals who are offered positions do not accept them

This information is used to tailor future recruiting to identify which strategies are the most effective and efficient, and to identify which venues produce the best results.

Fisher v. U.S., Not Reported in F.Supp.3d (2014)

4. Nationwide Recruiting Strategy Focused on Specific Strategies to Recruit a Diverse Staff, Including African-American, Hispanic, and Bilingual Administrators and Certificated Staff

TUSD will include non-discrimination language in a prominent location on the online job postings site, and will continue to strive to remain salary competitive with other local school districts and, at the current time, is comparable to all area school districts. The nationwide strategy will include the following: (a) advertising; (b) in-person recruiting; (c) offering financial incentives; (d) promoting job satisfaction incentives and opportunities; (e) promoting support for beginning teachers; and (f) monitoring and utilizing feedback from current employees. Each strategy will be evaluated for effectiveness and may be modified on an annual basis.

a. Advertising

TUSD may collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:

- Teachers of Color (print and web);
- Teach.gov (web);
- Teachers-Teachers (web);
- Want to Teach (web);
- Career Media Solutions –HBCU (print and web);
- American Association for Employment in Education;
- Association of Latino Administrators and Superintendents (ALAS);
- Hispanic Chamber of Commerce;
- National Alliance of Black School Educators (NABSE); and
- Various college/university career center postings.

TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications. See Appendix B for additional entities being considered for future recruitment advertising, as applicable.

b. In-Person Recruiting

The goal is to increase the ethnic/racial diversity of TUSD's certificated staff. This strategy includes the following activities:

- Recruitment trips to identified HBCUs, HACU member colleges, and other colleges and universities with teacher preparation programs with diverse student populations in their education programs;
- TUSD will host "Meet and Greets" for student teachers from various colleges in Arizona to provide information about TUSD and how to apply for vacant positions. Guest speakers from TUSD may include leadership team members, certification specialists, mentoring and professional development personnel, special education personnel, and members of the math innovation team;
- The Recruiter attends the University of Arizona South campus in the fall to meet the new student teachers in the program. TUSD will create new and stronger relationships with in-state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments;
- Collaboration with HBCUs and the HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD;
- Welcome Groups to welcome new employees into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas; and
- Other Colleges and Universities: TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.
- Local and state-wide job, diversity, and education fairs and/or expos are provided for employers, recruiters and school districts to meet with prospective job seekers. In the college setting, education fairs are commonly used for entry level teaching positions. Often sponsored by career centers, job fairs provide a convenient location for students to meet employers and participate in first interviews. TUSD will participate and recruit at these events, and document the success of these efforts. TUSD will continue to develop the ability of recruiters to extend Offers of Employment during in-person recruiting activities to ensure the best chance of recruiting candidates to TUSD. TUSD's recruitment teams will include relevant staff who can speak directly about their experiences in TUSD and in Tucson.

TUSD will evaluate and modify these recruiting strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting diverse candidates, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.

Fisher v. U.S., Not Reported in F.Supp.3d (2014)

c. Financial incentives

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

- **Relocation Expense Reimbursement:**
For any of the positions identified below and in accordance with Governing Board policy, a one-time relocation expense reimbursement may be offered as an incentive to out-of-state, new-to-TUSD incoming administrators, and out-of-state, new-to-TUSD incoming teachers.
- **Dual-Language/Bilingual Recruitment and Retention Incentive*:**
TUSD may, as an incentive, offer a stipend to new-to-the-District incoming teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom, or existing teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom.
- **Culturally Relevant Courses (CRCs) Recruitment and Retention Incentive*:**
TUSD may offer a recruitment incentive to new-to-TUSD, incoming CRC teachers who meet specified qualifications, or to existing CRC teachers who meet specified qualifications.
- **Recruitment Incentives for Hard-to-Fill Sites*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers at Hard-to-Fill Sites, or to existing teachers who voluntarily move to a Hard-to-Fill Site.
- **Recruitment Incentives for Critical Needs*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers in critical needs subject areas, or to existing teachers who become highly qualified and are placed into a critical needs subject area. Critical needs subject areas are evaluated, and may be modified, on an annual basis.

*Stipends are paid to full-time employees only, subject to conditions.

d. Offers of Employment

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

e. Job satisfaction incentives and opportunities

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

f. Support for beginning teachers

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

g. Monitoring and utilizing feedback from current employees

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

5. Process for Retirees

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

6. Partnerships with Local Employers

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

7. Local Programs

The following local programs are focused on developing interest in careers in education, and particularly with TUSD. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.

- **High School Student Program:** recruiter will partner with high school administrators to set up forums with students who are interested in teaching careers. Forums will be attended by current teachers, students, and facilitators and would include detailed discussions of teaching-career pathways and requirements. Interested students will receive information and resources to guide them into teaching careers, and will be encouraged to contact TUSD's Recruiter for further information and guidance.
- **Colleges and Universities:** recruiter will visit the local college and university educational teacher programs to attract new teachers. In addition, the recruiter will visit diversity programs with a focus on African-American and Latino studies programs to support USP obligations to create interest in a teaching career.
- **Professionals:** recruiter will continue to solicit interest at Davis-Monthan Air Force Base and military spouses interested in teaching at TUSD.

8. Strategies to Encourage Certification

For Non-Certificated Staff Seeking Certification

TUSD will take the following actions to encourage and to provide support for African-American and Latino non-certificated staff who are interested in pursuing certification:

- a. Survey current non-certificated staff to identify non-certificated staff members, including African-American and Latino staff members, who are interested in pursuing educational certification;
- b. Survey current certificated staff to identify those that have received certifications (or are currently in programs to receive certifications) in the areas identified by the first survey;
- c. Each identified non-certificated staff member may be: (a) paired with a mentor that has the certification that the staff member is seeking, and/or (b) pair with other staff members who are also interested in that area and/or are already working towards receiving certification through the same or similar programs. Mentors may receive additional stipends for participation; and
- d. Send direct mailings to each identified staff member recognizing and encouraging their ambitions and areas of interest, sharing potential positions within TUSD that fits with their areas of interest, sharing available resources (e.g. local and online programs and courses) that match those interests and identifying the person or persons they have been paired with for mentoring or other support.

For Certificated Staff Seeking Administrative Certification

TUSD staff attended initial meetings with representatives from the University of Arizona, College of Education, to explore a proposal to provide a TUSD-specific set of coursework toward obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions. The TUSD-specific courses would focus on the standard coursework, but would infuse TUSD- and USP-related issues such as Supportive and Inclusive Learning (CRP), USP fundamentals and theory, faculty and staff diversity, etc. The program may also include class projects that would be based in TUSD schools, and may span an entire school year. Potential leaders, including African-American and Latino staff members, who do not have the credentials to move directly into leadership positions would be encouraged to apply for the program as they continue to work at TUSD. Participants will be formally recognized and provided with a certificate of completion to document the additional training and professional development received over the year.

B. RETENTION

1. Collect and Monitor Retention Data

TUSD will conduct evaluations, surveys, and focus groups to help identify disparities, gauge job satisfaction levels, and to identify concerns or obstacles that may cause employees to leave TUSD and frustrate retention efforts.

a. Evaluate disparities in attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups.

TUSD will: (1) evaluate the attrition rates of all racial and ethnic groups to assess whether disparities exist between African-American and Latino administrators and certificated staff compared to other racial and ethnic groups; and (2) if disparities exist, assess the reasons for the disparities (to the extent possible). If disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.

b. Assess teachers' overall job satisfaction and interest in continuing to work for TUSD

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

c. Facilitate teacher focus groups

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

2. Adopt Measures Intended to Increase the Retention of African-American and Latino Administrators and Certificated staff

a. Corrective Action Plans

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

b. Other Measures

Outreach and Communication to TUSD Employees about Opportunities for Themselves and Their Children

TUSD is expanding its outreach to employees regarding special employee programs and, more generally, to provide increased family support (see Appendix E). TUSD will continue to work to ensure that employees feel welcome, and as part of the TUSD family, will recognize the benefits of working in TUSD by feeling supported and encouraged as TUSD parents.

Administrator Focus Groups

In addition to the teacher focus groups described above, TUSD will facilitate administrator focus groups to address concerns, but also to identify additional ways by which TUSD can support administrators (particularly African-American and Latino administrators) in their work and in increasing or maintaining their job satisfaction.

Extended Professional Development Opportunities

TUSD will provide opportunities for administrators and certificated staff to participate in targeted professional development opportunities. For example, in 2013-14 TUSD sent one African-American principal to the NABSE (National Alliance of Black School Educators) conference along with staff from the African American Student Services Department. Other African-American and Latino administrators have shown an interest in similar PD opportunities in the future.

Support Beginning Teachers

TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the retention strategy is to support beginning teachers in ways that make them feel welcome, appreciated, and supported as they begin their teaching careers to ensure that they are successful and to encourage them to remain employed with TUSD. (See Appendix C, "Ongoing Support for Beginning Teachers")

Encourage Prospective Leaders to Become Leaders

TUSD has developed a detailed plan for encouraging and supporting prospective leaders, particularly African-American and Latino staff members, to develop their capacity for leadership positions. (See Appendix F, "Prospective Administrative Leaders Plan" — particularly Section V: Methods for Growing Our Own) By enhancing opportunities for professional growth and development, current employees will recognize that they are valued, supported, and encouraged to remain and grow with TUSD.

APPENDIX A

APPENDIX A

LABOR MARKET ANALYSIS SUMMARY

The District hired an outside consultant to undertake a labor market analysis (aka "workforce analysis") that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. Differences between the actual and expected numbers are considered "statistically significant" when the number of standard deviations of the observed disparity is above approximately 2 or below approximately -2. Positive differences that are less than 2 standard deviations and negative differences that are greater than -2 standard deviations are not statistically significant¹. (The threshold for statistical significance is ± 1.96 standard deviation.)

Preliminary findings are as follows (the District will continue to analyze and assess the data, and adjust recruitment strategies accordingly):

1. There are statistically significant positive disparities for TUSD's African American and Latino administrator and certificated staff workforce when compared to the relevant labor market in Arizona.
2. There are statistically significant positive disparities for TUSD's Latino administrator (central and site-based) and certificated staff workforce when compared to the relevant labor market in surrounding states, and for the entire United States.
3. There are statistically significant positive disparities for TUSD's African-American central administrator workforce when compared to the relevant labor market in surrounding states.
4. There is a statistically significant negative disparity between TUSD's African-American administrator (central and site-based) workforce and the relevant labor market for the entire United States.
5. There are statistically significant negative disparities between TUSD's African-American certificated staff workforce and the relevant labor market in surrounding states and for the entire United States.

¹ (Greater than 2) A statistically significant positive disparity (more than 2) means that TUSD has a higher number of identified employees than is available in the relevant labor market.

(Less than -2) A statistically significant negative disparity (less than -2) means that TUSD has a lower number of identified employees than is available in the relevant labor market.

(Between -2 and +2) A disparity greater than -2, but less than +2, means that the disparity level is not statistically significant.

APPENDIX B

APPENDIX B

TUSD is considering additional postings with the following entities as appropriate:

African American Organizations

- Association of Black Psychologists – www.abpsi.org
- Black Data Processing Associates – www.bdpaa.org
- Black Career Women – www.bcw.org
- Blacks in Government – www.bignet.org
- National Association for the Advancement of Colored People – www.naacp.org
- National Association of Black Accountants – www.nabainc.org
- National Association of Black Journalist – www.nabj.org
- National Association of Black Telecommunication Professionals – www.nabtp.org
- National Forum for Black Administrators – www.nfbpa.org
- National Organization for the Professional Advancement of Black Chemists & Chemical Engineers – www.nobechc.org
- National Society of Black Engineer – www.nsbe.org
- National Society of Black MBA's – www.nsbmbaa.org
- National Urban League – www.nul.org
- National Black Nurses Association – www.nbna.org
- Black Enterprise – www.blackenterprise.com
- Black Voices – www.blackvoices.com
- Black Collegian online (www.black-collegian.com) – career site for students of color.
- Equal Opportunity Publications, Inc. (www.eop.com/aacw)
- EOE Journal (www.eoejournal.com)

Hispanic-American Organizations

- ASPIRA Association – www.aspira.org
- Association of Hispanic Advertising Agencies – www.aaa.org
- Association of Latino Professionals in Finance & Accounting – www.alpfa.org
- Hispanic Public Relations Association – www.hprafa.org
- Latin American Management Association – www.lamausa.com
- Latin Business Association – www.lbausa.com
- League of United Latin American Citizens – www.lulac.org
- Mexican American Unity Council – www.mauc.org
- National Association of Hispanic Federal Executives – www.nahfe.org
- National Association of Hispanic Journalists – www.nahj.org
- National Association of Hispanic Public Administrators – www.nahpa.org
- National Association of Latin Elected & Appointed Officials – www.maleo.org
- National Association of Puerto Rican/Hispanic Social Workers Inc – www.naprhsw.org
- National Coalition of Hispanic Health & Human Services Organization – www.cossmho.org
- National Council La Raza – www.nclr.org
- Hispanic Employment Program Managers – www.hepm.org
- National Hispanic Corporate Council – www.nhcc-hq.org
- National Hispanic Medical Association – www.nhmamc.org
- National Society of Hispanic Professionals – www.hshp.org
- National Society of the Hispanic MBA's – www.nshmba.org
- Professional Hispanics in Energy – www.phie.org
- Society for Advancement of Chicanos & Native Americans in Science – www.sacnas.org
- Society of Hispanic Professional Engineers – www.shpe.org
- Hispanic Association of colleges and Universities [employers partner with the Association to sponsor seminars and conferences designed to help companies network and recruit Hispanics and other minorities] (512) 692-3805
- Hispanic Business.com - www.hispanstar.com
- Hispanic Online – www.hispaniconline.com
- LatPro.com – job board for Hispanic & bilingual professionals – www.latpro.com
- www.saludos.com – joining Hispanic bilingual professionals with companies.
- www.hispanic-jobs.com – bilingual job opportunities for English-Spanish speaking professionals

APPENDIX C

APPENDIX C

ONGOING SUPPORT FOR BEGINNING TEACHERS

Induction/Mentoring Program and Additional Support for First Year Teachers at Struggling Sites

I. OVERVIEW

Teachers with less than three years of experience will participate in TUSD's Induction/Mentoring Program to receive ongoing support, mentoring, and guidance. In addition, first-year teachers serving in schools where student achievement is below the TUSD average may receive additional support.

II. IDENTIFICATION PROCESS

All teachers with less than three years of experience are identified to participate in TUSD's Induction/Mentoring Program. The list of participating teachers is then cross-referenced with a list of struggling sites and beginning teachers at those sites may be identified for additional support.

III. SUPPORT PLAN

Support for all First-Year Teachers:

Under the TUSD Induction/Mentoring Program, all first-year teachers are assigned a full-time release mentor that mentors them throughout their first year. First Year Teachers are expected to develop and follow a plan of action, which includes creating a schedule with specific times for observation cycles, feedback, weekly collaboration, creating individualized learning plans, analyzing student work and lesson analysis via video recording.

Support for Identified First-Year Teachers at Struggling Sites:

First Year Teachers at Struggling Sites may be provided:

- additional scheduled time with mentor for implementing their action plans, and
- additional PD targeted toward the specific challenges they face at their respective sites (this is embedded into the mentoring process)

The table below outlines expectations under the TUSD Induction/Mentoring Program and for teachers receiving additional support. The underlined bolded items show how the additional support will differ from the TUSD Induction/Mentoring Program

TUSD Induction/Mentoring Program & Control Group	Pilot Plan for first-year teachers (Subject group)
Attend 4-Day Induction Orientation	Attend 4-Day Induction Orientation
Collaborate during weekly uninterrupted sessions with mentor. Minimum 90-minutes with the expectation of 2-hours/week.	Collaborate during weekly uninterrupted sessions with mentor. <u>Minimum expectation of 3-hours /week.</u>
Complete "Class Profile"	Complete "Class Profile" and <u>update quarterly</u>
Complete an Individual Learning Plan	Complete and Individual Learning Plan
Complete up to three-cycles of "Analyzing Student Work"	<u>Complete three-cycles of "Analyzing Student Work"</u>
Complete one video recording of a lesson and debrief with mentor	<u>Complete two video recording of a lesson and debrief with mentor</u>
Teachers new to the profession (first-year teacher) attend and complete the following seminars: • Classroom management • Routines and Procedures	Teachers new to the profession (first-year teacher) attend and complete the following seminars: • Classroom management • Routines and Procedures
	<u>Complete two classroom visitations of exemplar teachers:</u> • <u>One at the school</u> • <u>One at a school who is performing above the District average with similar demographics</u>
Complete survey at end of the year	Complete survey at end of the year.

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APPENDIX D

APPENDIX D

SAMPLE LANGUAGE "OFFERS OF EMPLOYMENT"

[This is not adopted language, but will be researched and, potentially, developed for use in TUSD recruiting]

TUSD will begin piloting the practice of extending "Offers of Employment" to candidates in critical needs and hard-to-fill areas, as well as to other prospects identified as outstanding candidates for employment in any academic area who is being recruited by TUSD or who are seeking employment with TUSD. An Offer of Employment, once signed by the prospect and the recruiter, constitutes an official agreement that the prospect will be employed by TUSD for the current or forthcoming year (conditioned on background checks, Governing Board approval, and other requisite qualifications being met). The Contract for Employment is issued following official Board action on the recommendation for employment as submitted by the Superintendent.

The Offers of Employment can be given:

- To successful candidates as identified at on-campus recruitment fairs,
- To interns at any time during their internship experience,
- To walk-in candidates who are identified as a severe critical area need or a critical area need and
- To any outstanding candidate referred to Human Resources from any outside source.

This is an excellent recruitment tool for use during on-campus recruitment fairs due to intense efforts from all districts to recruit the best candidates in attendance. The Offer of Employment is also an effective tool to contract out-of-district or out-of state career teachers who want assurance of employment for the current or forthcoming school year.

The Offers of Employment process has been modified this year to allow the issuance of the nomination to any critical area need teacher by:

- Any school principal or assistant principal,
- Any Executive Director or Director,
- Any Recruitment Team Member and
- Any administrator within the Department of Human Resources.

APPENDIX E

APPENDIX E

NON-MONETARY INCENTIVES AND OPPORTUNITIES

Note: some of the incentives and opportunities described below are in place; others are in the research and development phase. While it is TUSD's intention to fully develop the strategies below, all or some of them may not prove prudent, economically viable, or otherwise feasible.

Family Support

TUSD recognizes that its recruitment efforts must include clear communication about the benefits not only to prospective employees, but to their families and children as well. Towards that goal, the following incentives and opportunities will be emphasized during recruitment efforts.

- *Preschool for Children of TUSD Employees*

TUSD is currently researching and developing ways to join with other governmental organizations (such as the City of Tucson) to provide preschool opportunities for employees and their children. TUSD will seek to reduce or eliminate childcare costs for some of its employees, and improve the level of early childhood development, as a means to recruit and retain quality staff – particularly in areas that have been traditionally hard-to-fill, and for groups that have traditionally been hard to recruit and retain.

- *School placement priority for children of TUSD employees*

TUSD is currently researching and developing ways to provide placement preference for children of TUSD employees to attend the same school where the employee works. This may include offering, as an incentive, priority placement for the children of recruits who are recruited after the priority placement period (generally held in early winter)

- *Free Transportation to all TUSD magnet schools and, in some cases, to other TUSD schools*

Prospective employees will be notified of transportation options that may be available to their current (or future) children.

- *Family Engagement and Support (Parent University, Family Information Nights, Family Centers, etc.)*

Prospective employees will be notified of family engagement and support available throughout TUSD, including family centers and other opportunities.

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Professional Development and Support

TUSD recognizes that its recruitment efforts must include clear communication about non-financial incentives, opportunities, and supports to prospective employees. Towards that goal, the following opportunities will be emphasized during recruitment efforts.

Individual Support and Development

- *“Connection Contact”*
Through local civic organizations, TUSD will seek to match new recruits with a “contact person” who will welcome the recruit, show them around the city, and connect them with social and/or religious organizations that may be of interest to the recruit

- *Relocation Assistance*
TUSD is working with the U of A to develop methods for providing a short-term residence for new out-of-state recruits as they transition to Tucson to allow them time to find a permanent apartment or home.

Professional Support and Development

- *New-Hire Orientation*
- *First-Year Teacher Support Program*
- *Teacher Mentor Program (3-year mentor program for all new teachers)*
- *Professional Learning Communities*
- *Targeted Teacher Support*
- *Lay-off Protection (Hard to Fill Positions and/or certain USP-specified positions)*

Professional Growth

- *Leadership Prep Academy*
- *Certification Support*
- *Make the Move Program:*

The plan includes free preparation courses to provide test preparation for teachers interested in obtaining exceptional education certification. The program also incentivizes TUSD General Education teachers to work towards becoming Special Education Teachers through two methods: (1) a hard-to-staff, one-time signing stipend of \$7,500, and (2) tuition reimbursement (not to exceed \$5,000 per individual per lifetime). The stipend is paid out to full-time employees only, and only in one-third increments, during the first paycheck of the subsequent school year, provided that the employee remains employed with TUSD in the identified capacity. This will not apply to employees who have worked for TUSD within the past five years from the date the position is posted.

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APPENDIX F

Prospective Administrative Leaders Plan

I. OVERVIEW

The purpose of the plan is to identify and develop prospective administrative leaders, specifically designed to increase the number of African American and Latino principals, assistant principals, and District Office administrators. The Plan includes three main sections: (III) Identification; (IV) Development of Prospective Leaders – Leadership Prep Academy; and (V) Methods for Growing Our Own.

III. IDENTIFICATION OF PROSPECTIVE LEADERS

TUSD will identify prospective administrative leaders in the following ways (the focus of identification will fluctuate annually based on the needs of the District):

Recommendations: Current leadership¹ will discuss the opportunities presented in the plan, outline the criteria and requirements, and solicit recommendations for qualified applicants, with a specific focus on African American and Latino candidates.

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

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

¹ Leadership includes: Superintendent's Leadership Team (SLT), Business Leadership Team (BLT), and Instructional Leadership Team (ILT).

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APPENDIX F

IV. DEVELOPMENT OF PROSPECTIVE LEADERS – LEADERSHIP PREP ACADEMY

Mission: TUSD Leadership Prep Academy (LPA) is a formal program designed to develop and prepare the leadership capacity of prospective site leaders and District Office administrators.

Participants will:

- Accelerate their professional growth
- Understand systems and processes
- Increase their knowledge of Adult Learning Theory
- Cultivate a culture of learning for all
- Increase student learning and achievement
- Advocate for equity for all students
- Cultivate and maintain a supportive and inclusive learning environment for all
- Develop into Instructional Leaders who value collaboration and life-long learning

We believe that:

- Principals are responsible for their students' learning
- Principals ensure equity for all students
- High quality teaching comes from support to teachers
- Reflection is a key element in the teaching/learning cycle
- Instructional and District Office leaders support positive school reform

Current Protocol:

Acceptance into Leadership Prep Academy is through an identification and selection process. The Leadership Prep Academy is offered on an annual basis. Leadership Prep Academy information is provided to District and Site level administrators to identify prospective candidates who exhibit leadership skills and qualities.

Objectives of Leadership Prep Academy

The participants will be able to:

- Develop a site plan based in data to drive decisions and aligns all resources (human capital and budget) to identified goal – increase in student achievement
- Analyze and compare leadership approaches to assist in site plan implementation immediate leadership decisions for their position based upon TUSD protocols and procedures
- Understand and utilize the resources available through the various TUSD departments to assist them in achieving site goals
- Develop relationships with key personnel within the various departments
- Conduct a needs survey to identify issues within their department/site and identify an appropriate strategy for addressing the issue
- Articulate the district/site/department goals through a variety of mediums or to a variety of audiences
- Develop a Professional Development calendar for department/site that supports and impacts instruction and achievement
- Understand and analyze the Unitary Status Plan and be able to articulate the impact on District policies, procedures and functions
- Review new evaluation system and ask clarifying questions pertaining to it

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Expectations:

- Attend every Leadership Prep Session (7 sessions)
- Write a reflective summary of each of the following (guiding questions for each assignment will be provided)
 - Attend one TUSD Governing Board Meeting
 - Shadow a site/district leader
 - Participate in a school walk-through
- Create a Professional Development calendar for one semester

Release time is provided to the participant to shadow an administrator and to participate in a school walk-through.

Recommendations

- In addition to current protocol, we are recommending the following changes for school year 2013-2014:
- Employ targeted recruitment efforts by sending the Leadership Prep Academy information directly to African American and Latino employees on the list.
 - Increase the number of release days from two to four. This will allow participants to gather differing perspectives by:
 - Shadowing two site level administrators at different site levels (Elementary and Middle School, High School and K-8...)
 - Participate in two walk-through at different site levels

Evaluation of Program

The effectiveness of the program will be evaluated by three measures:

- End of the program evaluation
- Positions of increased leadership responsibility obtained by participants
- Increase in the number of African American and Latino site- and/or District- level administrators
*this is dependent on the availability of leadership positions

Syllabus Option (Proposed for SY 2013-14)

Session 1: December 4, 2013

Expectations of an Aspiring Leader

Taking stock: 3 questions:

- What did we do that made a difference for our learners?
 - What did we do that work but could be improved?
 - What didn't make the previous two lists?
- Understanding Systems: TUSD's ILT and BLT Models
School Plan Rubric

Session 2: December 18, 2013

Site Plans: Assessing Site Plans, Alignment to the 3 questions, Communication to stakeholders
Data Dig: District level, Site level, Classroom level, Student level

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Session 3: January 8, 2014

Aligning Human Capital Resources
Recruitment/Retention
Highly Qualified
Hiring Process

Session 4: January 22, 2014

Aligning Financial Resources
Finance
Entitlements
Supplemental v. Supplanting
Desegregation/Unitary Status Plan

Session 5: February 5, 2014

Unitary Status Plan
Inclusive Environments
Employee Relations
Policies and Bargaining Agreements
Discipline v Performance (staff)

Session 6: February 26, 2014

Performance Management
Professional Relationships
Setting Expectations

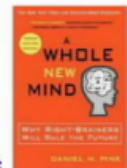
Session 7: March 12, 2014

Mock Interviews

LPA Resources



[Mindset: The New Psychology of Success by Carol Dweck](#)



[A Whole New Mind: Why Right Brainers Will Rule the Future](#)

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V. PROPOSED METHODS FOR "GROWING OUR OWN"

Collaboration with the University of Arizona

TUSD staff has had initial meetings with representatives of the University of Arizona's College of Education to explore a proposal to provide a TUSD-specific set of coursework towards obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions. The TUSD-specific courses would focus on the standard coursework, but would infuse TUSD- and USP-related issues such as Supportive and Inclusive Learning (CRP), USP fundamentals and theory, faculty and staff diversity, etc. The program may also include class projects that would be based in TUSD schools, and may span an entire school year. African-American and Latino potential leaders who do not have the credentials to move directly into leadership positions would be encouraged to apply for the program as they continue to work at TUSD and as they complete the LPA. Participants will be formally recognized and provided with a certificate of completion to document the additional training and professional development received over the year.

Invitation and Participation at TUSD Instructional Leadership Academy (ILA)

On a weekly basis, site- and District- level leaders meet with the Deputy Superintendents for ongoing professional development, collaborative learning, and opportunities for interactive learning that is based on fundamental District principles. Current ILA participants will be encouraged on a routine basis to encourage prospective leaders (specifically African American and Latino staff members) to shadow them at an ILA meeting, meet other District leaders, and gain insight into how the primary work of the District occurs.

Mentoring/Shadowing Program

The District Recruiter will facilitate a Mentoring/Shadowing Program to identify prospective leaders (specifically African American and Latino staff members), pair them with a mentor for a year, and monitor mentoring and shadowing activities to ensure interaction.

The District Recruiter will be responsible for providing mentoring training to include specific issues (aligned to Superintendent and Administrator Certification domains) that mentors will be expected to address with their mentees throughout the year.

Mentors will be expected to meet in-person with mentees at least twice a month, to have their mentee shadow them for a day on at least a quarterly basis, and have other formal or informal meetings in-person or by phone. In total, each mentor will be expected to have contact with their mentee (in-person, shadowing, phone call, etc.) at least five times per month. On an annual basis, the mentors and mentees will complete a survey about the experience, and the program will be evaluated for improvements for the upcoming year. Participants will be formally recognized and provided with a certificate of completion to document the additional training and professional development received over the year.

From: William Brammer
Sent: Monday, March 24, 2014 11:48 AM
To: Thompson, Lois D.; 'nramirez@MALDEF.org' (nramirez@MALDEF.org); Rubin Salter Jr. (Rsjr@aol.com); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley (wdh@umdeu)
Cc: Julie Tolleson (Julie.Tolleson@tUSD.org); Brown, Samuel Morrison, G. Scott; TUSD
Subject: Outreach, Recruitment and Retention Plan (revised) and accompanying materials
Attachments: 032014 Recruitment Team Makeup.pdf; 032014 Labor Market Analysis dated 9-30-14.pdf; 032014 Recruitment Plan Responses.pdf; 2307661-Outreach, Recruitment and Retention Plan, revised 3 24 14.PDF

Counsel and Dr. Hawley:

Please find attached hereto the Outreach, Recruitment and Retention Plan, revised, as well as the responses to the Mendoza plaintiffs' objections and request for information regarding the plan, plus the 9/30/13 Labor Market Analysis and the document showing the composition of the recruiting team.

Please let me know if you have any questions or comments regarding the attached, and I will respond as quickly as I can.

I look forward to our conversation tomorrow. One problem we are having is with Dr. Hawley's request of Friday afternoon to add to our agenda an update on the magnet plan. Because the District was closed last week for Spring break, this request was not seen until today, and there simply is not sufficient time to have a meaningful report ready for tomorrow.

We will do our best to have something to report regarding the magnet plan status on Friday at the first of the three boundary meetings scheduled for plaintiff input and consultation on the boundary plan.

Thanks,
Bill

J. William Brammer, Jr.
Rusing Lopez & Lizardi, P.L.L.C.
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Tucson, Arizona 85718
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Exhibit A-3

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District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan

Preliminary Statement Regarding These Responses

Before the Court approved the USP in February 2013, the District hired an outside expert to undertake a Labor Market Analysis ("LMA") to determine the expected number of African American and Latino administrators and certified staff in the District, based on the number of African American and Latino administrators and certified staff in the State of Arizona, in a four-state region, and a six-state region and the United States. See USP IV.C.2. The data from the LMA was also provided to the parties and special master before the Court approved the USP. The LMA was conducted by Dr. Mary Dunn Baker, Ph.D., Managing Director of ERS Group. The LMA was conducted, in part, to inform the Outreach and Recruitment Plan.

On February 12, 2013, the Mendoza Plaintiffs sent an email to the District's former legal counsel requesting information about the LMA ("2/12/13 Mendoza RFI re: LMA").

On July 11, 2013, the District submitted its first draft of the Outreach & Recruitment Plan to the parties and special master. Following comments from the parties and special master, the District revised and provided the July 30, 2013 second draft to the parties and special master.

On September 6, 2013, the Mendoza Plaintiffs again provided the District with objections to the District's reliance on the LMA ("9/6/13 Mendoza Objection to LMA").

On September 30, 2013, Dr. Baker completed a revised LMA entitled "Racial (African-American) and Ethnic (Hispanic) Composition of TUSD's 2010 and 2012 Teachers & Administrators.").

On December 18, 2013, the District completed a third draft of its Outreach & Recruitment Plan to the parties and the special master and welcomed additional feedback. On December 10, 2013, the District approved the hiring of a new Chief Human Resources Officer – Anna Maiden – who was set to begin working on January 6, 2014. As the new CHRO would ultimately be responsible for implementing the Plan, she reviewed the third draft in detail over the break and, in January, provided additional input.

On February 3, 2014, the District submitted a third draft of its Outreach & Recruitment Plan to the parties and the special master to address plaintiffs' concerns.

On February 10, 2014, the Mendoza Plaintiffs provided the District with the Mendoza Plaintiffs' Objections to and Request for Report and Recommendation Re TUSD's Administrator and Certified Staff Outreach, Recruitment, and Retention Plan ("2/10/14 Mendoza Objection and R&R Request"). On February 18, 2014, the Mendoza Plaintiffs agreed to the District's request for the Mendoza Plaintiffs to defer their R&R Request to permit further discussion between the parties.

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After reviewing the 2/12/13 Mendoza RFI re: LMA and the 2/10/14 Mendoza Objection and R&R Request, the District has revised the Outreach & Recruitment Plan a third time to address remaining concerns raised by the Mendoza Plaintiffs and avoid the need for Court intervention. A copy of the revised plan is provided concurrently herewith.

The responses below individually address each of the requests for information ("RFI") labeled (1)-(5) in the 2/12/13 Mendoza RFI re: LMA as well as each of the objections labeled 1-7 set forth in the 2/10/14 Mendoza Objection and R&R Request.

1. Request for Information about the Labor Market Analysis (LMA)

Mendoza Objection 1 [in pertinent part]: *Mendoza Plaintiffs Object to the District's Reliance on a Flawed and Incomplete Labor Market Analysis Both Because They Cannot Fully Assess the Validity of the Analysis Without Information They First Requested from TUSD in February 2013 But Which Has Never Been Provided and Because Certain Deficiencies, as Noted Below, Are Apparent on the Face of the Information that Was Provided and Call into Question the Purported Factual Predicate for the Plan.*

Mendoza Plaintiffs object to the District's reliance on the Labor Market Analysis ("LMA") for the reasons set forth in Mendoza Plaintiffs' objections provided to the District on September 6, 2013 and repeated here. In an e-mail dated February 12, 2013, Mendoza Plaintiffs raised a number of questions regarding the validity of the LMA.

Mendoza RFI (1): *It is unclear to us what definition of "administrator" Ms. Baker is using and whether that definition is consistent with the USP definition or applied consistently in the data she has collected?*

TUSD Response to Objection 1 and RFI (1): Generally, the definition of administrator used in the LMA includes principals, assistant principals, district superintendents, assistant superintendents, directors of programs and other titles which would be included based on guidance from the various state departments of education and would be consistent with the definition of "administrator" found in Appendix A of the Unitary Status Plan.

Based on guidance from the Arizona Department of Education, individuals with a "Class ID" (a term used for classification) of 17 are administrators. There are six administrative assistants with a Class ID of 17 - three are white and three have an unidentified race in Baker pdf#2 ("Arizona Position Counts by Ethnicity/Race"). The three with an unidentified race are excluded from the analyses. There are also 279 individuals (274 with known race) with a position code 109 ("Other"). All of these observations are assigned a Class ID of 17 ("Administrator") by the state of Arizona Department of Education and were, therefore, included in the data used to compute the availability rate.

The data mentioned with respect to California are from the California State Department of Education website and are individuals the California Department of Education classifies as administrators. The specific titles included are not provided.

The administrator counts for New Mexico (pdf #4) included all the categories the New Mexico Department of Education classified as "Administrator" (Assistant Area Deputy of Associate Superintendent, Athletic Director, Director of Instruction, Director of Personnel and Superintendent) and categories they classified as "Principal" (Principals and Assistant Principals). Ms. Baker did not make any decisions about other job titles that might be considered administrators consistent with the USP definition.

Ms. Baker made a judgment about which job titles would be considered administrators for the Texas data (pdf#5). The following job titles were included:

- ASSISTANT PRINCIPAL
- ASST/ASSOC/DEPUTY EXEC DIRECTR
- ASST/ASSOC/DEPUTY SUPERINTEND.
- ATHLETIC DIRECTOR
- COMPONENT/DEPARTMENT DIRECTOR
- COORDINATOR/MANAGER/SUPERVISOR
- DEPARTMENT HEAD
- DIR -PERSONNEL/HUMAN RESOURCES
- DIST INSTR PGM DIR OR EXC DIR
- PRINCIPAL
- SUPERINTENDENT/CAO/CEO/PRESNT

Again, when the EEOC's Aggregated EEO-5 Reports are used to measure availability, the data for each state is compiled according to the same instructions and guidelines. Therefore, this data source is less likely to have definition differences from one state to another.

Finally, within Objection 1, Mendoza Plaintiffs request an updated LMA prepared in March 2013 (Plaintiffs previously had requested this in July 2013). The updated LMA was not provided in March 2013 because Ms. Baker had not yet completed it. Ms. Baker completed the updated LMA on September 30, 2013. The District had intended to submit the updated LMA with the Recruitment Plan, but instead of submitting the entire LMA, the District submitted a summary of the main findings. For clarity, the updated LMA is provided herewith.

Mendoza RFI (2): *Why were the states of California, New Mexico, and Texas included with Arizona for ERS' four state comparison? Why, for example, was Colorado not used instead of New Mexico?*

TUSD Response to RFI (2): The USP requires a four- and six-state comparison. In addition to Arizona, California, Colorado, New Mexico, and Texas, generally, make up a region known as the southwest. Nevada and Utah were added to make a six-state comparison as those states generally also are considered to be part of the region known as the southwest. See revised Labor Market Analysis from September 2014.

Mendoza RFI (3): *Was any effort made to weight averages given the different populations of the referenced states, especially for the purpose of the "surrounding states" data? What would*

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happen to the overall result, if this were done or if Utah were excluded from the "surrounding state" data?

TUSD Response to RFI (3): Yes, the data are automatically weighted by the size of teacher and/or administrator pools in varying states, which is reflective of the size of the states' populations.

If Utah was excluded from the "surrounding state" data, it would have no significant effect on the overall result of the LMA.

RFI (4): What are the implications of using data from so many different years (Arizona - 2012; California - 2011; New Mexico - 2009; [Texas is undated]; 2000 Census/NCES 2010 data system; NCES 2007-08 principal data file) and was --or should -- any action be taken to adjust for those different dates?

TUSD Response to RFI (4): ERS used the most recent data available from each state. The fact that the year of the most recent data available varies from one state to another would be of concern only if the racial/ethnic composition changed substantially in each of these states from one year to the next (or over the span of years). In other words, using different years for different states only matters if there is some reason to believe there was a huge shift in the pool of available teachers/administrators in a state.

RFI (5): With specific reference to Baker pdf #8 [Section 8 of Appendix 2], what if any action did ERS take or does it expect to take to address the cautionary note on the NCES data sheet with respect to Arizona: "Interpret data with caution. The standard error for this estimate is equal to 30 percent or more of the estimate's value"?

TUSD Response to RFI (5): ERS used the data as published; they did not make use of the standard error information. Again, because of potential differences in the definitions of teachers and administrators used by the various states and the relatively small number of observations for some categories (resulting in relatively large standard errors), the EEOC 2010 Aggregated EEO-5 Reports are the preferred data source for the computation of African-American and Hispanic availability rates for teacher and administrator positions.

2. Request to Include Nondiscrimination Provision from the USP into the Plan

Mendoza Objection 2: Mendoza Plaintiffs Object to the Plan's Omission of the USP Provision that States the District Shall Conduct Recruitment for All Employment Vacancies on a Nondiscriminatory Basis. In Section I, USP Language, TUSD omits from its presentation of the controlling USP language USP Section IV, C, 1, which states, "[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis." While the Plan states in its Executive Summary that the Plan is intended to ensure that TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis, the subsequent operative language of the Plan does not in fact include that requirement. Rather, in Section A, 1, the Plan states that the District will follow Governing Board policies relating to hiring, etc. But, recruitment

precedes hiring and the fact that an express statement to recruit on a nondiscriminatory basis is omitted from the Plan renders it noncompliant with this express provision of the USP. (In this regard we note that the USP expressly recognized the difference between "outreach and recruitment," on the one hand, and "hiring," on the other with separate subsections addressing them in Section IV at C and D.) Therefore, there is no justification for the Plan's omission of an express undertaking to recruit on a nondiscriminatory basis.

TUSD Response to Objection 2:

First, the USP is very prescriptive about what has to be included in certain plans. The USP does not require, or even imply, that the language in section IV.C.1 must be included in this plan.

Second, the "controlling USP language" related to the Plan is found in section IV.C.3, after section IV.C.1. The language in section IV.C.1 is clearly a USP requirement that is separate from the requirement to develop and implement this plan. Otherwise, as occurs throughout the USP, the language in section IV.C.1 would have been included in section IV.C.3.

Third, the Mendoza Plaintiffs concede that the language in the Plan includes that "the Plan is intended to ensure that TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis..." but, apparently, do not agree with the location of the language.

Finally, counsel for the Mendoza Plaintiffs on one hand seek to have the non-discriminatory language included in the Plan, but on the other hand seek assurances (through these objections, and through earlier comments on earlier versions of the Plan) that the District is targeting certain aspects of recruitment exclusively on African American and/or Latino candidates (see Requests 6 and 7, below). For example, related to Request 6, the District described a nondiscriminatory goal of "increasing the racial/ethnic diversity of certificated staff." Counsel for the Mendoza Plaintiffs are requesting that the District replace the nondiscriminatory goal with an, arguably, discriminatory goal that would only target two specific groups, African American and Latino candidates.

3. Request to Strike the Following Statement from the Plan: "a Retention Plan is not required by the USP"

Mendoza Objection 3: Mendoza Plaintiffs Object to the Plan's Statement that "a Retention Plan is Not Required by the USP" and Its Failure to Include Express USP Requirements for Addressing, Through a Plan, Disparities in Attrition Rates for African American and Latino Administrators and Staff. Mendoza Plaintiffs object to the language in section III, Executive Summary, stating that "a retention plan is not required by the USP." Plan at 3. This statement reflects an extraordinarily narrow reading of the USP and a misperception of the scope of Section IV of the USP which contains a subsection on "Retention" that is of the same weight as the subsections on Outreach and Recruitment, Hiring, Assignment of Administrative and Certificated Staff, and Reductions in Force. Moreover, while it may not use the word "plan" the USP states in Section IV, F, 1 that the "District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff." Further,

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the USP requires “a plan to take appropriate corrective action” if disparities in attrition rates of African America and Latino administrators or certificated staff compared to other racial and ethnic groups are identified. USP, Section IV, F, 1, a. The statement that a retention plan is not required by the USP is incorrect and should be stricken. Further, the assertion that no retention plan is required by the USP infects the substance of the Plan as well. The USP expressly states: “If disparities [in attrition rates for African American or Latino administrators or certificated staff] are identified, the District shall... develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified.” USP, Section IV, F, 1, a. That language has not been incorporated in the Plan. Rather, it says (at page 13) only that “[i]f disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.” This language with its wiggle room reference to “strategies, where feasible” and its absolute failure to mandate a remedial plan to be developed and implemented in the very semester following the semester in which the disparity is found is woefully inadequate and a failure to properly implement the USP.

TUSD Response to Objection 3:

First, the USP is very prescriptive about where and when the District must develop and/or implement a “plan.” The use of the term “plan” throughout the USP is material since the Plaintiffs have very specific roles related to reviewing, providing feedback, and lodging objections to items delineated as “plans.” The USP does not require, directly or by implication, the District to develop and/or implement a Retention Plan.

Second, the USP requires a corrective action plan only based upon satisfaction of a triggering condition: the finding of disparities in attrition rates. And those plans are to be developed as an ongoing process only if disparities are found. The USP does not require a single Retention plan, but (as appropriate based on whether or when disparities are found) may require multiple remedial plans to address attrition throughout multiple years. The USP requirement to develop multiple remedial plans on an ongoing, as needed basis is separate and apart from any implied or imagined requirement to develop a single Retention plan.

4. Request for the Plan to Explicitly Describe the Precise Makeup of the Recruitment Team

Mendoza Objection 4: Mendoza Plaintiffs Object to the Plan’s Failure to Demonstrate that Members of the Recruitment Team are Racially and Ethnically Diverse and Comprised of School-Level and District-Level Administrators, Certificated Staff and Human Resources Personnel. In Section IV Recruitment and Retention Advisory Committee (Recruitment Team) the Plan states that the Recruitment and Retention Advisory Committee consists of a “diverse” group of community members and “diverse” TUSD leaders. Plan at 4. Mendoza Plaintiffs repeat their objection to the July 11, 2013 draft TUSD recruitment plan that having a “diverse” committee does not adhere to the USP requirement that TUSD seek the “input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel.” USP, IV, C, 3 at 17. In addition to failing to state whether the committee is racially and ethnically diverse, the Plan does not specify that the

committee includes school-level and district-level administrators and human resources personnel.

TUSD Response to Objection 4: The District will add the words “racially and ethnically” in front of the word “diverse” in the section of the Plan that outlines the role of the Recruitment Team. The District will add the words “including school-level administrators, district-level administrators, and human resource personnel” in the section of the Plan that outlines the role of the Recruitment Team. Nothing in the USP indicates a requirement that the District must “demonstrate” that the recruitment team is racially and ethnically diverse. The District submitted this precise language in the first version of this plan that was submitted to the counsel for the Mendoza Plaintiffs in July of 2013. Counsel for the Mendoza Plaintiffs submitted feedback in September of 2013 and did not “object” or otherwise mention any issues with this language. See revised Plan provided concurrently herewith.

5. Request for the Plan to Include Advertising Strategies for Recruiting Candidates

Mendoza Objection 5: Mendoza Plaintiffs Object to the Plan’s Omission of Advertising Strategies for Recruiting Candidates with Spanish Language Bilingual Certifications and the Omission of National Newspapers, Education Publications, and Periodicals Targeting African American and Latino Communities as Part of the Advertising Strategy. Mendoza Plaintiffs object to the strategies for advertising described on page 7 of the Plan. That advertising strategy fails to include strategies for recruiting candidates with Spanish language bilingual certifications as required in the USP. The USP requires the District to establish a recruiting strategy that includes “specific techniques to recruit... candidates with Spanish language bilingual certifications from across the country.” USP Section IV, C, 3(a)(i) at 17. Appendix B to the Plan, which the Plan describes as including “additional entities” considered for “future recruitment” does not include websites that target candidates with Spanish language bilingual certifications. The site www.hispanic-jobs.com included in Appendix C is described as “bilingual job opportunities for English-Spanish speaking professionals” and is not focused on educators who have Spanish language bilingual certifications. Further, the advertising strategies listed on page 7 of the Plan fail to include “national newspapers, education publications and periodicals targeting African American and Latino communities” as required under USP section IV, C, 3 (a)(i)(i).

TUSD Response to Objection 5: The Plan includes specific techniques to recruit candidates with Spanish language bilingual certifications from across the country. For instance, there are specific financial incentives for candidates with bilingual certifications. Offering the financial incentives is a specific strategy to recruit these candidates from across the country.

The Plan states “TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year’s recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.” TUSD welcomes feedback that would improve its advertising strategies to promote the District and recruit Spanish language bilingual and certificated candidates through national newspapers,

education publications and periodicals that would target more African American and Latino candidates. The District will review and modify as needed.

6. Request to Include “Administrator” Goals and to Change the Goal of Increasing “Ethnic/Racial Diversity” to Increasing Recruitment of “Qualified African American and Latino Candidates”, and to Include In-Person Recruiting Strategies for Recruiting African American and Latino Administrators.

Mendoza Objection 6: *Mendoza Plaintiffs Object to the Omission of Administrators from the Recruiting Goals for In-Person Recruiting and to the Omission of African American and Latino Administrators from the In-Person Recruiting Strategies. Mendoza Plaintiffs object to the Plan’s stated goal in the In-Person Recruiting section on page 8 of increasing “the ethnic/racial diversity of TUSD’s certificated staff.” Mendoza Plaintiffs object to the omission of administrators from the stated recruitment goal. The USP specifically requires recruitment for open administrator positions. USP Section IV, C, 3 at 17. In addition, Mendoza Plaintiffs object to the Plan’s mention of “ethnic/racial diversity” when the USP calls for recruiting “qualified African American and Latino” candidates. USP section IV, C, 3 at 17. Mendoza Plaintiffs also object to the in-person recruiting strategies because they fail to include strategies for recruiting African American and Latino administrators as required by the USP.*

TUSD Response to Objection 6: The District will add language to clarify that the in-person strategies are focused on both administrators and certificated staff members. See revised Plan provided concurrently herewith.

7. Request for Clarification Regarding the Financial Incentives

Mendoza Objection 7: *In the Financial incentives section on page 9, Mendoza Plaintiffs seek clarification regarding whether the financial incentives included in the Plan will be targeted to African American and Latino candidates or to all candidates since the sentence in the Plan (“The following reimbursements and stipends are to be utilized as tools for recruitment and retention and are therefore not available to all incoming or existing administrators or teachers”) is unclear.*

TUSD Response to Objection 7: The financial incentives will be targeted towards recruiting and retaining African American and Latino candidates, but will also be used to recruit other candidates and to retain other employees.

8. Request for General Changes and Clarifications

Mendoza Objection 8: *The Definitions section is incorrectly labeled as section III, when it should be section IV. The remaining sections should be renumbered to reflect this change. Also, in Section V.3. Annual Review and Process for Modification, the Plan refers to “SPED” under critical needs. “SPED” is undefined and should be defined in the Plan. Plan at 6.*

TUSD

Administrator and Certificated Staff
Outreach, Recruitment, and Retention Plan
(Revised March 24, 2014)

I. USP LANGUAGE

IV. ADMINISTRATORS AND CERTIFICATED STAFF

C. Outreach and Recruitment

3. By April 1, 2013⁴, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.
- a. The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:
1. Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities ("HBCUs"), through the Hispanic Association of Colleges and Universities ("HACU"), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students, including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;
 - ii. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
 - iii. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
 - iv. Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including for college and university students, exploring and promoting opportunities for teaching in the District; and

⁴The District submitted its initial draft of this plan to the parties and Special Master on July 11, 2013 and, following several iterations of that plan based on information exchanges among the parties, submitted its third draft on February 3, 2014. This revised Plan is the product of additional information exchanges among the parties.

v. Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

IV. ADMINISTRATORS AND CERTIFICATED STAFF

F. Retention

1. The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:
 - a. Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;
 - b. Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers' overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and
 - c. Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (e.g., ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.

II. OVERVIEW

TUSD is committed to recruiting and retaining highly qualified and appropriately certificated administrators and certificated staff members, representative from diverse backgrounds and cultures, who are competent and ready to manage, teach, engage, and challenge our present and future learners. To carry out this commitment, TUSD has developed an Outreach, Recruitment, and Retention Plan ("Plan") aligned with TUSD's general recruiting practices, with a particular focus on recruiting and retaining qualified individuals from historically underrepresented groups and qualified individuals to fill hard-to-fill positions. In addition to the specific strategies outlined in the Plan below, TUSD will utilize the following three general strategies to ensure the success of the Plan:

- Developing a "Recruiter's Guide" containing resource materials (such as those contained in the Appendices to this Plan) so staff members involved in recruiting are well-versed and prepared to discuss recruiting incentives, discuss TUSD and the City of Tucson, and to address other concerns of prospective recruits.
- Contacting and networking with recruiters from other school districts and/or private entities to learn and internalize best practices.

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- Basing part of the Chief Human Resources Officer's evaluation on the progress made in increasing the racial and ethnic diversity of central and site-based administrators and certificated staff.

III. EXECUTIVE SUMMARY

The Plan focuses on two separate but interrelated objectives, aligned with the goals identified above: (1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs. The Plan aims to recruit and retain highly-qualified 21st Century educators who represent broad spectrums of diverse backgrounds and cultures, with the skillsets to implement the latest educator processes to drive superior teaching. Recruitment is focused principally on enhancing the diversity of the workforce, and in recruiting hard-to-fill positions as identified each year. While a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce.

The Plan focuses on eight areas for Outreach and Recruitment, and four areas for Retention:

A. Outreach and Recruitment

1. Ensuring TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis;
2. Analyzing the findings of the Labor Market Analysis (LMA);
3. Reviewing and, where needed, modifying the Plan to continually strengthen the Plan's effectiveness in attracting, and retaining, qualified African-American and Latino candidates and candidates with Spanish language bilingual certifications;
4. Developing a nationwide recruiting strategy based, at minimum, on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African-American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country;
5. Creating a process to invite retired African-American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
6. Incorporating strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
7. Developing local programs to identify and support local high school, college, and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
8. Developing strategies to encourage and provide support for African-American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

B. Retention

1. Evaluating and addressing disparities in the attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups. Where applicable, assess reasons for disparities and implement corrective actions;

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2. Conducting surveys to assess teachers' overall job satisfaction and interest in continuing at TUSD;
3. Facilitating teacher focus groups to gather data and identify specific concerns of staff in hard-to-fill positions and/or staff hired to fulfill a need specifically identified in the USP; and
4. Providing family support and professional development.

IV. DEFINITIONS

LMA – Labor Market Analysis

CCS – Cross Categorical Special Education-

Critical Needs Subject Areas – subject areas required for graduation (core subjects) and/or are required by state or federal law, and for which there have been an inadequate pool of qualified candidates. By December each year, TUSD will identify critical needs subject areas for the subsequent school year based on an analysis of vacancies and multiple postings for various areas. For SY 2013-14, for example, critical needs subject areas included exceptional education, math, and science.

AEPA – (now known as) NES, National Evaluation Series

HBCU – Historical Black Colleges / Universities

HACU – Hispanic Association of Colleges/Universities

ELL – English Language Learners

Hard to Fill Content Areas – specialized content areas within the TUSD curriculum for which there are, or have been, an inadequate pool of qualified candidates. By December each year, TUSD will identify hard-to-fill content areas for the subsequent school year based on an analysis of current-year vacancies and staffing needs. For SY 2013-14, for example, hard-to-fill content areas include: dual language and Culturally Relevant Courses (CRCs).

Hard to Fill Site – school sites for which there traditionally have been insufficient applicants for instructional vacancies to meet staffing needs.

New-to-TUSD (Teachers or Administrators) – Teachers or administrators who are new to TUSD, and have never worked for TUSD.

V. RECRUITMENT AND RETENTION ADVISORY COMMITTEE (Recruitment Team)

The Recruiter coordinates the development and implementation of the Plan, with input from the Recruitment and Retention Advisory Committee ("Committee"). The Committee was created in 2008 to enhance recruitment efforts. The committee meets four times per year, and consists of a 15 member racially and ethnically diverse group of community members, select TUSD leaders (including school-level administrators, district-level administrators, and human resource personnel), corporations, colleges/universities, teachers, and

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administrators. This group actively engages the community and key constituencies in the Plan and works collaboratively to recruit and retain highly qualified administrators and certificated staff with diverse backgrounds. The Committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on diversity challenges, information resources, and ethnic-cultural opportunities in the community. The Committee analyzes risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing).

VI. OUTREACH, RECRUITMENT, AND RETENTION

A. OUTREACH AND RECRUITMENT

1. Ensure Nondiscriminatory Recruitment for All Employment Vacancies

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

2. Labor Market Analysis

TUSD hired an outside consultant to undertake a labor market analysis ("LMA") that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. TUSD notes that the LMA findings revealed no negative disparities in hiring between TUSD's workforce and the local and state labor markets. (See Appendix A for a Summary of Preliminary Findings). In light of the findings of the LMA, TUSD's outreach and recruitment strategies will focus on enhancing the diversity of TUSD's workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites.

3. Annual Review and Process for Modification

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

- Colleges or Universities Visited for Recruiting
 - Including whether the school was an HBCU, HACU, or one with a diverse student population
 - Including participating colleges and/or universities
- Critical Needs (Math, Science, Exceptional Education, ELL/Dual-Language (including candidates with Spanish language bilingual certifications), or other as identified)
- Resumes Received
- Phone Interviews Conducted
- Letters of Intent Extended
- Letters of Intent Accepted
- Reason(s) Individuals do not accept positions offered them

This information is used to tailor future recruiting to identify which strategies are the most effective and efficient, and to identify which venues produce the best results.

4. Nationwide Recruiting Strategy Focused on Specific Strategies to Recruit a Diverse Staff, Including African-American, Hispanic, and Bilingual Administrators and Certificated Staff

TUSD will include non-discrimination language in a prominent location on the online job postings site, and will continue to strive to remain salary competitive with other local school districts and, at the current time, is comparable to all area school districts. The nationwide strategy will include the following, described in detail in the corresponding sections below: (a) advertising; (b) in-person recruiting; (c) offering financial incentives; (d) promoting job satisfaction incentives and opportunities; (e) promoting support for beginning teachers; and (f) monitoring and utilizing feedback from current employees. Each strategy will be evaluated for effectiveness and may be modified on an annual basis.

a. Advertising

TUSD may collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:

- Teachers of Color (print and web);
- Teach.gov (web);
- Teachers-Teachers (web);
- Want to Teach (web);
- Career Media Solutions –HBCU (print and web);
- American Association for Employment in Education;
- Association of Latino Administrators and Superintendents (ALAS);
- Hispanic Chamber of Commerce;
- National Alliance of Black School Educators (NABSE); and
- Various college/university career center postings.

TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications. See Appendix B for additional entities being considered for future recruitment advertising, as applicable.

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b. In-Person Recruiting

The goal is to increase the ethnic/racial diversity of TUSD's administrators and certificated staff. This strategy includes the following activities:

- Recruitment trips to identified HBCUs, HACU member colleges, and other colleges and universities offering teacher preparation programs and enrolling diverse student populations in their education programs;
- TUSD will host "Meet and Greets" for student teachers from various colleges in Arizona to provide information about TUSD and how to apply for vacant positions. Guest speakers from TUSD may include leadership team members, certification specialists, mentoring and professional development personnel, special education personnel, and members of the math innovation team;
- The Recruiter attends the University of Arizona South campus in the fall to meet the new student teachers in the program. TUSD will create new and stronger relationships with in-state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments;
- Collaboration with HBCUs and the HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD;
- Welcome Groups to welcome new administrators or certificated staff members into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas; and
- Other Colleges and Universities: TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.
- Local and state-wide job, diversity, and education fairs and/or expos are provided for employers, recruiters and school districts to meet with prospective administrator or certificated staff candidates. In the college setting, education fairs are commonly used for entry level teaching positions, but also may include graduate students seeking administrative positions. Often sponsored by career centers, job fairs provide a convenient location for students to meet employers and participate in first interviews. TUSD will participate and recruit at these events, and document the success of these efforts. TUSD will continue to develop the ability of recruiters to extend Offers of Employment during in-person recruiting activities to ensure the best chance of recruiting candidates to TUSD. TUSD's recruitment teams will include relevant staff who can speak directly about their experiences in TUSD and in Tucson.
- The District's Leadership Prep Academy (LPA) is an in-person program dedicated to recruiting and preparing future administrators.

TUSD will evaluate and modify these recruiting strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting diverse candidates, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.

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c. Financial Incentives

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

- **Relocation Expense Reimbursement:**
For any of the positions identified below and in accordance with Governing Board policy, a one-time relocation expense reimbursement may be offered as an incentive to out-of-state, new-to-TUSD incoming administrators, and out-of-state, new-to-TUSD incoming teachers.
- **Dual-Language/Bilingual Recruitment and Retention Incentive*:**
TUSD may, as an incentive, offer a stipend to new-to-the-District incoming teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom, or existing teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom.
- **Culturally Relevant Courses (CRCs) Recruitment and Retention Incentive*:**
TUSD may offer a recruitment incentive to new-to-TUSD, incoming CRC teachers who meet specified qualifications, or to existing CRC teachers who meet specified qualifications.
- **Recruitment Incentives for Hard-to-Fill Sites*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers at Hard-to-Fill Sites, or to existing teachers who voluntarily move to a Hard-to-Fill Site.
- **Recruitment Incentives for Critical Needs*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers in critical needs subject areas, or to existing teachers who become highly qualified and are placed into a critical needs subject area. Critical needs subject areas are evaluated, and may be modified, on an annual basis.

*Stipends are paid to full-time employees only, subject to conditions.

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d. Offers of Employment

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

e. Job satisfaction incentives and opportunities

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

f. Support for beginning teachers

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

g. Monitoring and utilizing feedback from current employees

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

5. Process for Retirees

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

6. Partnerships with Local Employers

TUSD builds partnerships with local companies that recruit nationally to build an alternative means of recruitment. Local corporations and government entities that recruit non-local candidates are provided with informational materials about TUSD to share with family members (e.g. spouses, extended family). In turn, this facilitates the recruitment of work-eligible family members so they are aware of employment opportunities within TUSD. TUSD may collaborate with the following entities: Tucson Values Teachers; Re-establish connection with Raytheon; Local Chamber of Commerce (Metropolitan, Black, Hispanic); Phoenix Chamber of Commerce; Pima One Stop; Davis-Monthan Air Force Base (DMAHB); University of Arizona – Student Services; University of Arizona – South; Grand Canyon University; University of Phoenix; Fort Huachuca; Arizona State University; and Northern Arizona University.

7. Local Programs

The following local programs are focused on developing interest in careers in education, and particularly with TUSD. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.

- **High School Student Program:** recruiter will partner with high school administrators to set up forums with students who are interested in teaching careers. Forums will be attended by current teachers, students, and facilitators and would include detailed discussions of teaching-career pathways and requirements. Interested students will receive information and resources to guide them into teaching careers, and will be encouraged to contact TUSD's Recruiter for further information and guidance.
- **Colleges and Universities:** recruiter will visit the local college and university educational teacher programs to attract new teachers. In addition, the recruiter will visit diversity programs with a focus on African-American and Latino studies programs to support USP obligations to create interest in a teaching career.
- **Professionals:** recruiter will continue to solicit interest at Davis-Monthan Air Force Base and military spouses interested in teaching at TUSD.

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8. Strategies to Encourage Certification

For Non-Certificated Staff Seeking Certification

TUSD will take the following actions to encourage and to provide support for African-American and Latino non-certificated staff who are interested in pursuing certification:

- a. Survey current non-certificated staff to identify non-certificated staff members, including African-American and Latino staff members, who are interested in pursuing educational certification;
- b. Survey current certificated staff to identify those that have received certifications (or are currently in programs to receive certifications) in the areas identified by the first survey;
- c. Each identified non-certificated staff member may be: (a) paired with a mentor that has the certification that the staff member is seeking, and/or (b) pair with other staff members who are also interested in that area and/or are already working towards receiving certification through the same or similar programs. Mentors may receive additional stipends for participation; and
- d. Send direct mailings to each identified staff member recognizing and encouraging their ambitions and areas of interest, sharing potential positions within TUSD that fits with their areas of interest, sharing available resources (e.g. local and online programs and courses) that match those interests and identifying the person or persons they have been paired with for mentoring or other support.

For Certificated Staff Seeking Administrative Certification

TUSD staff attended initial meetings with representatives from the University of Arizona, College of Education, to explore a proposal to provide a TUSD-specific set of coursework toward obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions. The TUSD-specific courses would focus on the standard coursework, but would infuse TUSD- and USP-related issues such as Supportive and Inclusive Learning (CRP), USP fundamentals and theory, faculty and staff diversity, etc. The program may also include class projects that would be based in TUSD schools, and may span an entire school year. Potential leaders, including African-American and Latino staff members, who do not have the credentials to move directly into leadership positions would be encouraged to apply for the program as they continue to work at TUSD. Participants will be recognized formally and provided with a certificate of completion to document the additional training and professional development received over the year.

B. RETENTION

1. Collect and Monitor Retention Data

TUSD will conduct evaluations, surveys, and focus groups to help identify any disparities, gauge job satisfaction levels, and to identify concerns or obstacles that may cause employees to leave TUSD and frustrate retention efforts.

- a. **Evaluate disparities in attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups.**

TUSD will: (1) evaluate the attrition rates of all racial and ethnic groups to assess whether disparities exist between African-American and Latino administrators and certificated staff compared to other racial and ethnic groups; and (2) if disparities exist, assess the reasons for the disparities (to the extent possible). If disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.

- b. **Assess teachers' overall job satisfaction and interest in continuing to work for TUSD**

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

- c. **Facilitate teacher focus groups**

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

2. Adopt Measures Intended to Increase the Retention of African-American and Latino Administrators and Certificated staff

a. Corrective Action Plans

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

b. Other Measures

Outreach and Communication to TUSD Employees about Opportunities for Themselves and Their Children
TUSD is expanding its outreach to employees regarding special employee programs and, more generally, to provide increased family support (see Appendix E). TUSD will continue to work to ensure that employees feel welcome, and as part of the TUSD family, will recognize the benefits of working in TUSD by feeling supported and encouraged as TUSD employees.

Administrator Focus Groups

In addition to the teacher focus groups described above, TUSD will facilitate administrator focus groups to address any concerns, but also to identify additional ways by which TUSD can support administrators (particularly African-American and Latino administrators) in their work and in increasing or maintaining their job satisfaction.

Extended Professional Development Opportunities

TUSD will provide opportunities for administrators and certificated staff to participate in targeted professional development opportunities. For example, in 2013-14 TUSD sent one African-American principal to the NABSE (National Alliance of Black School Educators) conference along with staff from the African American Student Services Department. Other African-American and Latino administrators have shown an interest in similar PD opportunities in the future.

Support Beginning Teachers

TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the retention strategy is to support beginning teachers in ways that make them feel welcome, appreciated, and supported as they begin their teaching careers to ensure that they are successful and to encourage them to remain employed with TUSD. (See Appendix C, "Ongoing Support for Beginning Teachers")

Encourage Prospective Leaders to Become Leaders

TUSD has developed a detailed plan for encouraging and supporting prospective leaders, particularly African-American and Latino staff members, to develop their capacity for leadership positions. (See Appendix F, "Prospective Administrative Leaders Plan" – particularly Section V: Methods for Growing Our Own) By enhancing opportunities for professional growth and development, current employees will recognize that they are valued, supported, and encouraged to remain and grow with TUSD.

RACIAL (AFRICAN-AMERICAN) AND ETHNIC (HISPANIC) COMPOSITION OF TUSD'S 2010 AND 2012 TEACHERS & ADMINISTRATORS

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September 30, 2013

I. INTRODUCTION

Assignment and Conclusions. Counsel for the Tucson Unified School District (TUSD or the District) asked me to conduct statistical analyses to determine whether the racial (African-American or Black) and ethnic (Hispanic) composition of TUSD's Teachers and Administrators employed in 2010 and in 2012 is consistent with relevant external labor market data. When African-American and Hispanic availability for Teacher and Administrator jobs is measured using the aggregate 2010 EEO-5 Report for Arizona public schools,¹ the data reveal that, in general, TUSD employed more African-American and Hispanic Teachers and Administrators than would be expected given the rates at which members of these demographic groups are employed in similar occupations throughout the state. Therefore, the analyses fail to produce any evidence whatsoever that African-Americans and Hispanics were underrepresented in TUSD's Teacher and Administrator workforces in 2010 and 2012. In fact, to the contrary, the data for each of the Teacher and Administrator categories yield patterns that suggest that these demographic groups were employed in numbers consistent with, or statistically significantly

¹ The U.S. Equal Employment Opportunity Commission and the Office for Civil Rights of the U.S. Department of Education require all public school districts with 100 or more employees to complete the Elementary-Secondary Staff Information Report (EEO-5) biennially, in even numbered years. The survey reports the number of employees by sex and race/ethnicity in each of 18 EEO categories, including Officials, Administrators & Managers; Principals; Assistant Principals (Teaching); Assistant Principals (Non-teaching); Elementary Classroom Teachers; Secondary Classroom Teachers; and Other Classroom Teachers.

The EEOC aggregated and published the 2010 EEO-5 surveys by state. The 2010 aggregate EEO-5 Report for Arizona, provided at Appendix A, indicates that the survey includes data for 121 school districts.

greater than, their representation among individuals who are likely qualified for and interested in the District's Teacher and Administrator positions.

Credentials. I am a labor economist with extensive experience in statistical analyses of employment practices. Since July 1986, I have been employed by Economic Research Services Group (ERS) in Tallahassee, Florida where I presently serve as a Managing Director. ERS is a research and consulting firm whose professionals work with individuals, government agencies, colleges and universities, corporations and other organizations to analyze outcomes of employment decision-making processes and to compute estimates of the value of alleged economic losses. I have testified in federal courts and other judicial settings about statistical analyses and economic loss estimates that I have prepared on behalf of both plaintiffs and defendants.

For twenty years, I, along with other Ph.D. economists at ERS, have presented seminars on the economics and statistics of employment discrimination and the estimation of the value of economic losses arising from a variety of events and actions. State Bars offer continuing legal education credit for attending these ERS seminars. In addition, on many occasions, I have been invited by organizations such as the American Bar Association's (ABA's) Labor and Employment Section, the ABA's Equal Employment Opportunity Committee, the American Association for Affirmative Action and the Department of Labor's Office of Federal Contract Compliance Programs (OFCCP) to make presentations or conduct workshops on statistical analyses of employment issues and the valuation of economic losses using professionally accepted methods of analysis. An outline of my credentials and a list of cases in which I have given testimony are provided at Appendix B.

II. STATISTICAL COMPARISONS OF THE RACIAL/ETHNIC COMPOSITION OF A WORKFORCE

A workforce analysis is conducted to determine whether the racial/ethnic composition of employees in a given set of jobs is reflective of a particular demographic group's representation in the relevant external labor market. When the percent African-American or Hispanic among workers employed by a specific employer in a given occupation is "close to" their representation among all workers in that occupation in the relevant geographic area, the conclusion is that the racial/ethnic composition of the organization's workforce is consistent with their availability in the relevant occupation and geographic area.

Labor economists and statisticians determine whether the percent African-American or the percent Hispanic in a given workforce is "close enough" to their representation rates among labor force participants who are interested in and qualified for the relevant job by computing the number of standard deviations of the difference between the two proportions. When the number of standard deviations is less than approximately two (technically, ± 1.96), the conclusion is that the organization's workforce is reflective of availability in the relevant occupation and geographic area. When the African-American or Hispanic representation rate in the organization's workforce falls short of the relevant availability rate and the number of standard deviations of the difference is greater than approximately two, the conclusion is that the employer employs statistically significantly fewer African-Americans or Hispanics than would be expected, given their representation among individuals who are interested in and qualified for the occupation at issue. However, when the African-American or Hispanic representation rate in the specific workforce exceeds the relevant external labor market availability rate by approximately two or more standard deviations, the conclusion is that the organization employs statistically significantly more members of the race or ethnic group than would be expected. A

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positive and statistically significant difference between the percent African-American or Hispanic employed by a given organization and the relevant representation rate in relevant economy indicates that the employer successfully aggressively recruits members of the demographic group and/or is an “employer of choice” for the racial or ethnic group.

III. DATA

Two types of data are required to conduct an analysis of the racial/ethnic composition of a workforce. First, the number of employees who were employed by the relevant organization in each relevant occupation at a given point in time must be counted by race/ethnicity. Second, an appropriate benchmark (i.e., availability rate) for each demographic group of interest must be established for each relevant occupation.

TUSD provided the information necessary to count employees by occupation and race/ethnicity. Specifically, the District provided its 2010 EEO-5 Report which shows the number of individuals in each sex and race/ethnic group who, as of October 1, 2010, worked in each of the relevant Teacher (Elementary, Secondary and Other Classroom Teachers) and Administrator (Officials, Administrators & Managers, Principals and Assistant Principals) categories. TUSD also provided the same information for individuals who were employed in these Teacher and Administrator categories on November 29, 2012.

The best source of the data necessary to measure African-American and Hispanic representation among individuals who are interested in and qualified for TUSD Teacher and Administrator jobs is the most recent EEO-5 Reports submitted by covered public schools in the relevant geographic area. The EEOC recently published reports that aggregate the EEO-5 data across covered public schools in each state.² Therefore, the most appropriate aggregate EEO-5 Report is for Arizona. The Arizona EEO-5 Report is a reliable source for measurement of Black

² No other EEO-5 aggregations have been published by the EEOC.

and Hispanic availability for the relevant TUSD jobs because individuals who were, in fact, employed in relevant Teacher and Administrator categories have, by assumption of these jobs, demonstrated their interest in and qualification for these occupations.³ Moreover, the fact that they were working in Arizona indicates that they are willing and able to accept employment in this geographic area.⁴

IV. AFRICAN-AMERICAN REPRESENTATION IN TUSD'S TEACHER AND ADMINISTRATOR WORKFORCES

Teachers - 2010. According to its 2010 EEO-5 Report, TUSD employed 1,922 Elementary Classroom Teachers (Elementary Teachers). The 2010 aggregate Arizona EEO-5 Report shows that 2.10% of public school Elementary Teachers in the state were African-American. Therefore, if TUSD employed Blacks in this Teacher category in numbers consistent with African-American representation in this occupation in Arizona, then the District would have employed approximately 40 Black Elementary Teachers ($1,922 \times 0.0210 = 40.44$).

³ Connolly, Peterson and Connolly (2006) state, “[t]he census data that we find most relevant in determining the composition of a skill-segment of a local labor force are those giving, by affinity group and by local geographic area, the numbers of people employed in jobs associated with the skill-segment of interest. These data are appropriate because the assumption of a job by an individual is a reasonably good indication that she or he is interested in and capable of the type of work the job involves.” [Use of Statistics in Equal Employment Opportunity Litigation]. New York: Law Journal Press, pages 5-36.]

⁴ In my opinion, the computation of availability rates using data that includes other states with substantially larger Black populations (e.g., California and Texas) is not appropriate. While individuals who are employed as public school Teachers and Administrators in these other geographic areas are presumably interested in and qualified for the occupation, the African-Americans may be less willing and able to work in Arizona than members of other demographic groups.

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Table 1
Analyses of the Racial (African-American) Composition of 2010 TUSD Teachers
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	2.10%	1,922	40.44	56	15.56	2.47	*
Secondary Classroom Teachers	2.46%	754	18.58	28	9.42	2.21	*
Other Classroom Teachers	2.61%	136	3.55	0	-3.55	-1.91	
Total Teachers	2.22%	2,812	62.56	84	21.44	2.74	*

As Table 1 shows, TUSD actually employed 56 African-American Elementary Teachers in 2010, or nearly 16 more than the predicted. Given that the number of standard deviations of this difference is 2.47 and the actual number of TUSD Black Elementary Teachers is 1.4 times larger than predicted, the conclusion is that TUSD employed Blacks in this Teacher category in numbers statistically significantly and substantially larger than would be expected given their representation in this job in Arizona public schools.

According to its EEO-5 Report, TUSD employed 754 Secondary Classroom Teachers (Secondary Teachers) in 2010. The 2010 aggregate Arizona EEO-5 Report shows that 2.46% of the Secondary Teachers in public schools were African-American. Therefore, if TUSD employed African-Americans in this occupation in numbers proportionate to Black representation in these jobs in Arizona, then the District would have employed approximately 19 African-American Secondary Teachers ($754 \times 0.0246 = 18.58$).

As Table 1 shows, in 2010, TUSD actually employed 28 Black Secondary Teachers, or approximately nine more than predicted. Given that the number of standard deviations of this positive difference is 2.21 and the actual number of TUSD African-American Secondary Teachers is 1.5 times larger than predicted, the conclusion is that, in 2010, TUSD employed

African-Americans in this occupation in numbers statistically significantly and substantially larger than would be expected given their representation in this Teacher category in Arizona public schools.

The TUSD 2010 EEO-5 Report shows that the District employed 136 Other Classroom Teachers (Other Teachers) in that year. According to the 2010 aggregate EEO-5 Report, 2.61% of the Other Teachers in Arizona public schools were African-American. Hence, if TUSD employed Blacks in this occupation in numbers proportionate to their representation in this Teacher category in Arizona, then the District would have employed approximately four African-American Other Teachers ($136 \times 0.0261 = 3.55$).

As Table 1 shows, in 2010, TUSD did not employ any Black Other Teachers, or four fewer than predicted. Given that the number of standard deviations of this four person shortfall is not statistically significant (-1.91 standard deviations), this outcome is reflective of the external labor market data.

When the results of the analyses for the three types of Teachers are aggregated, the model reveals that, among the 2,812 Teachers employed in 2010, the expectation is that approximately 63 would be African-American ($2,812 \times 0.0222 = 62.56$).⁵ In fact, TUSD employed 84 Black Teachers in 2010, or approximately 21 more than predicted. Given that the number of standard deviations of this excess number of African-Americans is 2.74 and the actual number of TUSD Black Teachers is 1.3 times larger than the model predicts, the conclusion is that, in 2010, TUSD employed Black Teachers at a statistically significantly and substantially higher rate than would be expected given African-American representation among Teachers in Arizona public schools.

⁵ The weighted average percent African-American among all Teachers in Arizona public schools is 2.22%. The weighted average African-American availability rate is computed by dividing the total expected number of African-American TUSD Teachers by the total number of TUSD Teachers.

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Teachers – 2012. Table 2 reports the results of the 2012 African-American Teacher workforce analysis. Given that the most recent aggregate EEO-5 data that are available are from 2010, the 2012 analyses use the same African-American benchmarks as the 2010 analyses.

Table 2
Analyses of the Racial (African-American) Composition of 11/29/2012 TUSD Teachers
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	2.10%	1,903	40.04	55	14.96	2.39	*
Secondary Classroom Teachers	2.46%	692	17.05	27	9.95	2.44	*
Other Classroom Teachers	2.61%	195	5.12	2	-3.12	-0.82	
Total Teachers	2.22%	2,790	62.21	84	21.79	3.04	*

As Table 2 shows, the 2012 TUSD data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed statistically significantly and substantially larger numbers of African-American Elementary and Secondary Teachers than would be expected given the representation of this demographic group among individuals employed in these two occupations in public schools across Arizona;⁶ and
- the number of Black Other Teachers employed by TUSD in 2012 is consistent with the external labor market benchmark.⁷

When the results of the 2012 analyses are aggregated across the three Teacher categories, as Table 2 shows, TUSD employed approximately 23 more African-Americans than the model predicts. Given that the number of standard deviations of this positive difference is 3.04 and the actual number of TUSD Black Teachers is 1.4 times larger than predicted, the conclusion is that,

⁶ The actual number of Black TUSD Elementary Teachers is 1.4 times larger than the expectation. The actual number of Black TUSD Secondary Teachers is 1.6 times larger than predicted.

⁷ Table 2 shows that the actual number of TUSD African-American Other Teachers fell one or two people short of the predicted number. This shortfall is not statistically significant (-0.82 standard deviations).

in 2012, TUSD employed statistically significantly and substantially more Black Teachers than would be expected given their representation among Teachers in Arizona public schools.

Administrators – 2010. According to its EEO-5 Report, in 2010, TUSD employed 35 individuals in the Officials, Administrators & Managers category. The aggregate 2010 Arizona EEO-5 Report shows that 3.11% of public school employees who worked in these occupations were Black. Therefore, if TUSD employed African-Americans in these occupations in numbers proportionate to their representation rate in these jobs in Arizona, then the District would have employed approximately one member of this racial group ($35 \times 0.0311 = 1.09$).

Table 3
Analyses of the Racial (African-American) Composition of 2010 TUSD Administrators
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	3.11%	35	1.09	5	3.91	3.81	*
Principals	3.97%	92	3.65	4	0.35	0.19	
Assistant Principals	4.92%	46	2.26	3	0.74	0.50	
Total Administrators	4.05%	173	7.00	12	5.00	1.93	

As Table 3 shows, TUSD actually employed five African-Americans in these jobs, or nearly four more than predicted. Given that the number of standard deviations of this positive difference is 3.81 and the actual number of Black Officials, Administrators & Managers is 4.6 times the prediction, the conclusion is that TUSD employed Blacks in these occupations in numbers statistically significantly and substantially larger than expected.

According to TUSD's 2010 EEO-5 Report, the District employed 92 Principals in that year. The 2010 aggregate Arizona EEO-5 Report indicates that 3.97% of Principals in public schools are African-American. Therefore, if TUSD employed Blacks in this occupation in

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numbers proportionate to their representation in Arizona public schools, then the number of African-American Principals would be approximately four.

As Table 3 shows, in 2010, TUSD, in fact, employed four African-Americans in this position. Therefore, Black representation among TUSD's Principals is essentially equal to the expected number.

In 2010, TUSD employed 46 Assistant Principals. The 2010 aggregate Arizona EEO-5 Report shows that 4.92% of the individuals who worked in this job in public schools were Black.⁸ Therefore, if TUSD employed African-Americans in this occupation in numbers consistent with their representation in this labor market, then the District would have employed approximately two Black Assistant Principals.

As Table 3 shows, in 2010, TUSD employed three African-Americans in this job, or approximately one more than predicted.⁹ Given that the actual number exceeded the expectation by less than one whole person, this outcome is consistent with the state data.

When the results of the analyses for the three types of Administrators are aggregated, the model reveals that, among the 173 TUSD employees, the expectation is that seven of these individuals would be African-American. In fact, TUSD employed twelve Black Administrators, or five more than predicted. Given that the number of standard deviations of this positive five person difference is less than approximately two (1.93), the conclusion is that TUSD employed African-American Administrators in numbers reflective of their representation among workers in similar occupations in Arizona public schools. However, as a practical matter, the excess

⁸ This benchmark is the percent Black among Assistant Principals (Teaching) and Assistant Principals (Non-Teaching).

⁹ The actual number of African-American Assistant Principals employed by TUSD in 2010 is 1.3 times larger than the model predicts.

number of TUSD Black Administrators is large – the actual number of 2010 TUSD African-American Administrators was 1.7 times larger than predicted.

Administrators – 2012. Table 4 reports the results of the 2012 African-American Administrator workforce analysis. As Table 4 shows, the 2012 Administrator data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed statistically significantly more Black Officials, Administrators & Managers than would be expected given the representation of this demographic group in the relevant occupations in Arizona public schools;¹⁰ and
- the number of African-American Principals and Assistant Principals employed by the District is consistent with the external labor market benchmarks.

Table 4
Analyses of the Racial (African-American) Composition of 11/29/2012 TUSD Administrators
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent African-American in Labor Market	Total Number of TUSD Employees	Expected Number of African-American TUSD Employees	Actual Number of African-American TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	3.11%	45	1.40	8	6.60	5.67	*
Principals	3.97%	88	3.49	5	1.51	0.82	
Assistant Principals	4.92%	54	2.66	3	0.34	0.22	
Total Administrators	4.03%	187	7.55	16	8.46	3.14	*

When the results of the 2012 analyses are aggregated across the three Administrator categories, the data reveal that TUSD employed approximately eight more Blacks than the model predicts.¹¹ Given that the number of standard deviations of this positive difference is 3.14 and the actual number of Black TUSD Administrators is 2.1 times larger than predicted, the conclusion is that, in 2012, the District employed statistically significantly and substantially more African-American Administrators than would be expected given their representation among Administrators in Arizona public schools.

¹⁰ The actual number of Black TUSD Officials, Administrators & Managers is 5.7 times larger than the model predicts.

¹¹ The actual number of African-American TUSD Administrators is 2.1 times larger than the expectation.

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V. HISPANIC REPRESENTATION IN TUSD'S TEACHER AND ADMINISTRATOR WORKFORCES

Teachers – 2010. Table 5 presents the results of the analyses of the ethnic composition of Teachers employed by TUSD in 2010. According to the 2010 aggregate Arizona EEO-5 Report, 12.20% of Elementary Teachers in public schools were Hispanic. Given that, in 2010, TUSD employed 1,922 Elementary Teachers, the expectation is that the District would have employed approximately 235 Hispanics in this occupation ($1,922 \times 0.1220 = 234.56$). In fact, TUSD employed approximately 530 Hispanics in this Teacher category, or 295 more than the statistical model predicts. Given that the number of standard deviations of this large positive difference is 20.59 standard deviations and TUSD employed Hispanic Elementary Teachers in numbers 2.3 times higher than the statewide benchmark, the conclusion is that Hispanics were statistically significantly and substantially overrepresented in this District occupation.

Table 5
Analyses of the Ethnic (Hispanic) Composition of 2010 TUSD Teachers
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent Hispanic In Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	12.20%	1,922	234.56	530	295.44	20.59	*
Secondary Classroom Teachers	9.90%	754	74.63	124	49.38	6.02	*
Other Classroom Teachers	14.01%	136	19.06	39	19.94	4.93	*
Total Teachers	11.67%	2,812	328.24	693	364.76	21.44	*

According to the 2010 aggregate Arizona EEO-5 Report, 9.90% of Secondary Teachers in public schools were Hispanic. Given that, in 2010, TUSD employed 754 Secondary Teachers, the expectation is that the District would have employed approximately 75 Hispanics in this Teacher category ($754 \times 0.0990 = 74.63$).

As Table 5 indicates, TUSD actually employed 124 Hispanic Secondary Teachers, or approximately 49 more than the statistical model predicts. Given that the number of standard deviations of this positive difference is 6.02 and that TUSD employed Hispanic Secondary Teachers at 1.7 times the expectation, the conclusion is that Hispanics are statistically significantly and substantially overrepresented in this District occupation.

According to the 2010 aggregate Arizona EEO-5 Report, 14.01% of Other Teachers in public schools were Hispanic. Given that TUSD employed 136 individuals in this Teacher category, the expectation is that it would employ approximately 19 Hispanics in this occupation.

Table 5 shows that the District actually employed 39 Hispanic Other Teachers, or nearly 20 more than predicted. Given that this positive difference is statistically significant at 4.93 standard deviations and that TUSD employed Hispanics in this occupation in numbers twice as high as expected, the conclusion is that this ethnic group was statistically significantly and substantially overrepresented in the Other Teacher category in 2010.

When the results of the 2010 analyses are aggregated across the three Teacher categories, the data reveal a pattern of significant overrepresentation of Hispanics in the TUSD Teacher occupations (21.44 standard deviations). In addition, as a practical matter, the positive difference is large – the rate at which the District employed Hispanic Teachers were 2.1 times their representation among Teachers in Arizona public schools.

Teachers – 2012. Table 6 presents the results of the 2012 Hispanic Teacher workforce analysis. As Table 6 reveals, the 2012 TUSD data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed statistically significantly and dramatically larger numbers of Hispanic Elementary and Secondary Teachers than would be expected given the

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representation of this ethnic group among individuals who work in these two occupations in public schools in Arizona;¹² and

- the number of Hispanic Other Teachers employed by the District exceeds the statistical expectation, but not statistically significantly so.¹³

Table 6
Analyses of the Ethnic (Hispanic) Composition of 11/29/2012 TUSD Teachers
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent Hispanic in Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Elementary Classroom Teachers	12.20%	1,903	232.24	553	320.76	22.46	*
Secondary Classroom Teachers	9.90%	692	68.49	124	55.51	7.07	*
Other Classroom Teachers	14.01%	135	18.92	26	7.08	1.76	
Total Teachers	11.71%	2,730	319.65	703	383.36	22.83	*

When the 2012 results are aggregated across the three Teacher categories, the data reveal a pattern of statistically significant overrepresentation of Hispanics in TUSD Teacher occupations. Moreover, as a practical matter this positive difference is large – the rate at which the District employed Hispanic Teachers was 2.2 times their representation among Arizona public school Teachers.

Administrators – 2010. According to its 2010 EEO-5 Report, TUSD employed 35 individuals in the Officials, Administrators & Managers category. The 2010 aggregate Arizona EEO-5 Report shows that 20.33% of the public school employees who worked in these occupations were Hispanic. Therefore, if TUSD employed Hispanics in these jobs in numbers

proportionate to their representation in these occupations in Arizona, then the District would have employed approximately seven members of this demographic group ($35 \times 0.2033 = 7.12$).

Table 7
Analyses of the Ethnic (Hispanic) Composition of 2010 TUSD Administrators
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent Hispanic in Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	20.33%	35	7.12	8	0.89	0.37	
Principals	15.04%	92	13.94	33	19.16	5.59	*
Assistant Principals	14.88%	46	6.85	19	12.16	5.04	*
Total Administrators	16.07%	173	27.80	60	32.20	6.68	*

As Table 7 shows, TUSD actually employed eight Hispanics in these jobs, or approximately one more than predicted. Given that this one person surplus is not statistically significant (0.37 standard deviations), the conclusion is that TUSD employed Hispanics in these occupations in numbers consistent with their representation in similar jobs in Arizona public schools.

According to TUSD's EEO-5 Report, the District employed 92 Principals in 2010. The 2010 aggregate Arizona EEO-5 Report indicates that 15.04% of public school Principals in the state were Hispanic. Therefore, if TUSD employed Hispanics in this occupation in numbers consistent with their representation in the relevant external labor market, then the number of Hispanic Principals would be approximately 14 ($92 \times 0.1504 = 13.84$).

As Table 7 shows, the District actually employed 33 Hispanic Principals in 2010, or approximately 19 more than the model predicts. Given that the number of standard deviations of this positive difference is 5.59 and that TUSD employed Hispanics in numbers 2.4 times larger than the expectation, the conclusion is that Hispanics were statistically significantly and substantially overrepresented among the District's Principals in 2010.

¹² The actual number of Hispanic TUSD Elementary Teachers is 2.4 times larger than the expectation. The actual number of Hispanic TUSD Secondary Teachers is 1.8 times larger than the model predicts.

¹³ Although this difference is not statistically significant, as a practical matter, the excess number of Hispanic Other Teachers is large – the actual number of TUSD Hispanic Other Teachers is 1.4 times larger than the statistical expectation.

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In 2010, TUSD employed 46 Assistant Principals. The 2010 aggregate Arizona EEO-5 Report shows that 14.88% of public school Assistant Principals were Hispanic. Therefore, if the District employed Hispanics in this occupation in numbers proportionate to their representation in this job across the state, then TUSD would have employed approximately seven Hispanic Assistant Principals ($46 \times 0.1488 = 6.85$). In fact, the data show that 19 of the 2010 Assistant Principals were Hispanic, or approximately twelve more than the model predicts. Given that the number of standard deviations of this difference is 5.04 and that the actual number of Hispanic TUSD Assistant Principals was 2.8 times larger than the model predicts, the conclusion is that Hispanics were statistically significantly and substantially overrepresented among the District's Assistant Principals in 2010.

When the results of the 2010 analyses are aggregated across the three types of Administrators, the data reveal that TUSD employed approximately 32 more Hispanics than would be expected given their representation in relevant occupations in Arizona public schools. As the number of standard deviations of this positive difference is 6.68 and the actual number of Hispanic TUSD Administrators is 2.2 times larger than the model predicts, the conclusion is that, in 2010, the District employed a statistically significantly and substantially large number of Hispanics in these occupations.

Administrators – 2012. Table 8 reports the results of the 2012 Hispanic Administrator workforce analysis. As Table 8 shows, the 2012 Administrator data reveal a pattern similar to the 2010 analyses. In 2012:

- TUSD employed approximately one more Hispanic in the Officials, Administrators & Managers category than the model predicts;¹⁴ and

¹⁴ This positive difference is insignificant at 0.32 standard deviations.

- the actual number of Hispanic Principals and Assistant Principals employed by the District significantly and substantially exceeds the predicted number by approximately five or more standard deviations.¹⁵

Table 8
Analyses of the Ethnic (Hispanic) Composition of 11/29/2012 TUSD Administrators
Using 2010 Arizona EEO-5 Availability Rates

Occupation	Percent Hispanic in Labor Market	Total Number of TUSD Employees	Expected Number of Hispanic TUSD Employees	Actual Number of Hispanic TUSD Employees	Difference Between Actual and Expected	Binomial Number of Standard Deviations of Difference	Statistically Significant
Officials, Administrators, Mgrs	20.33%	45	9.15	10	0.85	0.32	
Principals	15.04%	88	13.24	32	18.76	5.60	*
Assistant Principals	14.88%	54	8.04	21	12.97	4.96	*
Total Administrators	16.27%	187	30.42	63	32.58	6.47	*

When the results of the 2012 analyses are aggregated across the three types of Administrators, the data reveal that TUSD employed approximately 33 more Hispanics than would be expected given their representation in similar occupations in Arizona public schools. As the number of standard deviations of this positive difference is 6.47 and the actual number of Hispanic TUSD Administrators is 2.1 times the expectation, the conclusion is that, in 2012, Hispanics were significantly and substantially overrepresented in the administrative occupations.¹⁶

VI. SUMMARY

Based on the results of all of the analyses described above, the inference drawn is that, in 2010 and 2012, African-Americans and Hispanics were employed by TUSD as Teachers and

¹⁵ The actual number of Hispanic TUSD Principals is 2.4 times larger than the expectation. The actual number of Hispanic TUSD Assistant Principals is 2.6 times larger than the model predicts.

¹⁶ Analyses of the 09/06/2012 TUSD Teacher and Administrator workforce that use Hispanic benchmarks derived from the 2006-2010 EEO/American Community Survey reveal that the number of Hispanic Teachers employed by the District was statistically significantly and substantially greater than their representation among Elementary & Middle School Teachers (occupation code 2310), Secondary School Teachers (2320) and Special Education Teachers (2330) in Arizona and the surrounding states (California, Colorado, New Mexico, Nevada, Texas and Utah), as well as in subsets of the surrounding states (California, New Mexico and Texas; California, Colorado and Texas).

The 09/06/2012 number of Hispanic TUSD Administrators was also statistically significant and substantially larger than their representation among Education Administrators (0230) in these broader geographic areas.

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Administrators in numbers consistent with or statistically significantly and/or substantially larger than the rates at which they are represented in public schools across Arizona. The data fail to produce any evidence whatsoever that these demographic groups are underrepresented in the District's workforce.

Mary Dunn Baker, Ph.D.

Date

Baker, Mary

From: Baker, Mary
Sent: Monday, September 30, 2013 5:50 PM
To: Smith, Lisa Anne (lasmith@dmv.com)
Cc: Baker, Mary
Subject: Draft Report - Privileged and Confidential - Prepared at the Request of Counsel
Attachments: Scan001.PDF

Lisa Anne:

Attached please find a draft report that I prepared in response to your request. Please call me after you have had a chance to read the report. I look forward to hearing from you soon.

Mary

Mary Dunn Baker, Ph.D.
Managing Director
ERS Group
4901 Tower Court
Tallahassee, FL 32303
850-562-1211, ext. 166
850-562-3838 fax
mbaker@ersgroup.com

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TUSD

TUCSON UNIFIED SCHOOL DISTRICT
HUMAN RESOURCES DEPARTMENT

USP Section IV.C.3

[T]he District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel.

2013-14 Recruitment / Retention Advisory Committee

Name	Ethnicity	Location	Position
Frank Larby	White	Curriculum Instruction & PD	District-level Administrator
Jimmy Hart	Black/African American	African American Studies	District-level Administrator
Tsuru Baily-Jones	Black/African American	Pan-Asian Studies	District-level Administrator
Margaret Chaney	Black/African American	Tucson Magnet High School	Certificated Staff
Murray Jr. Lewis	Black/African American	Cavett Elementary School	Certificated Staff
Frances Banales	Hispanic/Latino	--	Tucson Education Association
Dan Ireland	White	Rincon High School	Certificated Staff
Clarice Clash	Black/African American	Tucson Magnet High School	School-level Administrator
Lorraine McPherson	White	Exceptional Education	District-level Administrator
Ross Iwamoto	Asian	Community Member	
Brian Nelson	White	Pima College	
Roxanne Begay-James	American Indian/Alaska Native	Native American Studies	
Mr. Tolivar	Black/African American	University Of Arizona	
Teresa Davis	Black/African American	Cragin Elementary School	School-level Administrator
Tracey McGhee	Black/African American		Human Resources Personnel

3/20/2014

TUSD

Administrator and Certificated Staff
Outreach, Recruitment, and Retention Plan

I. USP LANGUAGE

IV. ADMINISTRATORS AND CERTIFICATED STAFF

C. Outreach and Recruitment

3. By April 1, 2013, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.
- a. The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:
 - i. Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities ("HBCUs"), through the Hispanic Association of Colleges and Universities ("HACU"), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students, including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;
 - ii. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
 - iii. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
 - iv. Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including for college and university students, exploring and promoting opportunities for teaching in the District; and
 - v. Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

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Exhibit A-4

IV. ADMINISTRATORS AND CERTIFICATED STAFF

F. Retention

1. The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:
 - a. Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reasons for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;
 - b. Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers' overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and
 - c. Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (e.g., ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.

II. OVERVIEW

TUSD is committed to recruiting and retaining highly qualified and appropriately certificated administrators and certificated staff members, representative from diverse backgrounds and cultures, who are competent and ready to manage, teach, engage, and challenge our present and future learners. To carry out this commitment, TUSD has developed an Outreach, Recruitment, and Retention Plan ("Plan") aligned with TUSD's general recruiting practices, with a particular focus on recruiting and retaining qualified individuals from historically underrepresented groups and qualified individuals to fill hard-to-fill positions. In addition to the specific strategies outlined in the Plan below, TUSD will utilize the following three general strategies to ensure the success of the Plan:

- Developing a "Recruiter's Guide" containing resource materials (such as those contained in the Appendices to this Plan) so staff members involved in recruiting are well-versed and prepared to discuss recruiting incentives, discuss TUSD and the City of Tucson, and to address other concerns of prospective recruits.
- Contacting and networking with recruiters from other school districts and/or private entities to learn and internalize best practices.
- Basing part of the Chief Human Resources Officer's evaluation on the progress made in increasing the racial and ethnic diversity of central and site-based administrators and certificated staff.

III. EXECUTIVE SUMMARY

The Plan focuses on two separate but interrelated objectives, aligned with the goals identified above: (1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs. The Plan aims to recruit and retain highly-qualified 21st Century educators who represent broad spectrums of diverse backgrounds and cultures, with the skillsets to implement the latest educator processes to drive superior teaching. Recruitment is focused principally on enhancing the diversity of the workforce, and in recruiting hard-to-fill positions as identified each year. While a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce.

The Plan focuses on eight areas for Outreach and Recruitment, and four areas for Retention:

A. Outreach and Recruitment

1. Ensuring TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis;
2. Analyzing the findings of the Labor Market Analysis (LMA);
3. Reviewing and, where needed, modifying the Plan to continually strengthen the Plan's effectiveness in attracting, and retaining, qualified African-American and Latino candidates and candidates with Spanish language bilingual certifications;
4. Developing a nationwide recruiting strategy based, at minimum, on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African-American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country;
5. Creating a process to invite retired African-American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
6. Incorporating strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
7. Developing local programs to identify and support local high school, college, and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
8. Developing strategies to encourage and provide support for African-American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

B. Retention

1. Evaluating and addressing disparities in the attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups. Where applicable, assess reasons for disparities and implement corrective actions;
2. Conducting surveys to assess teachers' overall job satisfaction and interest in continuing at TUSD;
3. Facilitating teacher focus groups to gather data and identify specific concerns of staff in hard-to-fill positions and/or staff hired to fulfill a need specifically identified in the USP; and
4. Providing family support and professional development.

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IV. DEFINITIONS

LMA – Labor Market Analysis

CCS – Cross Categorical Special Education-

Critical Needs Subject Areas – subject areas required for graduation (core subjects) and/or are required by state or federal law, and for which there have been an inadequate pool of qualified candidates. By December each year, TUSD will identify critical needs subject areas for the subsequent school year based on an analysis of vacancies and multiple postings for various areas. For SY 2013-14, for example, critical needs subject areas included exceptional education, math, and science.

AEPA (now known as) NES, National Evaluation Series

HBCU – Historical Black Colleges / Universities

IIACU – Hispanic Association of Colleges/Universities

ELL – English Language Learners

Hard to Fill Content Areas – specialized content areas within the TUSD curriculum for which there are, or have been, an inadequate pool of qualified candidates. By December each year, TUSD will identify hard-to-fill content areas for the subsequent school year based on an analysis of current-year vacancies and staffing needs. For SY 2013-14, for example, hard-to-fill content areas include: dual language and Culturally Relevant Courses (CRCs).

Hard to Fill Site – school sites for which there traditionally have been insufficient applicants for instructional vacancies to meet staffing needs.

New-to-TUSD (Teachers or Administrators) – Teachers or administrators who are new to TUSD, and have never worked for TUSD.

V. RECRUITMENT AND RETENTION ADVISORY COMMITTEE (Recruitment Team)

The Recruiter coordinates the development and implementation of the Plan, with input from the Recruitment and Retention Advisory Committee ("Committee"). The Committee was created in 2008 to enhance recruitment efforts. The committee meets four times per year, and consists of a 15 member racially and ethnically diverse group of community members, select TUSD leaders (including school-level administrators, district-level administrators, and human resource personnel), corporations, colleges/universities, teachers, and administrators. This group actively engages the community and key constituencies in the Plan and works collaboratively to recruit and retain highly qualified administrators and certificated staff with diverse backgrounds. The Committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on diversity challenges, information resources, and ethnic-cultural opportunities in the community. The Committee analyzes risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing).

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VI. OUTREACH, RECRUITMENT, AND RETENTION

A. OUTREACH AND RECRUITMENT

1. Ensure Nondiscriminatory Recruitment for All Employment Vacancies

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

2. Labor Market Analysis

TUSD hired an outside consultant to undertake a labor market analysis ("LMA") that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. TUSD notes that the LMA findings revealed no negative disparities in hiring between TUSD's workforce and the local and state labor markets. (See Appendix A for a Summary of Preliminary Findings). In light of the findings of the LMA, TUSD's outreach and recruitment strategies will focus on enhancing the diversity of TUSD's workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites.

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3. Annual Review and Process for Modification

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

- Colleges or Universities Visited for Recruiting
 - Including whether the school was an HBCU, HACU, or one with a diverse student population
 - Including participating colleges and/or universities
- Critical Needs (Math, Science, Exceptional Education, ELL/Dual-Language (including candidates with Spanish language bilingual certifications), or other as identified)
- Resumes Received
- Phone Interviews Conducted
- Letters of Intent Extended
- Letters of Intent Accepted
- Reason(s) Individuals do not accept positions offered them

This information is used to tailor future recruiting to identify which strategies are the most effective and efficient, and to identify which venues produce the best results.

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4. Nationwide Recruiting Strategy Focused on Specific Strategies to Recruit a Diverse Staff, Including African-American, Hispanic, and Bilingual Administrators and Certificated Staff

TUSD will include non-discrimination language in a prominent location on the online job postings site, and will continue to strive to remain salary competitive with other local school districts and, at the current time, is comparable to all area school districts. The nationwide strategy will include the following, described in detail in the corresponding sections below: (a) advertising; (b) in-person recruiting; (c) offering financial incentives; (d) promoting job satisfaction incentives and opportunities; (e) promoting support for beginning teachers; and (f) monitoring and utilizing feedback from current employees. Each strategy will be evaluated for effectiveness and may be modified on an annual basis.

a. Advertising

TUSD may collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:

- Teachers of Color (print and web);
- Teach.gov (web);
- Teachers-Teachers (web);
- Want to Teach (web);
- Career Media Solutions –HBCU (print and web);
- American Association for Employment in Education;
- Association of Latino Administrators and Superintendents (ALAS);
- Hispanic Chamber of Commerce;
- National Alliance of Black School Educators (NABSE);
- the National Association for Bilingual Education (NABE);
- the Arizona Association for Bilingual Education; and
- Various college/university career center postings.

TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications. See Appendix B for additional entities being considered for future recruitment advertising, as applicable.

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b. In-Person Recruiting

The goal is to increase the ethnic/racial diversity of TUSD's administrators and certificated staff. This strategy includes the following activities:

- Recruitment trips to identified HBCUs, HACU member colleges, and other colleges and universities offering teacher preparation programs and enrolling diverse student populations in their education programs;
- TUSD will host "Meet and Greets" for student teachers from various colleges in Arizona to provide information about TUSD and how to apply for vacant positions. Guest speakers from TUSD may include leadership team members, certification specialists, mentoring and professional development personnel, special education personnel, and members of the math innovation team;
- The Recruiter attends the University of Arizona South campus in the fall to meet the new student teachers in the program. TUSD will create new and stronger relationships with in-state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments;
- Collaboration with HBCUs and the HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD;
- Welcome Groups to welcome new administrators or certificated staff members into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas; and
- Other Colleges and Universities: TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.
- Local and state-wide job, diversity, and education fairs and/or expos are provided for employers, recruiters and school districts to meet with prospective administrator or certificated staff candidates. In the college setting, education fairs are commonly used for entry level teaching positions, but also may include graduate students seeking administrative positions. Often sponsored by career centers, job fairs provide a convenient location for students to meet employers and participate in first interviews. TUSD will participate and recruit at these events, and document the success of these efforts. TUSD will continue to develop the ability of recruiters to extend Offers of Employment during in-person recruiting activities to ensure the best chance of recruiting candidates to TUSD. TUSD's recruitment teams will include relevant staff who can speak directly about their experiences in TUSD and in Tucson.
- The District's Leadership Prep Academy (LPA) is an in-person program dedicated to recruiting and preparing future administrators.

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TUSD will evaluate and modify these recruiting strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting diverse candidates, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.

c. Financial Incentives

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

- **Relocation Expense Reimbursement:**
For any of the positions identified below and in accordance with Governing Board policy, a one-time relocation expense reimbursement may be offered as an incentive to out-of-state, new-to-TUSD incoming administrators, and out-of-state, new-to-TUSD incoming teachers.
- **Dual-Language/Bilingual Recruitment and Retention Incentive*:**
TUSD may, as an incentive, offer a stipend to new-to-the-District incoming teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom, or existing teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom.
- **Culturally Relevant Courses (CRCs) Recruitment and Retention Incentive*:**
TUSD may offer a recruitment incentive to new-to-TUSD, incoming CRC teachers who meet specified qualifications, or to existing CRC teachers who meet specified qualifications.
- **Recruitment Incentives for Hard-to-Fill Sites*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers at Hard-to-Fill Sites, or to existing teachers who voluntarily move to a Hard-to-Fill Site.
- **Recruitment Incentives for Critical Needs*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers in critical needs subject areas, or to existing teachers who become highly qualified and are placed into a critical needs subject area. Critical needs subject areas are evaluated, and may be modified, on an annual basis.

*Stipends are paid to full-time employees only, subject to conditions.

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d. Offers of Employment

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

e. Job satisfaction incentives and opportunities

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

f. Support for beginning teachers

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

g. Monitoring and utilizing feedback from current employees

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

5. Process for Retirees

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

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6. Partnerships with Local Employers

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

7. Local Programs

The following local programs are focused on developing interest in careers in education, and particularly with TUSD. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.

- **High School Student Program:** recruiter will partner with high school administrators to set up forums with students who are interested in teaching careers. Forums will be attended by current teachers, students, and facilitators and would include detailed discussions of teaching-career pathways and requirements. Interested students will receive information and resources to guide them into teaching careers, and will be encouraged to contact TUSD's Recruiter for further information and guidance.
- **Colleges and Universities:** recruiter will visit the local college and university educational teacher programs to attract new teachers. In addition, the recruiter will visit diversity programs with a focus on African-American and Latino studies programs to support USP obligations to create interest in a teaching career.
- **Professionals:** recruiter will continue to solicit interest at Davis-Monthan Air Force Base and military spouses interested in teaching at TUSD.

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8. Strategies to Encourage Certification

For Non-Certificated Staff Seeking Certification

TUSD will take the following actions to encourage and to provide support for African-American and Latino non-certificated staff who are interested in pursuing certification:

- a. Survey current non-certificated staff to identify non-certificated staff members, including African-American and Latino staff members, who are interested in pursuing educational certification;
- b. Survey current certificated staff to identify those that have received certifications (or are currently in programs to receive certifications) in the areas identified by the first survey;
- c. Each identified non-certificated staff member may be: (a) paired with a mentor that has the certification that the staff member is seeking, and/or (b) pair with other staff members who are also interested in that area and/or are already working towards receiving certification through the same or similar programs. Mentors may receive additional stipends for participation; and
- d. Send direct mailings to each identified staff member recognizing and encouraging their ambitions and areas of interest, sharing potential positions within TUSD that fits with their areas of interest, sharing available resources (e.g. local and online programs and courses) that match those interests and identifying the person or persons they have been paired with for mentoring or other support.

For Certificated Staff Seeking Administrative Certification

TUSD staff attended initial meetings with representatives from the University of Arizona, College of Education, to explore a proposal to provide a TUSD-specific set of coursework toward obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions. The TUSD-specific courses would focus on the standard coursework, but would infuse TUSD- and USP-related issues such as Supportive and Inclusive Learning (CRP), USP fundamentals and theory, faculty and staff diversity, etc. The program may also include class projects that would be based in TUSD schools, and may span an entire school year. Potential leaders, including African-American and Latino staff members, who do not have the credentials to move directly into leadership positions would be encouraged to apply for the program as they continue to work at TUSD. Participants will be recognized formally and provided with a certificate of completion to document the additional training and professional development received over the year.

B. RETENTION

1. Collect and Monitor Retention Data

TUSD will conduct evaluations, surveys, and focus groups to help identify any disparities, gauge job satisfaction levels, and to identify concerns or obstacles that may cause employees to leave TUSD and frustrate retention efforts.

- a. **Evaluate disparities in attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups.**

TUSD will: (1) evaluate the attrition rates of all racial and ethnic groups to assess whether disparities exist between African-American and Latino administrators and certificated staff compared to other racial and ethnic groups; and (2) if disparities exist, assess the reasons for the disparities (to the extent possible). If disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.

- b. **Assess teachers' overall job satisfaction and interest in continuing to work for TUSD**

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

- c. **Facilitate teacher focus groups**

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

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2. Adopt Measures Intended to Increase the Retention of African-American and Latino Administrators and Certificated staff

a. Corrective Action Plans

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

b. Other Measures

Outreach and Communication to TUSD Employees about Opportunities for Themselves and Their Children
TUSD is expanding its outreach to employees regarding special employee programs and, more generally, to provide increased family support (see Appendix E). TUSD will continue to work to ensure that employees feel welcome, and as part of the TUSD family, will recognize the benefits of working in TUSD by feeling supported and encouraged as TUSD employees.

Administrator Focus Groups

In addition to the teacher focus groups described above, TUSD will facilitate administrator focus groups to address any concerns, but also to identify additional ways by which TUSD can support administrators (particularly African-American and Latino administrators) in their work and in increasing or maintaining their job satisfaction.

Extended Professional Development Opportunities

TUSD will provide opportunities for administrators and certificated staff to participate in targeted professional development opportunities. For example, in 2013-14 TUSD sent one African-American principal to the NABSE (National Alliance of Black School Educators) conference along with staff from the African American Student Services Department. Other African-American and Latino administrators have shown an interest in similar PD opportunities in the future.

Support Beginning Teachers

TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the retention strategy is to support beginning teachers in ways that make them feel welcome, appreciated, and supported as they begin their teaching careers to ensure that they are successful and to encourage them to remain employed with TUSD. (See Appendix C, "Ongoing Support for Beginning Teachers")

Encourage Prospective Leaders to Become Leaders

TUSD has developed a detailed plan for encouraging and supporting prospective leaders, particularly African-American and Latino staff members, to develop their capacity for leadership positions. (See Appendix F, "Prospective Administrative Leaders Plan" – particularly Section V: Methods for Growing Our Own) By enhancing opportunities for professional growth and development, current employees will recognize that they are valued, supported, and encouraged to remain and grow with TUSD.

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UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

ROY and JOSIE FISHER, et al.,)	No. CV 74-90 TUC DCB
Plaintiffs,)	
Plaintiff-Intervenor,	)	FISHER PLAINTIFFS'
vs.	)	OBJECTION TO AND REQUEST
ANITA LOHR, et al.,	)	FOR A REPORT AND
Defendants,	)	RECOMMENDATION BY THE
SIDNEY L. SUTTON, et al.,	)	SPECIAL MASTER ON
Defendants-Intervenor,	)	DEFENDANT TUSD'S 03/24/14
MARIA MENDOZA, et al.,	)	REVISED RECRUITMENT AND
Plaintiffs,	)	RETENTION PLAN
UNITED STATES OF AMERICA)	
Plaintiff-Intervenor,)	
vs.	)	Submitted to Special Master Willis
TUCSON UNIFIED SCHOOL	)	Hawley on 04/14/14
DISTRICT NO. ONE, et al.,)	
Defendants)	No. CV 74-204 TUC DCB

Case 4:74-cv-00090-DCB Submitted 04/14/14

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Exhibit B

1. The Fisher Plaintiffs's objection, request and joinder

COME NOW, Plaintiffs Roy and Josie Fisher (hereinafter the Fisher Plaintiffs), by and through counsel undersigned, Rubin Salter, Jr. to submit for review by the Special Master (SM) Willis Hawley the following objection to and request for a report and recommendation regarding Defendant Tucson Unified School District's (hereinafter the District or TUSD) 03/24/14 revised recruitment and retention plan, made under the authority conferred by Sections X (E) (1)¹ and (6)² of the USP and Section V of the 01/06/12 order appointing the SM.³ Further, as noted below, the Fisher Plaintiffs join the Mendoza Plaintiffs in entirety of their 04/08/14 renewal of their objection to the District's 03/24/14 revised recruitment and retention plan.

2. The Fisher Plaintiffs join the Mendoza Plaintiffs in their 04/08/14 renewal of their objection to the District's 03/24/14 revised recruitment and retention plan

The Fisher Plaintiffs herewith join the Mendoza Plaintiffs in the *entirety* of their 04/08/14 objection to and request for a report and recommendation on the District's 03/24/14 revised recruitment and retention plan, especially where the Mendoza Plaintiffs: (1)

¹ Section X (E)(1) of the USP governs the roles of the SM and plaintiffs and provides that "[t]he Special Master shall have all oversight authority delegated to the Special Master in the January 6, 2012 Order Appointing Special Master, as well as any other oversight authority later similarly delegated" (at page 58 of order filed 02/20/13).

² Section X (E)(6) of the USP recognizes the SM's "authority to bring to the Court's attention at any time instances of alleged noncompliance with [the USP]. All allegations of noncompliance shall be made in writing and submitted to the Court with copies provided to all Parties" (at page 60 of order filed 02/20/13).

³ Section V of the order appointing the SM delimits the scope of the SM's authority and provides that "[t]he Special Master shall have the authority to make findings of fact, which shall be included in the Initial Report, Annual Reports, Final Unitary Status Report and in such other cases as the Special Master deems appropriate" (at page 9 of order filed 01/06/12 emphasis added).

"object to the District's reliance on a flawed and incomplete Labor Market Analysis as the basis for the Recruitment Plan" (see Ramirez 04/08/14 email renewal of Mendoza objection and request), (2) "object to the composition of the 2013-14 Recruitment/Retention Advisory Committee" (*idem*),⁴ and (3) "[object to] the District's dilatory and unacceptably slow action with regard to the Recruitment Plan and the Mendoza Plaintiffs' inquiries" (*idem*).

3. The Fisher Plaintiffs object to the revised recruitment and retention plan's reliance on the results of the District's flawed LMA

On 12/14/12, the Fisher Plaintiffs argued that "[t]he USP should not reference a labor market study commissioned and interpreted by the Defendant (at page 8 of Fisher 12/14/12 objection). In the same filing, the Fisher Plaintiffs objected: "to the labor market study conducted by the District and referenced in the USP [...]. The data the District bases its analysis on was provided by Dr. Mary Dunn Baker, a Florida-based consultant working with the ERS Group. The website for the ERS Group shows that the Group Labor and Employment practice specializes in defending institutional clients from charges of discrimination, in justifying reductions in force and generally minimizing employer accountability in the courts."⁵ In this context, it would be difficult to characterize the District's selection of Dr. Baker and the ERS Group as a disinterested inquiry into the realities of the labor market. The data which the District references cannot reasonably be claimed to be an analysis and the District's interpretation of that data glosses over a number of highly relevant normative questions that remain at issue in this case. In the context of the District's recent noncompliance with its desegregation obligations, it is inappropriate to allow it to define the relevant labor market for its

⁴ The Fisher Plaintiffs object, additionally, to the high percentage of District employees serving on the committee.

⁵ See selected cases at http://www.ersgroup.com/practiceAreas_L&E_overview.asp

incumbent workforce. While a legitimate labor market analysis certainly does need to be conducted, it should be conducted independently and be based on the best practices of similarly situated districts and should not be conducted by a consultant that specializes in defending institutional employers. In light of the foregoing facts, Fisher Plaintiffs respectfully move this Court to set aside the District's flawed labor market analysis and instruct the Special Master to commission an impartial labor market analysis to serve as the basis for goals for the recruitment, hiring, retention, promotion and recall of administrators and certificated staff (at pages 8-9 of Fisher 12/14/12 objection)." Again, in their response to the Special Master's 12/22/12 recommendations for the USP, the Fisher Plaintiffs repeated their objection to use of the flawed labor market analysis, explaining that retaining: "reference to the flawed labor market analysis will enable the District to unilaterally and fatally circumscribe the scope of the relevant labor market and thereby circumvent one of the primary requirements of the remedial desegregation plan: eliminating the vestiges of past discrimination in the area of faculty and staff. While the Special Master concedes that the District's analysis may be inadequate, he mistakenly concludes that the review process contemplated in the USP will be adequate to correct such an inadequacy (idem) [...]. While the District has not submitted a formal analysis, it did provide the plaintiff classes with the unanalyzed (and disputed) labor market data it commissioned in a 10/18/12 email circulated between counsel. The District prematurely references the disputed data in its 11/09/12 memorandum filed with this Court to argue that: '[t]he Labor Market Study shows that by virtually every possible measure, the District has more Latino administrators and certificated staff than would be expected based on a variety of possible labor markets. The District has the expected number of African American administrators and certificated staff based on the Arizona labor market. This data, combined with the lack of a finding of a constitutional violation and the limited obligations imposed by the Stipulation, does not support a remedy of financial support for Latino and African American employees to secure additional degrees or certifications' (at pages 12-13 of TUSD memorandum filed 11/09/12)" (at pages 2-3 of Fisher response

entered into record on 02/06/13). In its ruling of the same date, the District Court found that because: "the adequacy of the [labor market] study cannot be fully determined until it is known how the District uses it, i.e., what conclusions the District draws from it [...] [t]he Court adopts the Special Master's recommendation to retain the provision allowing the District to assess the effectiveness of its outreach and recruitment plan based on the challenged Labor Market Study and to delete the deadline for review and objections to be made to the study. The Court agrees with the Special Master that review and objections regarding the adequacy of the Labor Market Study are better made at the time the District proposes to rely on it" (at page 25 of 02/06/13 order). Not surprisingly, the 09/30/13 LMA conclude that: "African-Americans and Hispanics were employed by TUSD as Teachers and Administrators in numbers consistent with or statistically significantly and/or substantially larger than the rates at which they are represented in public schools across Arizona. The data fail to produce any evidence whatsoever that these demographic groups are underrepresented in the District's workforce" (at pages 17-18 of Baker 09/30/13 labor market analysis). As shown above, the District now cites the flawed LMA to conclude that there is no underrepresentation of class members in the relevant categories of its incumbent workforce and that its recruitment and retention plan need not, therefore, focus on the racial and ethnic diversity of its administrators and certificated staff. On the basis of these facts and arguments, the Fisher Plaintiffs object to the District's reliance on the flawed LMA and restate their original argument, that "a legitimate labor market analysis certainly does need to be conducted, [but] it should be conducted independently and [should] be based on the best practices of similarly situated districts and should not be conducted by a consultant that specializes in defending institutional employers" (at pages 2-3 of Fisher response entered into record on 02/06/13 emphasis added). In light of the foregoing facts, Fisher Plaintiffs respectfully ask the Special Master to recommend that the District Court set aside the District's flawed labor market analysis and order whatever proceedings it deems necessary to commission an

impartial labor market analysis to serve as the basis for goals for the recruitment, hiring, retention, promotion and recall of administrators and certificated staff.

4. The intent of the Unitary Status Plan requires the development of a recruitment and retention plan

The Fisher Plaintiffs strenuously object to the District's suggestion that it is not required to develop a retention plan under the USP. In the executive summary to its 03/24/14 revised recruitment and retention plan, the District states that "[w]hile a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce" (at page 3 of 03/24/14 revised recruitment and retention plan). The provisions of the District's plan are clearly premised on an understanding that efforts to recruit administrators and certificated staff will be made in vain, unless matched by parallel, equivalent and simultaneous efforts are made in the areas of hiring, retention, promotion and recall. The District, therefore, far from disputing the need for retention efforts, merely attempts to shirk future accountability for the success of those retention efforts. Thus, the District's absurd assertion (in its retention plan) that it is not required to develop a retention plan demonstrates its failure to adhere to both the letter and spirit of the USP. The very title of the District's "Outreach, Recruitment, and Retention Plan" highlights the duplicity of the District's assertion. For these reasons, the Fisher Plaintiffs ask the Special Master to include in his report to the Court, a recommendation that the Court sanction the District for its attempt to shirk future accountability for the efficacy of its retention efforts.

5. The Unitary Status Plan (USP) explicitly mandates the enhancement of "racial and ethnic diversity" not merely "diversity"

The Fisher Plaintiffs object to the plan's described focus of its recruitment efforts as "enhancing the diversity of the workforce, and in recruiting hard-to-fill positions as identified each year" (at page 3 of 03/24/14 revised recruitment and retention plan). Sections IV (A) (1) and (C) (3) of the Unitary Status Plan (USP) address the District's responsibilities regarding its administrators and certificated staff and clearly provide that "[t]he District shall seek to enhance the racial and ethnic diversity of its administrators and certificated staff through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures" [in part by] develop[ing] and implement[ing] a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions" (at pages 16 and 18 of 02/20/13 order adopting the USP emphasis added). Thus, the USP explicitly contemplates and calls for the enhancement of *racial and ethnic diversity*, as opposed to diversity broadly construed. This distinction is not trivial, especially in the context of the Defendant's reliance on the results of a flawed 09/30/13 LMA to claim that there is no underrepresentation of African American or Mexican American certificated staff or administrators in its workforce.⁶ For these reasons, the Fisher Plaintiffs object to the District's substitution of its required focus on "racial and ethnic diversity" with a more general focus on "diversity."

⁶ At page 6 of its 03/24/14 revised plan, the District "notes that the LMA findings revealed no negative disparities in hiring between TUSD's workforce and the local and state labor markets" and then states that, "[i]n light of the findings of the LMA, TUSD's outreach and recruitment strategies will focus on enhancing the diversity of TUSD's workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites" (at page 6 of 03/24/14 revised recruitment and retention plan).

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6. Conclusion

In conclusion, the Fisher Plaintiffs ask that the SM, in his report to the Court, recommend whatever proceedings he deems necessary to grant the requested relief.

Respectfully submitted this 14th day of April, 2014

s/ Rubin Salter, Jr.
RUBIN SALTER, JR., ASBN 01710
Counsel for Fisher Plaintiffs

7. Certificate of service

I declare and certify that foregoing document was transmitted via electronic mail to the following recipients on this 14th day of April, 2014:

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Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan

1. Measures to Ensure Nondiscriminatory Recruitment of All Employment Vacancies

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

2. Address Disparities Identified in the Labor Market Analysis

The District hired an outside consultant to undertake a workforce or labor market analysis that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. Differences between the actual and expected numbers are considered "statistically significant" when the number of standard deviations of the observed disparity is above approximately 2 or below approximately -2. Positive differences that are less than approximately 2 standard deviations and negative differences that are greater than -2 standard deviations are not statistically significant. (The threshold for statistical significance is +1.96 standard deviation.)

(Greater than 2)

A statistically significant positive disparity (more than +2) means that TUSD has a higher number of identified employees than is available in the relevant labor market.

(Less than -2)

A statistically significant negative disparity (less than -2) means that TUSD has a lower number of identified employees than is available in the relevant labor market.

(Between -2 and +2)

A disparity greater than -2, but less than +2, means that the disparity level is not statistically significant.

Relevant findings are as follows (see Attachment 1, LMA)

- Compared to the state of Arizona, TUSD's labor force has higher-than-expected staff levels of African American and Latino administrators and certificated staff. This means that a comparative analysis between the available relevant labor market in Arizona and TUSD reflected a positive disparity in the African American and Latino administrator and certificated staff workforce. This data is statistically significant (+3.14 for African

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Relevant Part 7.1.1.1.1.1.1

American Administrators, +6.47 Latino Administrators, +3.04 for African American Certificated Staff, and +22.83 for Latino Certificated Staff.)

- Compared to surrounding states, TUSD's labor force has lower-than-expected staff levels of African American administrators (central and site-based combined). However, a comparative analysis between the available relevant labor markets and TUSD reflected that the disparities are not statistically significant. Compared to the United States, TUSD's labor force has statistically significant, lower-than-expected levels of African American administrators (central and site-based combined). (-2.60)
- Compared to surrounding states, TUSD's labor force has statistically significant, higher-than-expected levels of African American central administrators, specifically. (+2.64, +2.57, and +2.88)
- Compared to surrounding states, TUSD's labor force has statistically significant, lower-than-expected levels of African American certificated staff. (-10.37). This means that a comparative analysis between the available relevant labor market in surrounding states and TUSD reflected a negative disparity in the African American certificated staff workforce.
- Compared to the United States, TUSD's labor force has statistically significant, lower-than-expected levels of African American certificated staff. (-10.37). This means that a comparative analysis between the available relevant labor market in the U.S. and TUSD reflected a negative disparity in the African American certificated staff workforce.
- Compared to surrounding states and the United States, TUSD's labor force has statistically significant, higher-than-expected levels of Latino administrators (central and site-based combined). (+3.97, +3.23, +4.27, +15.33)
- Compared to surrounding states and the United States, TUSD's labor force has statistically significant, higher-than-expected levels of Latino certificated staff. (+6.57, +5.35, +7.26, +33.12)

Based on the LMA:

- There are significant disparities when comparing TUSD's African American certificated staff workforce with the relevant labor markets for the U.S. and for surrounding states.
- There is a slight disparity when comparing TUSD's African American administrator workforce with the U.S. relevant labor market.

Based on this information, TUSD's outreach, recruitment, and retention strategies will primarily target African American certificated staff, in addition to continuing to recruit and retain a diverse

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Relevant Part 7.1.1.1.1.1.1

workforce, with a focus on Math, Science, Exceptional Education, and Spanish/Bilingual certificated staff.

C. Recruitment and Retention Advisory Committee

The Recruitment Advisory Committee was created in 2008 to enhance recruitment efforts. The committee consists of a 15 member diverse group of community members, select diverse District leaders, corporations, colleges/universities, teachers, and administrators. The role of the Advisory Committee will expand to enhance the retention of African American and Latino staff. TUSD has capitalized on a synergy of critical thinking in various domains. This diverse group, chaired by the District recruiter, actively engages the community and key constituencies in the District's Recruitment and Retention Plan and works collaboratively to recruit and retain highly qualified teachers who live and work in the District.

The committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on diversity challenges, information resources, and ethnic-cultural opportunities in the community. The committee analyzes risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing). The advisory committee meets quarterly.

D. Recruitment of African American and Latino Candidates for Open Administrator and Certificated Staff Positions

- Make the Move Program:** The program takes existing TUSD General Education teachers and provides incentives to train and become Special Education Teachers. The following are incentives that have been generated to fulfill this effort.
 - Recruitment Incentive: TUSD utilizes incentives for critical needs (math, science and special education) and hard to staff sites to include stipends in accordance to federal guidelines. A one-time stipend of \$2,500 and moving expense up to \$2,000 is offered to new incoming teachers.
 - Tuition Reimbursement (Reimbursement not to exceed \$5,000 per individual per lifetime)
 - CUS-ARPA Study Group (Test preparation class)
 - Hard to staff signing stipend (One time stipend of \$7,500)

- Nationwide Recruitment Strategy:** The recruitment objective is to attract quality applicants to fulfill TUSD and USP needs. TUSD will collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:
 - Teachers of Color (print and web)

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Relevant Part 7.1.1.1.1.1.1

- Teach.gov (web)
- Teachers-Teachers (web)
- Want to Teach (web)
- Career Media Solutions -HBCU (print and web)
- American Association for Employment in Education
- Various college/university career center postings

- Historically Black Colleges/Universities (HBCU) and Hispanic Association of Colleges/Universities (HACU):** The goal is to increase the ethnic/racial diversity of TUSD's certificated staff to more closely reflect relevant labor market availability. This strategy includes the following activities:

- Recruitment trips to identified HBCU's and HACU's and other colleges and universities with teacher preparation programs with high numbers of minorities in the education department.
- Meet and Greet venues are held for Student Teachers from various colleges in Arizona to provide student teachers with information about TUSD and how to apply for vacant positions. Guest speakers from TUSD are invited to attend include: Leadership teams, certification specialists, mentoring and professional development department, special education, and math innovation team.
- The recruitment and retention coordinator attends the U of AZ South campus in the fall to meet the new student/teachers in the program. TUSD will create new and stronger relationships with in state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments.
- Collaboration with HBCU and HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD.
- Welcome Groups: The purpose is to welcome new employees into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas.

- Other Colleges and Universities:** TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.

- Local and State-wide Job, Diversity, and Education Fairs and/or Expos:** Local and State-wide Job, Diversity, and Education Fairs and/or Expos are provided for employers, recruiters and school districts to meet with prospective job seekers. In the college setting, education fairs are

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Relevant Part 7.1.1.1.1.1.1

Comment [R15]: MENDOTA Mendota Parent Feedback: The District should seek to recruit more African American certificated staff, new diverse staff, the labor force of the District and OBJECT to the expressed primary target and focus.

Comment [R16]: MENDOTA Mendota Parent Feedback: The District should seek to recruit more African American certificated staff, new diverse staff, the labor force of the District and OBJECT to the expressed primary target and focus.

Comment [R17]: MENDOTA Mendota Parent Feedback: The District should seek to recruit more African American certificated staff, new diverse staff, the labor force of the District and OBJECT to the expressed primary target and focus.

Comment [R18]: MENDOTA Mendota Parent Feedback: The District should seek to recruit more African American certificated staff, new diverse staff, the labor force of the District and OBJECT to the expressed primary target and focus.

Comment [R19]: MENDOTA Mendota Parent Feedback: The District should seek to recruit more African American certificated staff, new diverse staff, the labor force of the District and OBJECT to the expressed primary target and focus.

Comment [R20]: MENDOTA Mendota Parent Feedback: The District should seek to recruit more African American certificated staff, new diverse staff, the labor force of the District and OBJECT to the expressed primary target and focus.

Result: Phase 7.5.5.12(TM)

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IV. RETENTION

1. Assess Reasons for Disparities

2. Corrective Action Plan

3. Remedial Plan:

B. Teacher Job Satisfaction Survey

A. Hard-to-Fill Positions Focus Groups

Revised Manuscript 7.5.1.19(TMA)

2

Comment [NR24]: MENDOZA: Mendoza Plaintiffs concur with the comments of Dr. Hawley that the proposed plan does not address "anyone intended to increase the representation of African American and Latino instructors or certificated staff" (USP Section IV, F, 1, at 2). The plan instead addresses disparities between the LNA and District administrators and certificated staff. The evaluation of disparities of academic roles of African American and Latino administrators and certificated staff would utilize the teacher survey conducted in principal evaluations referenced in the USP Section IV, A, Sub 3.

Comment [NR25]: MENDOZA: Mendoza Flautits OBJECT to this characterization of "USD hiring efforts and seek a response to their questions on the Labor Market Analysis to determine the validity of its findings.

Comment [n26]: MIXIX/A: This is not what the LSP requires. The LSP requires an evaluation of whether there are disparities in the staff's roles. African American and Latino certificated staff or administrators and to assess the reasons for the disparities and to develop a corrective action plan to address them. LSP Section IV, F, 1, is at 20.

Comment [n27]: MENDOZA: Under the USP, the survey results must be disaggregated by race, ethnicity and school site and be anonymous. USP Section IV, F, 1, b at 20. These requirements must be included in the plan.

F. Productive Partnerships

- Tucson Values Teachers
- Troops for Teachers
- Re-establish connection with Raytheon
- Local Chamber of Commerce (Metropolitan, Black, Hispanic)
- Pima One Stop
- DMAFB

Comment [WR21]: MINOCHA: This is the bare minimum that I drafted on and I'm sufficiently specific to indicate whether I will meet the objective of the USP to "involve credible African American and Latino administrators and certified staff" to be considered for open positions for which they are qualified. USP Section 8F, C, 3, a, 6(i) at 17. MINOCHA's concern with the DOJ that the staff lacks details about how retired candidates are to start for open positions, whether they will be on any particular staff, or whether any specific staff will be involved, and the return will be offered. MINOCHA is right to say that specific messaging to African American and Latino retired personnel regarding how their experiences and skills will benefit the District and be utilized is critical to encouraging them to return to the District.

G. Teaching Career Development

Comment [NR22]: MENDOZA: "The language here is not specific regarding the steps TUSD will take to build partnership with the groups identified in this section. The language should state what TUSD will do "to build a [...] and [...] partnership in accordance with USF Sect on IV, C, 3, e (B) at 18. The language in the plan states that "TUSD builds partnerships" and that local employers "are added with information and materials about ELIS2" but does not affirmatively state what TUSD will do to build these relationships."

- 8

Recruit Plan: 7.11.15(TMR)

Mendoza Plaintiffs' Objections to and Request for Report and Recommendation Re TUSD's Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan ("Plan")

1. Mendoza Plaintiffs Object to the District's Reliance on a Flawed and Incomplete Labor Market Analysis Both Because They Cannot Fully Assess the Validity of the Analysis Without Information They First Requested from TUSD in February 2013 But Which Has Never Been Provided and Because Certain Deficiencies, as Noted Below, Are Apparent on the Face of the Information that Was Provided and Call into Question the Purported Factual Predicate for the Plan

Mendoza Plaintiffs object to the District's reliance on the Labor Market Analysis ("LMA") for the reasons set forth in Mendoza Plaintiffs' objections provided to the District on September 6, 2013 and repeated here.

In an e-mail dated February 12, 2013, Mendoza Plaintiffs raised a number of questions regarding the validity of the LMA. These questions are summarized below and a copy of the February 12, 2013 email is attached as Exhibit 1.

Mendoza Plaintiffs questioned the LMA's definition of "administrator" and whether it was consistent with the definition in the USP and whether the definition was applied consistently in the data collected. Mendoza Plaintiffs also questioned why the states of California, New Mexico, and Texas were included with the four-state comparison and not other states, such as the state of Colorado. Mendoza Plaintiffs questioned whether any effort was made to weight averages given the different populations of the referenced states, for the purpose of the "surrounding states" data. Further, Mendoza Plaintiffs questioned the implications of using data from different years for different states. In addition, Mendoza Plaintiffs questioned what action the drafters of the LMA took to address the cautionary note on the NCES data sheet with respect to Arizona: "Interpret data with caution. The standard error for this estimate is equal to 30 percent or more of the estimate's value."

Mendoza Plaintiffs requested a response to these questions in February and in September 2013 and have not received any response from the District.¹ Mendoza Plaintiffs noted that an earlier draft of the Plan referenced an updated LMA apparently prepared in March 2013, and they therefore requested a copy of that updated LMA when they commented on the draft Plan in July 2013. That, too, was never provided.

2. Mendoza Plaintiffs Object to the Plan's Omission of the USP Provision that States the District Shall Conduct Recruitment for All Employment Vacancies on a Nondiscriminatory Basis

¹ Mendoza Plaintiffs timely raised their objections to the LMA when the District relied on its findings. See Order, Doc. 1436, filed 2/6/13, at 25:21, "... review and objections regarding the adequacy of the Labor Market Study are better made at the time the District proposes to rely on it."

In Section I, USP Language, TUSD omits from its presentation of the controlling USP language USP Section IV, C, 1, which states, "[t]he District shall conduct recruitment for all employment vacancies on a nondiscriminatory basis." While the Plan states in its Executive Summary that the Plan is intended to ensure that TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis, the subsequent operative language of the Plan does not in fact include that requirement. Rather, in Section A, 1, the Plan states that the District will follow Governing Board policies relating to hiring, etc. But, recruitment precedes hiring and the fact that an express statement to recruit on a nondiscriminatory basis is omitted from the Plan renders it noncompliant with this express provision of the USP. (In this regard we note that the USP expressly recognized the difference between "outreach and recruitment," on the one hand, and "hiring," on the other with separate subsections addressing them in Section IV at C and D.) Therefore, there is no justification for the Plan's omission of an express undertaking to recruit on a nondiscriminatory basis.

3. Mendoza Plaintiffs Object to the Plan's Statement that "a Retention Plan is Not Required by the USP" and Its Failure to Include Express USP Requirements for Addressing, Through a Plan, Disparities in Attrition Rates for African American and Latino Administrators and Staff

Mendoza Plaintiffs object to the language in section III, Executive Summary, stating that "a retention plan is not required by the USP." Plan at 3. This statement reflects an extraordinarily narrow reading of the USP and a misperception of the scope of Section IV of the USP which contains a subsection on "Retention" that is of the same weight as the subsections on Outreach and Recruitment, Hiring, Assignment of Administrative and Certificated Staff, and Reductions in Force. Moreover, while it may not use the word "plan" the USP states in Section IV, F, 1 that the "District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff." Further, the USP requires "a plan to take appropriate corrective action" if disparities in attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups are identified. USP, Section IV, F, 1, a. The statement that a retention plan is not required by the USP is incorrect and should be stricken.

Further, the assertion that no retention plan is required by the USP infects the substance of the Plan as well. The USP expressly states: "If disparities [in attrition rates for African American or Latino administrators or certificated staff] are identified, the District shall...develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified." USP, Section IV, F, 1, a. That language has not been incorporated in the Plan. Rather, it says (at page 13) only that "[i]f disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition." This language with its wobble room reference to "strategies, where feasible" and its absolute failure to mandate a remedial plan to be developed and implemented in the very semester following the semester in which the disparity is found is woefully inadequate and a failure to properly implement the USP.

4. Mendoza Plaintiffs Object to the Plan's Failure to Demonstrate that Members of the Recruitment Team are Racially and Ethnically Diverse and Comprised of School-Level and District-Level Administrators, Certificated Staff and Human Resources Personnel

In Section IV Recruitment and Retention Advisory Committee (Recruitment Team) the Plan states that the Recruitment and Retention Advisory Committee consists of a "diverse" group of community members and "diverse" TUSD leaders. Plan at 4. Mendoza Plaintiffs repeat their objection to the July 11, 2013 draft TUSD recruitment plan that having a "diverse" committee does not adhere to the USP requirement that TUSD seek the "input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel." USP, IV, C, 3 at 17. In addition to failing to state whether the committee is racially and ethnically diverse, the Plan does not specify that the committee includes school-level and district-level administrators and human resources personnel.

5. Mendoza Plaintiffs Object to the Plan's Omission of Advertising Strategies for Recruiting Candidates with Spanish Language Bilingual Certifications and the Omission of National Newspapers, Education Publications, and Periodicals Targeting African American and Latino Communities as Part of the Advertising Strategy

Mendoza Plaintiffs object to the strategies for advertising described on page 7 of the Plan. That advertising strategy fails to include strategies for recruiting candidates with Spanish language bilingual certifications as required in the USP. The USP requires the District to establish a recruiting strategy that includes "specific techniques to recruit...candidates with Spanish language bilingual certifications from across the country." USP Section IV.C.3(a)(i) at 17. Appendix B to the Plan, which the Plan describes as including "additional entities" considered for "future recruitment" does not include websites that target candidates with Spanish language bilingual certifications. The site www.hispanic-jobs.com included in Appendix C is described as "bilingual job opportunities for English-Spanish speaking professionals" and is not focused on educators who have Spanish language bilingual certifications. Further, the advertising strategies listed on page 7 of the Plan fail to include "national newspapers, education publications and periodicals targeting African American and Latino communities" as required under USP section IV, C, 3 (a)(i)(i).

6. Mendoza Plaintiffs Object to the Omission of Administrators from the Recruiting Goals for In-Person Recruiting and to the Omission of African American and Latino Administrators from the In-Person Recruiting Strategies

Mendoza Plaintiffs object to the Plan's stated goal in the In-Person Recruiting section on page 8 of increasing "the ethnic/racial diversity of TUSD's certificated staff." Mendoza Plaintiffs object to the omission of administrators from the stated recruitment goal. The USP specifically requires recruitment for open administrator positions. USP Section IV, C, 3 at 17. In addition, Mendoza Plaintiffs object to the Plan's mention of "ethnic/racial diversity" when the USP calls for recruiting "qualified African American and Latino" candidates. USP section IV,

C, 3 at 17. Mendoza Plaintiffs also object to the in-person recruiting strategies because they fail to include strategies for recruiting African American and Latino administrators as required by the USP.

7. Mendoza Plaintiffs Seek Clarification Regarding the Financial Incentives

In the Financial incentives section on page 9, Mendoza Plaintiffs seek clarification regarding whether the financial incentives included in the Plan will be targeted to African American and Latino candidates or to all candidates since the sentence in the Plan ("The following reimbursements and stipends are to be utilized as tools for recruitment and retention and are therefore not available to all incoming or existing administrators or teachers") is unclear.²

² The Definitions section is incorrectly labeled as section III, when it should be section IV. The remaining sections should be renumbered to reflect this change. Also, in Section V, 3. Annual Review and Process for Modification, the Plan refers to "SPED" under critical needs. "SPED" is undefined and should be defined in the Plan. Plan at 6.

Exhibit C-3

From: Nancy Ramirez <nramirez@MALDEF.org>
To: Willis Hawley (wdh@umd.edu) <wdh@umd.edu>
Cc: Lois Thompson (lthompson@proskauer.com) <lthompson@proskauer.com>;
Rubin Salter, Jr. (rsjr3@aol.com) <rsjr3@aol.com>; Anurima Bhargava
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Brown, Samuel (Samuel.Brown@tusd1.org) (Samuel.Brown@tusd1.org)
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<julie.tolleson@tusd1.org>
Sent: Tue, Apr 8, 2014 10:36 am
Subject: Renewed Request for Report & Recommendation Re Recruitment Plan

Dear Special Master Hawley,

On Feb. 10, 2014, Mendoza Plaintiffs submitted a Report & Recommendation regarding the District's Administrator and Certificated Staff Outreach, Recruitment and Retention Plan ("Recruitment Plan"). On Feb. 13, 2014, TUSD requested the opportunity to resolve the issues before seeking court intervention. On Feb. 18, 2014, Mendoza Plaintiffs agreed to defer the Report & Recommendation for a reasonable time to permit further discussion among the parties. More than one month later, on March 24, 2014, TUSD provided Mendoza Plaintiffs with a revised Recruitment Plan, a Report entitled "Racial (African-American) and Ethnic (Hispanic) Composition of TUSD's 2010 and 2012 Teachers & Administrators" by Mary Dunn Baker, Ph.D., dated September 30, 2013 ("Baker Report"), and a list of the members of the 2013-14 Recruitment/Retention Advisory Committee with racial and ethnic designations as requested by Mendoza Plaintiffs. Having reviewed the materials provided by the District on March 24, Mendoza Plaintiffs now renew their request for a Report & Recommendation on the Recruitment Plan for the following reasons:

1) The Baker Report fails to answer or address any of the questions or concerns raised by Mendoza Plaintiffs related to the Report on Feb. 12, 2013, again on Sept. 6, 2013 and on Feb. 10, 2014. Mendoza Plaintiffs object to the District's reliance on a flawed and incomplete Labor Market Analysis as the basis for the Recruitment Plan as set forth in their request for a Report & Recommendation on Feb. 10, 2014, a copy of which is attached.

2) Mendoza Plaintiffs object to the composition of the 2013-14 Recruitment/Retention Advisory Committee as it includes only one Latino member out of a total of 15 members. The USP requires the input of "a racially and ethnically diverse recruitment team" to "develop a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions." USP, IV, C, 3. In the TUSD District, given its racial and ethnic composition with Latinos comprising approximately 60% of the student enrollment, the inclusion of a sole Latino on a committee of 15 is not reasonable or acceptable. Further, it is noteworthy that while the Committee includes representatives from the African American Studies, Pan-Asian Studies, and Native American Studies Departments, it fails to include a representative from the Mexican American Studies Department. In conversation among the parties and the Special Master on March 25, 2014, when the Special Master commented on the lack of diversity of the Committee, the District responded that it could only include on the Committee the representatives that the entities it had solicited had tendered. Mendoza Plaintiffs consider this response unacceptable and assert that the District has an affirmative duty to seek out appropriate members for Committees such as this. Mendoza Plaintiffs further note that the only identified "community" member is Asian. Surely there is a Latino community member who also could have been asked to serve on the Committee. The importance of informed Latino presence on the Committee is confirmed by the District's history. In 2012, Mendoza Plaintiffs objected to the District's failure to adequately recruit Latino administrators and certificated staff. Further, when it was apparent that the District was not sufficiently informed about how to go about doing that, Mendoza Plaintiffs provided guidance. This is the sort of input that should come from the Committee but cannot if the Committee is not appropriately constituted.

3) The revised Recruitment Plan fails to address the objections raised by Mendoza Plaintiffs in their initial request for a Report & Recommendation. The only revisions made in response to Mendoza Plaintiffs' initial request for a Report & Recommendation are the following:

a. In response to Mendoza Plaintiffs' Objection No. 4 that the Recruitment Plan must demonstrate that members of the recruitment team are comprised of school-level and District-level administrators, certificated staff and human resources personnel, the District added language indicating that these groups are represented on the advisory committee. (Revised Recruitment Plan at 4.) b. In response to Mendoza Plaintiffs' Objection No. 6 that administrators were omitted from the recruiting goals for in-person recruiting, the District added "administrators" to the in-person recruiting goals and strategies. (Revised Recruitment Plan at 9.)

These revisions fail to adequately address Mendoza Plaintiffs' objections to the Recruitment Plan and they therefore renew their objections and request for a Report & Recommendation to the Special Master

4) Mendoza Plaintiffs also ask that the Special Master's Report and Recommendation expressly address the District's dilatory and unacceptably slow action with regard to the Recruitment Plan and the Mendoza Plaintiffs' inquiries. As noted above, the Mendoza Plaintiffs first asked for explanations relating to the Labor Market Analysis in February 2013. No responses were provided until March, 2014 (and, as noted above, those responses were incomplete.) It now appears that some of the issues the Mendoza Plaintiffs raised were addressed in a report to the District that was prepared in September 2013; yet the District did not share that report for six months -- until it provided its limited response to the Mendoza Plaintiffs' initial request for a Report & Recommendation.

Thank you.

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Exhibit D



Subject:	United States' Comments on TUSD's (1) Recruitment Plan; (2) First Year Teacher Pilot Plan; (3) RIF Plan; (4) Aspiring Leaders Plan; (5) USP Distribution and Training Plan; and (6) FCI	Date:	August 26, 2013
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INTRODUCTION

This memorandum summarizes the United States' questions and comments on the District's proposed: (1) Recruitment Plan; (2) First Year Teacher Pilot Plan; (3) RIF Plan; (4) Aspiring Leaders Plan; (5) USP Distribution and Training Plan; and (6) FCI – specifically, on their compliance with USP §§ (IV)(C)(3), (IV)(E)(6), (IV)(G)(1), (IV)(I)(3), (IV)(J)(1), and (IX)(A)(1), respectively. This document is arranged by USP subsection for ease of reference, and is further divided by the items the District was to consider in creating the proposed plans or policies.

COMMENTS BY USP SUBSECTION

I. Section (IV)(C)(3): Recruitment Plan

A. USP Section (IV)(C)(3): Process

USP § (IV)(C)(3) requires the District to: “develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.”

The Plan generally meets these requirements. Per the Plan, the District has designated an employee to be in charge of outreach and recruitment, as well as retention. This person will, according to the Plan, work with a diverse team to implement the strategies described. And according to the information provided in the July Status Report, the process used to come up with the Plan comports with the USP's requirements. Specifically, we understand that the Plan was developed by a four-member district employee core strategy team, assisted by a larger 15-member Recruitment and Retention Advisory Committee which consisted of district personnel and outside partners, through regular meetings and incorporation of relevant data. In addition, as examined further below, the Plan appears to respond to the findings of the Labor Market Analysis. The Recruitment Plan's response to the Labor Market Analysis summary does not include data about similar Metropolitan Statistical Areas (“MSAs”) in nearby states, however. We requested that information on February 27, 2013.

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Attorney Work Product – Privileged and Confidential

Responsive Requests:

1. Please include a list of the members of the Core team and of the Committee in the Annual Report, including their positions and races.
2. Please also provide the information on similar MSAs in the Annual Report as requested in the February 27 email.

We can discuss how this information could be provided, if the District prefers to provide this information through means other than the Annual Report.

B. USP Section (IV)(C)(3)(a)(i): Nationwide recruitment strategy

USP § (IV)(C)(3)(a)(i) requires the District to: “Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country.”

The Plan meets this requirement in certain respects. (As noted above, we would like to evaluate the Plan in light of the additional labor market data requested, and may adjust our sense of its USP compliance based on that data.) The Plan describes: (a) using six different nationwide online or paper-based recruitment portals; (b) conducting recruiting trips to HBCUs and HACUs; (c) participation in “meet and greet” venues for potential candidates in Arizona; (d) reaching out to colleges and universities statewide, including specifically to African American Studies and Mexican American Studies program departments; (e) creating internship programs for potential teachers; and (f) developing Welcome Groups for new employees. These plans meet most of the requirements.

However, it is unclear how this strategy specifically targets candidates with Spanish language bilingual certifications, which is one of the USP's requirements. We suggest finding additional web portals on which to post for these positions and ensuring that job descriptions list relevant language certifications and language skills as desired qualifications.

Assuming that the District adds additional bilingual-specific strategies to its Plan and that all of these strategies are implemented with fidelity, the District's Plan should fulfill the USP requirements regarding establishing a nationwide recruitment strategy. As such, we will wait to evaluate these efforts until we receive the Annual Report, which we expect will detail the steps taken until that point to implement the Plan.

C. USP Section (IV)(C)(3)(a)(ii): Invite retired administrators and certificated staff to rejoin TUSD

USP § (IV)(C)(3)(a)(ii) requires the District to: “Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified.”

The Plan generally meets this requirement. It includes a statement that the District will affirmatively reach out to retired African American and Hispanic administrators and certificated staff and send email announcements as positions open up. However, it does not specify whether

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there will be a specific or different process for these candidates to apply – i.e., whether they will receive any preferences in hiring, or whether this outreach process will include any affirmative messages from the District specifically targeting retired personnel (e.g., including a paper or email cover letter which specifically invites these personnel to return to the District). We suggest that the District consider some method of affirmative invitation to or other specific process for these retired personnel. We will wait to evaluate these efforts until we receive the Annual Report, which we expect will detail the outreach steps taken in addition to sending job announcements.

D. USP Section (IV)(C)(3)(a)(iii): Local business partnerships

USP § (IV)(C)(3)(a)(i) requires the District to: “Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families.”

The Plan may meet this requirement. It includes a statement that TUSD will establish or reestablish partnerships with local organizations, including Raytheon, the Chambers of Commerce, and other groups. Because these efforts are prospective and only generally described, we will wait to evaluate whether they have been implemented with fidelity until we receive the Annual Report, which we expect will provide additional detail about the steps taken to develop these partnerships.

E. USP Section (IV)(C)(3)(a)(iv): Local school partnerships

USP § (IV)(C)(3)(a)(i) requires the District to: “Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District.”

The Plan generally meets this requirement. It describes efforts that TUSD will undertake to: (a) create high school forums for interested students; (b) visit local colleges and universities; (c) look into paraprofessional development programs; and (d) reach out to military spouses through an established program. Because these efforts are prospective and only generally described, we will wait to evaluate whether they have been implemented with fidelity until we receive the Annual Report, which we expect will provide additional detail about the steps taken to develop these partnerships.

F. USP Section (IV)(C)(3)(a)(v): Encourage and support certification

USP § (IV)(C)(3)(a)(i) requires the District to: “Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.”

The Plan may meet this requirement, although it is not clear from the information available. The Plan mentions that the recruiter is “researching the development of paraprofessional programs to provide support for African American and Latino non-certified staff who are interested in pursuing certification.” Thus, until that research is complete and the District uses that research

to develop a plan, the United States will withhold comment about whether the Plan meets this USP requirement.

II. Section (IV)(E)(6): First Year Teacher Pilot Plan

USP § (IV)(E)(6) requires the District to: “develop a pilot plan to support first-year teachers serving in schools where student achievement is below the District average . . . includ[ing] the criteria for identifying the schools in which the program will be piloted in the 2013-2014 school year and for evaluation by the Office of Accountability and Research . . . [and] includ[ing] professional development targeted toward the specific challenges these teachers face.”

The Plan generally meets this requirement. Because it is broadly incorporated into the New Teacher Induction Program (see July Status Report at 24), it would be helpful to receive a more detailed outline of how that Program works, in addition to the broad categories of programming identified on page two of the Plan.

First, it sets forth a process for identifying which district schools should be selected as pilot sites. This process requires the Office of Accountability and Research (“OAR”) to determine which schools are performing below the District average on both the specific and composite AIMS tests. Further, OAR is then required to determine: (a) which schools of those identified as below average have first-year teachers; and (b) which teachers in those schools can serve as a control group. Please see below for a confirmation request (“3.A”) related to this part of the Plan. Second, it identifies several types of additional training that teachers in the pilot program will receive. Third, it identifies that the teachers in the pilot will receive additional professional development (“PD”) embedded into their mentoring relationships. Fourth, it confirms that the District will be tracking data on the pilot group.

Because these efforts are prospective, we will wait to evaluate whether they have been implemented with fidelity until we receive the Annual Report, which we expect will provide additional detail about the data and process, as well as the information discussed below.

Responsive Requests:

- A. Please confirm that of all first-year teachers in the district at low-performing schools, approximately one half will be in the pilot group, and one half will be in the control group. (If another method is being used to select and group teachers, please explain this method.)
- B. Please confirm that the pilot and control groups will be as demographically and geographically matched as possible to reduce third variable problems.
- C. Please confirm that the District will develop some method to track the PD provided to the teachers in the pilot to ensure that successful PD strategies can be institutionalized and brought to scale.
- D. Please confirm that the District will track data on the control group in the same manner as the pilot group.

We can discuss how this information could be provided, if the District prefers to provide this information through means other than the Annual Report.

III. Section (IV)(G)(1): RIF Plan

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

The Plan does not appear to meet these requirements, although without seeing how Board Policies related to RIF will be amended to specifically operationalize the stated intent to take into account the District’s desegregation obligations in deciding on RIFs, it is difficult to determine whether the Plan will meet these requirements in practice.

Specifically, section (2) of the Plan states that in identifying certificated staff for RIF (as part of the “RIF Profile”), the District cannot take into account, among other things, race. This is in contravention of the USP’s requirement to retain and avoid RIF of individuals hired to fulfill the USP’s requirements, which includes recruitment and retention of African American and Latino certificated staff. We suggest that the RIF Profile be reworked to indicate that the District will take all of its desegregation obligations into account in identifying employees to be RIF’ed. In addition, the list of positive qualities that the District will take into account in determining RIF does not include bilingual certification, which it should.

Responsive Requests

- A. Please provide a draft of the relevant Board Policy or Policies for Plaintiffs’ review when the policies are ready for such review.
- B. Please reconsider the District’s RIF Profile as noted above as required by the USP.

We can discuss how this information could be provided, if the District prefers to provide this information through means other than the Annual Report.

IV. Section (IV)(I)(3): Aspiring Leaders Plan

USP § (IV)(I)(3) requires the District to: “develop and implement a plan for the identification and development of prospective administrative leaders, specifically designed to increase the number of African American and Latino principals, assistant principals, and District Office administrators . . . [including] propos[ing] methods for “growing your own,” including the possibility of financial support to enable current African American and Latino employees to receive the required certifications and educational degrees needed for such promotions.”

The Plan meets part of this requirement. According to the July Report, the District amended its existing Aspiring Leaders program to recruit more African American and Latino certificated staff to apply for and participate in this program. The Aspiring Leaders Plan provided on July 27

includes an explanation of several different processes that the District has or will have in place to identify, select, and train District personnel interested in participating in this program. Because these efforts are prospective, we will wait to evaluate whether they have been implemented with fidelity until we receive the Annual Report, which we expect will provide additional detail about the process, as well as the information discussed below.

Separately, the Plan does not meet one requirement from the USP: that the District explore a “grow your own” program that would include potential financial support. The Plan does not mention this requirement. If the District has explored this possibility and has determined that doing so is genuinely financially unfeasible or otherwise so burdensome as to be impracticable, the Plan may indeed comply with the USP, but it is currently silent on that issue.

Finally, the plan to evaluate and track data on the program’s effectiveness may not be adequate. We suggest increasing the data points being tracked to include relevant demographic information and other richer data, such as annual employee evaluations.

- A. Please provide sample copies of the documents that District personnel will use in this program (*i.e.*, a sample application packet, a copy of the rubric used to determine whether a staff member is selected).
- B. Please provide information regarding whether the District considered a “grow your own” program, and what determinations were made, if any, regarding the feasibility of such a program.
- C. Please respond to the suggestions regarding improving the data tracking for this program.

We can discuss how this information could be provided, if the District prefers to provide this information through means other than the Annual Report.

V. Section (IV)(J)(1): USP Distribution and Training Plan

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

The Plan meets this requirement. According to the July Report (*see* Report at 20), the District provided all administrators and certificated staff with a copy of the report by August 1, and is requiring in-person and/or interactive online training during the first quarter. We expect that sample copies of the training Power Point will be available in the Annual Report.

VI. Section (IX)(A)(1): FCI

USP § (IX)(A)(1) requires the District to: “amend its FCI to include, at minimum, the following: (i) location, number and condition of portable classrooms, and (ii) existence and repair status of heating and cooling system (identifying evaporative or air conditioning).”

The Plan meets this requirement. The FCI now includes these categories.

Exhibit E

TUSD Responses to Renewed Requests for a Report & Recommendation on the Outreach, Recruitment, and Retention Plan from Mendoza on 4/8/14 and from Fisher on 4/14/14

Preliminary Statement Regarding These Responses

On April 8, 2014, Counsel for the Mendoza Plaintiffs emailed the Special Master with a renewed request for a Report and Recommendation (R&R) on the District's Outreach, Recruitment, and Retention Plan. In the request, the Counsel for the Mendoza Plaintiffs listed four reasons/objections for the request (referred to below as "Mendoza Objections 1-4").

On April 14, 2014, Counsel for the Fisher Plaintiffs emailed the Special Master with a renewed request for a Report and Recommendation (R&R) on the District's Outreach, Recruitment, and Retention Plan. In the request, the Counsel for the Fisher Plaintiffs listed four reasons/objections for the request (referred to below as "Fisher Objections 5-8").

Below are the District's responses to the Mendoza and Fisher Objections contained within their renewed request for a report and recommendation:

1. Mendoza Objection 1 [in pertinent part]:

The Baker Report fails to answer or address any of the questions or concerns raised by Mendoza Plaintiffs related to the Report on Feb. 12, 2013, again on Sept. 6, 2013 and on Feb. 10, 2014. Mendoza Plaintiffs object to the District's reliance on a flawed and incomplete Labor Market Analysis as the basis for the Recruitment Plan as set forth in their request for a Report & Recommendation on Feb. 10, 2014, a copy of which is attached.

TUSD Response to Objection 1:

In communications on February 12, 2013, September 6, 2013, and February 10, 2014, the Mendoza Plaintiffs raised several questions or concerns, which Mary Baker (the author of the Baker Report), through the District, answered or addressed as outlined below. Regardless of whether the answers are contained in the Baker Report or have been provided elsewhere, the District has addressed all of the Mendoza Plaintiffs' questions and concerns.

Although the Mendoza Plaintiffs have questioned certain aspects of the Labor Market Analysis (LMA), they have not specified a single reason to support the assertion that the LMA was "flawed or incomplete." Earlier versions of the Plan certainly relied more heavily on the LMA, as the USP requires that the Plan address "any and all disparities identified in the Labor Market Analysis." But, the final version of the Plan can hardly be characterized as "relying" on the LMA as a basis for the entire Plan. Pursuant to the USP, the Plan seeks to aggressively recruit and retain "qualified African American and Latino candidates." Discussions about the validity of the LMA or any perceived "flaws" in the LMA should not operate to hinder or delay implementation of this Plan.

The following is a summary of all of the Mendoza Plaintiffs' questions and concerns regarding the LMA and the answers thereto:

- a. Mendoza Plaintiffs questioned the LMA's definition of "administrator" and whether it was consistent with the definition in the USP and whether the definition was applied consistently in the data collected.

On March 24, 2014, the District answered and addressed this question/concern (See attached "District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan, TUSD Response to Objection 1 and RFI (1) pages 2-3).

- b. Mendoza Plaintiffs also questioned why California, New Mexico, and Texas were included with the four-state comparison and not other states, such as Colorado.

On March 24, 2014, the District answered and addressed this question/concern (See attached "District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan, TUSD Response to Objection 1 and RFI (1) page 3).

- c. Mendoza Plaintiffs questioned whether any effort was made to weight averages given the different populations of the referenced states, for the purpose of the "surrounding states" data.

On March 24, 2014, the District answered and addressed this question/concern (See attached "District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan, TUSD Response to Objection 1 and RFI (1) page 4).

- d. Mendoza Plaintiffs questioned the implications of using data from different years for different states.

On March 24, 2014, the District answered and addressed this question/concern (See attached "District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan, TUSD Response to Objection 1 and RFI (1) page 4).

- e. Mendoza Plaintiffs questioned what action the drafters of the LMA took to address the cautionary note on the NCES data sheet with respect to Arizona: "Interpret data with caution. The standard error for this estimate is equal to 30 percent or more of the estimate's value."

On March 24, 2014, the District answered and addressed this question/concern (See attached "District Responses to the Mendoza Plaintiffs' 2/13/13 Requests for Information and their 2/10/14 Objections re the Outreach, Recruitment and Retention Plan, TUSD Response to Objection 1 and RFI (1) page 4).

2. Mendoza Objection 2 [in pertinent part]:

Mendoza Plaintiffs object to the composition of the 2013-14 Recruitment/Retention Advisory Committee as it includes only one Latino member out of a total of 15 members. The USP requires the input of "a racially and ethnically diverse recruitment team" to "develop a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions." USP, IV, C, 3. In the TUSD District, given its racial and ethnic composition with Latinos comprising approximately 60% of the student enrollment, the inclusion of a sole Latino on a committee of 15 is not reasonable or acceptable. Further, it is noteworthy that while the Committee includes representatives from the African American Studies, Pan-Asian Studies, and Native American Studies Departments, it fails to include a representative from the Mexican American Studies Department. In conversation among the parties and the Special Master on March 25, 2014, when the Special Master commented on the lack of diversity of the Committee, the District responded that it could only include on the Committee the representatives that the entities it had solicited had tendered. Mendoza Plaintiffs consider this response unacceptable and assert that the District has an affirmative duty to seek out appropriate members for Committees such as this. Mendoza Plaintiffs further note that the only identified "community" member is Asian. Surely there is a Latino community member who also could have been asked to serve on the Committee. The importance of informed Latino presence on the Committee is confirmed by the District's history. In 2012, Mendoza Plaintiffs objected to the District's failure to adequately recruit Latino administrators and certificated staff. Further, when it was apparent that the District was not sufficiently informed about how to go about doing that, Mendoza Plaintiffs provided guidance. This is the sort of input that should come from the Committee but cannot if the Committee is not appropriately constituted.

TUSD Response to Objection 2:

The USP requires the District to develop the Plan with "the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel." There is no language or requirement in the USP that the committee reflect the "racial and ethnic composition" of the District, or that the committee satisfy the subjective opinion of what the Mendoza Plaintiffs deem "appropriate." The USP provides an avenue for the Mendoza Plaintiffs to provide exactly this sort of input if they felt earlier versions of the plan were lacking in this regard. The first version of the Plan was submitted to the parties in July 2013. If the District was "not sufficiently informed" on how to attract and recruit Latino candidates in 2012, the Mendoza Plaintiffs have had ample opportunities over the past two years to provide that type of input so that the District would be sufficiently informed (and the Mendoza Plaintiff objections include an admission to providing just that sort of "guidance"). As with objection #1, this is not a substantive objection to the Plan.

See also the 2014-15 Recruitment/Retention Advisory Committee Member List, attached hereto. The 2014-15 Committee is comprised of six African-American members, seven Latino members, three Anglo members, and one Asian member.

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3. Mendoza Objection 3 [in pertinent part]:

The revised Recruitment Plan fails to address the objections raised by Mendoza Plaintiffs in their initial request for a Report & Recommendation. The only revisions made in response to Mendoza Plaintiffs' initial request for a Report & Recommendation are the following:

a. In response to Mendoza Plaintiffs' Objection No. 4 that the Recruitment Plan must demonstrate that members of the recruitment team are comprised of school-level and District-level administrators, certificated staff and human resources personnel, the District added language indicating that these groups are represented on the advisory committee. (Revised Recruitment Plan at 4.) b. In response to Mendoza Plaintiffs' Objection No. 6 that administrators were omitted from the recruiting goals for in-person recruiting, the District added "administrators" to the in-person recruiting goals and strategies. (Revised Recruitment Plan at 9.)

These revisions fail to adequately address Mendoza Plaintiffs' objections to the Recruitment Plan and they therefore renew their objections and request for a Report & Recommendation to the Special Master.

TUSD Response to Objection 3:

The Mendoza Plaintiffs raised a concern that future advisory committees would not be comprised of members of the identified groups. In response, the District included language to ensure that members of these identified groups would be included in future advisory committees.

The Mendoza Plaintiffs raised a concern that administrators were omitted from a key provision in the plan. In response, the District included administrators in the identified provision.

The Mendoza Plaintiffs objected to the omission of a USP provision in the Plan, and then asserted that the entire Plan is "noncompliant" due to the omission, notwithstanding that the USP does not require inclusion of that provision in the Plan. The District will comply with the USP, including the USP provision regarding nondiscrimination in recruiting, regardless of whether or not that language is in the Plan – the language is in the USP itself.

The Mendoza Plaintiffs objected to language indicating that a retention plan is not required by the USP. In fact, the USP does not require a retention plan; it requires a corrective action plan to address retention disparities "if disparities are identified." And a "retention plan" is not the same as a "corrective action plan to address retention disparities." Indeed, that the District – in good faith – has put forward a retention plan when none is required should be seen as a positive step in the right direction by going above and beyond the mandates of the USP. Instead, the Mendoza Plaintiffs have somehow twisted the District's efforts into some nefarious attempt at creating "wiggle room" and getting out of its USP obligations. The District's efforts to go above and beyond the USP language, to be more transparent and accountable than is called for in the USP, and to align retention efforts with recruitment efforts, has been grossly mischaracterized towards no apparent positive result for staff or students.

The Mendoza Plaintiffs assert that the Plan's "...advertising strategy fails to include strategies for recruiting candidates with Spanish language bilingual certifications as required in the USP."

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The advertising strategy section of the Plan states that "TUSD may collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD" but does not state that the District may not pursue other advertising strategies. In the Plan, the District makes a firm commitment to evaluating and modifying "advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications." See Appendix B to the Plan for additional entities being considered for future recruitment advertising, as applicable."

In addition, the District has added the following collaborations into the attached revised plan at page 7:

- the National Association for Bilingual Education (NABE)
- The Arizona Association for Bilingual Education

The Mendoza Plaintiffs requested clarification as to whether the financial incentives section on page 9 will be targeted to African-American and Latino candidates. The District modified the language on page 9 to provide clarity in this regard.

"Considering local factors (such as comparatively low teacher salaries statewide, and a comparatively smaller African-American population) certain financial incentives will be promoted as part of the nationwide recruitment strategy to attract qualified candidates, including **targeting** African-American and Latino candidates."

4. Mendoza Objection 4 (in pertinent part):

Mendoza Plaintiffs also ask that the Special Master's Report and Recommendation expressly address the District's dilatory and unacceptably slow action with regard to the Recruitment Plan and the Mendoza Plaintiffs' inquiries. As noted above, the Mendoza Plaintiffs first asked for explanations relating to the Labor Market Analysis in February 2013. No responses were provided until March, 2014 (and, as noted above, those responses were incomplete.) It now appears that some of the issues the Mendoza Plaintiffs raised were addressed in a report to the District that was prepared in September 2013; yet the District did not share that report for six months -- until it provided its limited response to the Mendoza Plaintiffs' initial request for a Report & Recommendation.

TUSD Response to Objection 4:

The District's action was neither dilatory nor unacceptably slow. The Mendoza Plaintiffs' concerns and inquiries regarding the Recruitment Plan were extensive, and addressing them in a substantive and complete manner required working with Mary Baker, a necessarily time-consuming process. The District reviewed and considered Plaintiffs' concerns, and then shared them with Ms. Baker to ensure that her report responded to them.

5. Fisher Objection 1 (in pertinent part):

The Fisher Plaintiffs herewith join the Mendoza Plaintiffs in the entirety of their 04/08/14 objection to and request for a report and recommendation on the District's 03/24/14 revised recruitment and retention plan, especially where the Mendoza Plaintiffs: (1) "object to the District's reliance on a flawed and incomplete Labor Market Analysis as the basis for the Recruitment Plan" (see Ramirez 04/08/14 email renewal of Mendoza objection and request); (2) "object to the composition of the 2013-14 Recruitment/Retention Advisory Committee" (idem);⁴ and (3) "[object to] the District's dilatory and unacceptably slow action with regard to the Recruitment Plan and the Mendoza Plaintiffs' inquiries" (idem).

TUSD Response to Objection 5:

See responses to #1, #2, and #4 above.

6. Fisher Objection 2 (in pertinent part):

... On 12/14/12, the Fisher Plaintiffs argued that "[t]he USP should not reference a labor market study commissioned and interpreted by the Defendant (at page 8 of Fisher 12/14/12 objection). In the same filing, the Fisher Plaintiffs objected: "to the labor market study conducted by the District and referenced in the USP [...]. The data the District bases its analysis on was provided by Dr. Mary Dunn Baker, a Florida-based consultant working with the ERS Group. The website for the ERS Group shows that the Group Labor and Employment practice specializes in defending institutional clients from charges of discrimination, in justifying reductions in force and generally minimizing employer accountability in the courts." In this context, it would be difficult to characterize the District's selection of Dr. Baker and the ERS Group as a disinterested inquiry into the realities of the labor market. The data which the District references cannot reasonably be claimed to be an analysis and the District's interpretation of that data glosses over a number of highly relevant normative questions that remain at issue in this case. In the context of the District's recent noncompliance with its desegregation obligations, it is inappropriate to allow it to define the relevant labor market for its incumbent workforce. While a legitimate labor market analysis certainly does need to be conducted, it should be conducted independently and be based on the best practices of similarly situated districts and should not be conducted by a consultant that specializes in defending institutional employers. In light of the foregoing facts, Fisher Plaintiffs respectfully move this Court to set aside the District's flawed labor market analysis and instruct the Special Master to commission an impartial labor market analysis to serve as the basis for goals for the recruitment, hiring, retention, promotion and recall of administrators and certificated staff (at pages 8-9 of Fisher 12/14/12 objection)." Again, in their response to the Special Master's 12/22/12 recommendations for the USP, the Fisher Plaintiffs repeated their objection to use of the flawed labor market analysis, explaining that retaining: "reference to the flawed labor market analysis will enable the District to unilaterally and fatally circumscribe the scope of the relevant labor market and thereby circumvent one of the primary requirements of the remedial desegregation plan: eliminating the

⁴ The Fisher Plaintiffs object, additionally, to the high percentage of District employees serving on the committee.

⁵ See selected cases at http://www.ersgroup.com/practiceAreas_I&F_overview.asp

vestiges of past discrimination in the area of faculty and staff. While the Special Master concedes that the District's analysis may be inadequate, he mistakenly concludes that the review process contemplated in the USP will be adequate to correct such an inadequacy (idem) [...]. While the District has not submitted a formal analysis, it did provide the plaintiff classes with the unanalyzed (and disputed) labor market data it commissioned in a 10/18/12 email circulated between counsel. The District prematurely references the disputed data in its 11/09/12 memorandum filed with this Court to argue that: "[t]he Labor Market Study shows that by virtually every possible measure, the District has more Latino administrators and certificated staff than would be expected based on a variety of possible labor markets. The District has the expected number of African American administrators and certificated staff based on the Arizona labor market. This data, combined with the lack of a finding of a constitutional violation and the limited obligations imposed by the Stipulation, does not support a remedy of financial support for Latino and African American employees to secure additional degrees or certifications" (at pages 12-13 of TUSD memorandum filed 11/09/12)" (at pages 2-3 of Fisher response entered into record on 02/06/13). In its ruling of the same date, the District Court found that because: "the adequacy of the [labor market] study cannot be fully determined until it is known how the District uses it, i.e., what conclusions the District draws from it [...] [t]he Court adopts the Special Master's recommendation to retain the provision allowing the District to assess the effectiveness of its outreach and recruitment plan based on the challenged Labor Market Study and to delete the deadline for review and objections to be made to the study. The Court agrees with the Special Master that review and objections regarding the adequacy of the Labor Market Study are better made at the time the District proposes to rely on it" (at page 25 of 02/06/13 order). Not surprisingly, the 09/30/13 LMA conclude that: "African-Americans and Hispanics were employed by TUSD as Teachers and Administrators in numbers consistent with or statistically significantly and/or substantially larger than the rates at which they are represented in public schools across Arizona. The data fail to produce any evidence whatsoever that these demographic groups are underrepresented in the District's workforce" (at pages 17-18 of Baker 09/30/13 labor market analysis). As shown above, the District now cites the flawed LMA to conclude that there is no underrepresentation of class members in the relevant categories of its incumbent workforce and that its recruitment and retention plan need not, therefore, focus on the racial and ethnic diversity of its administrators and certificated staff. On the basis of these facts and arguments, the Fisher Plaintiffs object to the District's reliance on the flawed LMA and restate their original argument, that "a legitimate labor market analysis certainly does need to be conducted, [but] it should be conducted independently and [should] be based on the best practices of similarly situated districts and should not be conducted by a consultant that specializes in defending institutional employers" (at pages 2-3 of Fisher response entered into record on 02/06/13 emphasis added). In light of the foregoing facts, Fisher Plaintiffs respectfully ask the Special Master to recommend that the District Court set aside the District's flawed labor market analysis and order whatever proceedings it deems necessary to commission an impartial labor market analysis to serve as the basis for goals for the recruitment, hiring, retention, promotion and recall of administrators and certificated staff.

TUSD Response to Objection 6:

The USP Consent Decree (to which the Fisher Plaintiffs agreed) states that the District will utilize an outside expert to conduct a Labor Market Analysis (LMA), and that the District would use the LMA in informing this Plan. The District has complied with the USP. And, like the Mendoza Plaintiffs, the Fisher Plaintiffs raise questions and concerns but fail to state specific reasons they feel the LMA is "flawed" and, more importantly, how those alleged flaws have operated to somehow taint or make any less effective this Plan.

7. Fisher Objection 3 (in pertinent part):

The Fisher Plaintiffs strenuously object to the District's suggestion that it is not required to develop a retention plan under the USP. In the executive summary to its 03/24/14 revised recruitment and retention plan, the District states that "[w]hile a retention plan is not required by the USP, TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce" (at page 3 of 03/24/14 revised recruitment and retention plan). The provisions of the District's plan are clearly premised on an understanding that efforts to recruit administrators and certificated staff will be made in vain, unless matched by parallel, equivalent and simultaneous efforts are made in the areas of hiring, retention, promotion and recall. The District, therefore, far from disputing the need for retention efforts, merely attempts to shirk future accountability for the success of those retention efforts. Thus, the District's absurd assertion (in its retention plan) that it is not required to develop a retention plan demonstrates its failure to adhere to both the letter and spirit of the USP. The very title of the District's "Outreach, Recruitment, and Retention Plan" highlights the duplicity of the District's assertion. For these reasons, the Fisher Plaintiffs ask the Special Master to include in his report to the Court, a recommendation that the Court sanction the District for its attempt to shirk future accountability for the efficacy of its retention efforts.

TUSD Response to Objection 7:

See Response to #3 above, paragraph 4. In addition, the District's Plan recognizes that efforts to recruit administrators and certificated staff must be matched by parallel, equivalent and simultaneous efforts in the areas of hiring, retention, promotion and recall.

8. Fisher Objection 4 (in pertinent part):

The Fisher Plaintiffs object to the plan's described focus of its recruitment efforts as "enhancing the diversity of the workforce, and in recruiting hard-to-fill positions as identified each year" (at page 3 of 03/24/14 revised recruitment and retention plan). Sections IV (A) (1) and (C) (3) of the Unitary Status Plan (USP) address the District's responsibilities regarding its administrators and certificated staff and clearly provide that "[t]he District shall seek to enhance the racial and ethnic diversity of its administrators and certificated staff through its recruitment, hiring, assignment, promotion, pay, demotion, and dismissal practices and procedures" [in part by] develop[ing] and implement[ing] a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions" (at pages 16 and 18 of 02/20/13 order adopting the USP emphasis added). Thus, the

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USP explicitly contemplates and calls for the enhancement of racial and ethnic diversity, as opposed to diversity broadly construed. This distinction is not trivial, especially in the context of the Defendant's reliance on the results of a flawed 09/30/13 LMA to claim that there is no underrepresentation of African American or Mexican American certificated staff or administrators in its workforce.⁶ For these reasons, the Fisher Plaintiffs object to the District's substitution of its required focus on "racial and ethnic diversity" with a more general focus on "diversity."

TUSD Response to Objection 8:

The Plan is designed to increase racial diversity, including attracting and retaining qualified African-American and Latino candidates for administrator and certificated staff positions.

TUSD

Administrator and Certificated Staff Outreach, Recruitment, and Retention Plan

I. USP LANGUAGE

IV. ADMINISTRATORS AND CERTIFICATED STAFF

C. Outreach and Recruitment

3. By April 1, 2013, the District shall develop and implement a plan to recruit qualified African American and Latino candidates for open administrator and certificated staff positions. The plan shall be developed by the District recruiter with the input of a racially and ethnically diverse recruitment team comprised of school-level and district-level administrators, certificated staff and human resources personnel. The plan shall address any and all disparities identified in the Labor Market Analysis.
- a. The District recruiter, with input from the recruitment team, shall take the following steps to implement the recruitment plan, and shall modify it annually based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting qualified African American and Latino candidates and candidates with Spanish language bilingual certifications. The recruitment plan shall:
 - i. Establish a nationwide recruiting strategy, based at minimum on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African American and Latino candidates and candidates with Spanish language bilingual certifications from across the country, including through: (i) advertising job vacancies on national websites and publications, including career websites, national newspapers, education publications, and periodicals targeting African American and Latino communities; (ii) recruiting at Historically Black Colleges and Universities ("HBCUs"), through the Hispanic Association of Colleges and Universities ("HACU"), and at other colleges and universities with teacher preparation programs serving significant numbers of African American and/or Latino students; including providing vacancy announcements to campus career services offices; and (iii) attending local and state-wide job, diversity, and education fairs and/or expos;
 - ii. Create a process to invite retired African American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
 - iii. Incorporate strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
 - iv. Develop local programs to identify and support local high school, college and university students to interest them in teaching careers, including for college and university students, exploring and promoting opportunities for teaching in the District; and
 - v. Encourage and provide support for African American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

⁶ At page 6 of its 03/24/14 revised plan, the District "notes that the LMA findings revealed no negative disparities in hiring between TUSD's workforce and the local and state labor markets" and then states that, "[i]n light of the findings of the LMA, TUSD's outreach and recruitment strategies will focus on enhancing the diversity of TUSD's workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites" (at page 6 of 03/24/14 revised recruitment and retention plan).

2014-2015 RECRUITMENT / RETENTION ADVISORY COMMITTEE				
First Name	Last Name	Title	Affiliation	Ethnicity
Jimmy	Hart	Dir. African American Student Services	TUSD	African American
Maria	Figueroa	Dir. Mexican American Student Services	TUSD	Hispanic
Brain	Nelson	Advanced Program Manager	Pima CC	Anglo
Tirza	Sanders	Program Coordinator (SPED)	Pima CC	African American
Frank	Armenta	Principal	TUSD/Cholla	Hispanic
Melissa	Molina-Garcia	Assistant Principal	TUSD/Doolen	Hispanic
Chris	Loya	Principal	TUSD/Marshall	Hispanic
Ross	Iwamoto	Community Member	Community	Asian
Margaret	Chaney	SPED Teacher	TEA/Tucson HS	African American
Dan	Irland	SPED Teacher	TEA/Rincon	Anglo
Francis	Bernalis	TEA Vice President	TEA	Hispanic
Deanna	Campos	Assistant Principal	TUSD/McCorkle	Hispanic
Eugene	Butler	Acting Exec Director SPED	TUSD/SPED	African American
Tolliver	Jason	Director	University of Arizona	African American
Murray	Lewis	Gate Teacher	TUSD/Cavett	African American
Frank	Larby	Instructional Data Intervention Coordinator	TUSD	Anglo
Leslie	Leon	Director	Hispanic Chamber of Commerce	Hispanic

Exhibit F

IV. ADMINISTRATORS AND CERTIFICATED STAFF

F. Retention

1. The District shall adopt measures intended to increase the retention of African American and Latino administrators and certificated staff, including, but not limited to, doing and/or taking into account the following:
 - a. Commencing with the effective date of this Order, on an ongoing basis, evaluating whether there are disparities in the attrition rates of African American and Latino administrators or certificated staff compared to other racial and ethnic groups. If disparities are identified, the District shall, on an ongoing basis, assess the reason(s) for these disparities and develop a plan to take appropriate corrective action. If a remedial plan to address disparate attrition is needed, it shall be developed and implemented in the semester subsequent to the semester in which the attrition concern was identified;
 - b. Surveying teachers each year using instruments to be developed by the District and disaggregating survey results by race, ethnicity, and school site to assess teachers' overall job satisfaction and their interest in continuing to work for the District. These surveys shall be anonymous; and
 - c. Conducting biannual focus groups of representative samples of District certificated staff to gather perspectives on the particular concerns of these staff in hard-to-fill positions (e.g., ELL and special education teachers) and/or who have been hired to fulfill a need specifically identified in this Order.

II. OVERVIEW

TUSD is committed to recruiting and retaining highly qualified and appropriately certificated administrators and certificated staff members, representative from diverse backgrounds and cultures, who are competent and ready to manage, teach, engage, and challenge our present and future learners. To carry out this commitment, TUSD has developed an Outreach, Recruitment, and Retention Plan ("Plan") aligned with TUSD's general recruiting practices, with a particular focus on recruiting and retaining qualified individuals from historically underrepresented groups and qualified individuals to fill hard-to-fill positions. In addition to the specific strategies outlined in the Plan below, TUSD will utilize the following three general strategies to ensure the success of the Plan:

- Developing a "Recruiter's Guide" containing resource materials (such as those contained in the Appendices to this Plan) so staff members involved in recruiting are well-versed and prepared to discuss recruiting incentives, discuss TUSD and the City of Tucson, and to address other concerns of prospective recruits.
- Contacting and networking with recruiters from other school districts and/or private entities to learn and internalize best practices.
- Basing part of the Chief Human Resources Officer's evaluation on the progress made in increasing the racial and ethnic diversity of central and site-based administrators and certificated staff.

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III. EXECUTIVE SUMMARY

The Plan focuses on two separate but interrelated objectives, aligned with the goals identified above: (1) fulfilling general human resources needs, and (2) fulfilling specific USP-related human resources needs. The Plan aims to recruit and retain highly-qualified and 21st Century educators who represent broad spectrums of diverse backgrounds and cultures, with the skillsets to implement the latest educator processes to drive superior teaching. Recruitment is focused principally on enhancing the racial and ethnic diversity of the workforce, and in recruiting hard-to-fill positions as identified each year. ~~While a retention plan is not required by the USP,~~ TUSD's strategy is to combine recruitment and retention efforts to attract and to keep a highly-qualified and diverse workforce.

The Plan focuses on eight areas for Outreach and Recruitment, and four areas for Retention:

A. Outreach and Recruitment

1. Ensuring TUSD conducts recruitment for all employment vacancies on a nondiscriminatory basis;
2. Analyzing the findings of the Labor Market Analysis (LMA);
3. Reviewing and, where needed, modifying the Plan to continually strengthen the Plan's effectiveness in attracting, and retaining, qualified African-American and Latino candidates and candidates with Spanish language bilingual certifications;
4. Developing a nationwide recruiting strategy based, at minimum, on the outcome of the Labor Market Analysis, which shall include specific techniques to recruit African-American and Latino candidates, and candidates with Spanish language bilingual certifications from across the country;
5. Creating a process to invite retired African-American and Latino administrators and certificated staff to be considered for open positions for which they are qualified;
6. Incorporating strategies for building and utilizing partnerships with local employers that recruit nationally to promote TUSD employment opportunities to their prospective employees and their families;
7. Developing local programs to identify and support local high school, college, and university students to interest them in teaching careers, including, for college and university students, exploring and promoting opportunities for teaching in the District; and
8. Developing strategies to encourage and provide support for African-American and Latino non-certificated staff (e.g., paraprofessionals) who are interested in pursuing certification.

B. Retention

1. Evaluating and addressing disparities in the attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups. Where applicable, assess reasons for disparities and implement corrective actions;
2. Conducting surveys to assess teachers' overall job satisfaction and interest in continuing at TUSD;
3. Facilitating teacher focus groups to gather data and identify specific concerns of staff in hard-to-fill positions and/or staff hired to fulfill a need specifically identified in the USP; and
4. Providing family support and professional development.

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IV. DEFINITIONS

LMA – Labor Market Analysis

CCS – Cross Categorical Special Education-

Critical Needs Subject Areas – subject areas required for graduation (core subjects) and/or are required by state or federal law, and for which there have been an inadequate pool of qualified candidates. By December each year, TUSD will identify critical needs subject areas for the subsequent school year based on an analysis of vacancies and multiple postings for various areas. For SY 2013-14, for example, critical needs subject areas included exceptional education, math, and science.

AEPA – (now known as) NES, National Evaluation Series

HBCU – Historical Black Colleges / Universities

HACU – Hispanic Association of Colleges/Universities

ELL – English Language Learners

Hard to Fill Content Areas – specialized content areas within the TUSD curriculum for which there are, or have been, an inadequate pool of qualified candidates. By December each year, TUSD will identify hard-to-fill content areas for the subsequent school year based on an analysis of current-year vacancies and staffing needs. For SY 2013-14, for example, hard-to-fill content areas include: dual language and Culturally Relevant Courses (CRCs).

Hard to Fill Site – school sites for which there traditionally have been insufficient applicants for instructional vacancies to meet staffing needs.

New-to-TUSD (Teachers or Administrators) – Teachers or administrators who are new to TUSD, and have never worked for TUSD.

V. RECRUITMENT AND RETENTION ADVISORY COMMITTEE (Recruitment Team)

The Recruiter coordinates the development and implementation of the Plan, with input from the Recruitment and Retention Advisory Committee ("Committee"). The Committee was created in 2008 to enhance recruitment efforts. The committee meets four times per year, and consists of a 15 member racially and ethnically diverse group of community members, which may include select TUSD leaders (including school-level administrators, district-level administrators, and human resource personnel), corporations, colleges/universities, teachers, and administrators. This group actively engages the community and key constituencies in the Plan and works collaboratively to recruit and retain highly qualified administrators and certificated staff with diverse backgrounds. The Committee brainstorms and provides suggestions to enhance the roles and responsibilities for recruitment, retention, and outreach with a focus on racial and ethnic diversity challenges, information resources, and ethnic-cultural opportunities in the community. The Committee analyzes

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risks and opportunities for the recruitment program to create potential solutions (e.g., priority hiring needs and vacancies, potential incentives, community outreach, the need for adequate marketing).

VI. OUTREACH, RECRUITMENT, AND RETENTION

A. OUTREACH AND RECRUITMENT

1. Ensure Nondiscriminatory Recruitment for All Employment Vacancies

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

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

2. Labor Market Analysis

TUSD hired an outside consultant to undertake a labor market analysis ("LMA") that compares the actual number of African-American and Latino administrators and certificated staff to the statistical expectation using various demographic group availability rates derived from labor market data. TUSD notes that the LMA findings revealed no negative disparities in hiring between TUSD's workforce and the local and state labor markets. (See Appendix A for a Summary of Preliminary Findings). In light of the findings of the LMA, TUSD's outreach and recruitment strategies will focus on enhancing the racial and ethnic diversity of TUSD's workforce. These strategies will focus on Hard-to-Fill Content Areas, Critical Needs Subject Areas, and staffing Hard-to-Fill sites.

Fisher v. U.S., Not Reported in F.Supp.3d (2014)

3. Annual Review and Process for Modification

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

- Colleges or Universities Visited for Recruiting
 - Including whether the school was an HBCU, HACU, or one with a diverse student population
 - Including participating colleges and/or universities
- Critical Needs (Math, Science, Exceptional Education, ELL/Dual-Language (including candidates with Spanish language bilingual certifications), or other as identified)
- Resumes Received
- Phone Interviews Conducted
- Letters of Intent Extended
- Letters of Intent Accepted
- Reason(s) Individuals do not accept positions offered them

This information is used to tailor future recruiting to identify which strategies are the most effective and efficient, and to identify which venues produce the best results.

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4. Nationwide Recruiting Strategy Focused on Specific Strategies to Recruit a Diverse Staff, Including African-American, Hispanic, and Bilingual Administrators and Certificated Staff

TUSD will include non-discrimination language in a prominent location on the online job postings site, and will continue to strive to remain salary competitive with other local school districts and, at the current time, is comparable to all area school districts. The nationwide strategy will include the following, described in detail in the corresponding sections below: (a) advertising; (b) in-person recruiting; (c) offering financial incentives; (d) promoting job satisfaction incentives and opportunities; (e) promoting support for beginning teachers; and (f) monitoring and utilizing feedback from current employees. Each strategy will be evaluated for effectiveness and may be modified on an annual basis.

a. Advertising

TUSD may collaborate with the following entities to advertise open Administrator and Certificated Staff positions within TUSD:

- Teachers of Color (print and web);
- Teach.gov (web);
- Teachers-Teachers (web);
- Want to Teach (web);
- Career Media Solutions –HBCU (print and web);
- American Association for Employment in Education;
- Association of Latino Administrators and Superintendents (ALAS);
- Hispanic Chamber of Commerce;
- National Alliance of Black School Educators (NABSE);
- the National Association for Bilingual Education (NABE);
- the Arizona Association for Bilingual Education; and
- Various college/university career center postings.

TUSD will evaluate and modify advertising strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting candidates with diverse backgrounds, including African-American and Latino candidates and candidates with Spanish language bilingual certifications. See Appendix B for additional entities being considered for future recruitment advertising, as applicable.

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b. In-Person Recruiting

The goal is to increase the ethnic/racial diversity of TUSD's administrators and certificated staff. This strategy includes the following activities:

- Recruitment trips to identified HBCUs, HACU member colleges, and other colleges and universities offering teacher preparation programs and enrolling diverse student populations in their education programs;
- TUSD will host "Meet and Greets" for student teachers from various colleges in Arizona to provide information about TUSD and how to apply for vacant positions. Guest speakers from TUSD may include leadership team members, certification specialists, mentoring and professional development personnel, special education personnel, and members of the math innovation team;
- The Recruiter attends the University of Arizona South campus in the fall to meet the new student teachers in the program. TUSD will create new and stronger relationships with in-state colleges (University of Arizona, University of Arizona South, Teach Arizona, Pima Community College, Northern Arizona University, Grand Canyon College, Rio Salado College, University of Phoenix, Arizona State University, and Prescott College), and the African American Studies and Mexican American Studies program departments;
- Collaboration with HBCUs and the HACU to develop an internship program where students from various colleges and universities can perform their student teaching with TUSD;
- Welcome Groups to welcome new administrators or certificated staff members into TUSD. These group members consist of community members/district employees to assist in the adjustment period into the community and TUSD. Packets are developed for various ethnic groups that include community activities in Tucson and the surrounding areas; and
- Other Colleges and Universities: TUSD recruiter will recruit in highly populated diverse colleges and universities with a diverse student body in the College of Education.
- Local and state-wide job, diversity, and education fairs and/or expos are provided for employers, recruiters and school districts to meet with prospective administrator or certificated staff candidates. In the college setting, education fairs are commonly used for entry level teaching positions, but also may include graduate students seeking administrative positions. Often sponsored by career centers, job fairs provide a convenient location for students to meet employers and participate in first interviews. TUSD will participate and recruit at these events, and document the success of these efforts. TUSD will continue to develop the ability of recruiters to extend Offers of Employment during in-person recruiting activities to ensure the best chance of recruiting candidates to TUSD. TUSD's recruitment teams will include relevant staff who can speak directly about their experiences in TUSD and in Tucson.
- The District's Leadership Prep Academy (LPA) is an in-person program dedicated to recruiting and preparing future administrators.

TUSD will evaluate and modify these recruiting strategies on an ongoing basis, and at least annually, based on a review of the previous year's recruiting data and the effectiveness of past recruiting practices in attracting diverse candidates, including African-American and Latino candidates and candidates with Spanish language bilingual certifications.

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c. Financial incentives

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

- **Relocation Expense Reimbursement:**
For any of the positions identified below and in accordance with Governing Board policy, a one-time relocation expense reimbursement may be offered as an incentive to out-of-state, new-to-TUSD incoming administrators, and out-of-state, new-to-TUSD incoming teachers.
- **Dual-Language/Bilingual Recruitment and Retention Incentive*:**
TUSD may, as an incentive, offer a stipend to new-to-the-District incoming teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom, or existing teachers with (a) bilingual certifications, and (b) teaching in a dual-language classroom.
- **Culturally Relevant Courses (CRCs) Recruitment and Retention Incentive*:**
TUSD may offer a recruitment incentive to new-to-TUSD, incoming CRC teachers who meet specified qualifications, or to existing CRC teachers who meet specified qualifications.
- **Recruitment Incentives for Hard-to-Fill Sites*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers at Hard-to-Fill Sites, or to existing teachers who voluntarily move to a Hard-to-Fill Site.
- **Recruitment Incentives for Critical Needs*:**
TUSD may offer a recruitment incentive to new-to-TUSD incoming teachers in critical needs subject areas, or to existing teachers who become highly qualified and are placed into a critical needs subject area. Critical needs subject areas are evaluated, and may be modified, on an annual basis.

*Stipends are paid to full-time employees only, subject to conditions.

d. Offers of Employment

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

e. Job satisfaction incentives and opportunities

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

f. Support for beginning teachers

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

g. Monitoring and utilizing feedback from current employees

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

5. Process for Retirees

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

6. Partnerships with Local Employers

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

7. Local Programs

The following local programs are focused on developing interest in careers in education, and particularly with TUSD. Human Resources representatives conduct outreach seminars to introduce students to the diverse careers, rewards, and opportunities available in the education field. This program sparks interest in high school, college, and university students, TUSD paraprofessionals, and local professionals to explore K-12 teaching careers. Effectiveness of these programs is evaluated annually.

- **High School Student Program:** recruiter will partner with high school administrators to set up forums with students who are interested in teaching careers. Forums will be attended by current teachers, students, and facilitators and would include detailed discussions of teaching-career pathways and requirements. Interested students will receive information and resources to guide them into teaching careers, and will be encouraged to contact TUSD's Recruiter for further information and guidance.
- **Colleges and Universities:** recruiter will visit the local college and university educational teacher programs to attract new teachers. In addition, the recruiter will visit diversity programs with a focus on African-American and Latino studies programs to support USP obligations to create interest in a teaching career.
- **Professionals:** recruiter will continue to solicit interest at Davis-Monthan Air Force Base and military spouses interested in teaching at TUSD.

8. Strategies to Encourage Certification

For Non-Certificated Staff Seeking Certification

TUSD will take the following actions to encourage and to provide support for African-American and Latino non-certificated staff who are interested in pursuing certification:

- a. Survey current non-certificated staff to identify non-certificated staff members, including African-American and Latino staff members, who are interested in pursuing educational certification;
- b. Survey current certificated staff to identify those that have received certifications (or are currently in programs to receive certifications) in the areas identified by the first survey;
- c. Each identified non-certificated staff member may be: (a) paired with a mentor that has the certification that the staff member is seeking, and/or (b) pair with other staff members who are also interested in that area and/or are already working towards receiving certification through the same or similar programs. Mentors may receive additional stipends for participation; and
- d. Send direct mailings to each identified staff member recognizing and encouraging their ambitions and areas of interest, sharing potential positions within TUSD that fits with their areas of interest, sharing available resources (e.g. local and online programs and courses) that match those interests and identifying the person or persons they have been paired with for mentoring or other support.

For Certificated Staff Seeking Administrative Certification

TUSD staff attended initial meetings with representatives from the University of Arizona, College of Education, to explore a proposal to provide a TUSD-specific set of coursework toward obtaining an administrative certificate in the State of Arizona. The proposal includes the possibility of financial support to enable current employees with leadership potential to enroll in the courses and, ultimately, to receive the required certifications needed for such promotions. The TUSD-specific courses would focus on the standard coursework, but would infuse TUSD- and USP-related issues such as Supportive and Inclusive Learning (CRP), USP fundamentals and theory, faculty and staff diversity, etc. The program may also include class projects that would be based in TUSD schools, and may span an entire school year. Potential leaders, including African-American and Latino staff members, who do not have the credentials to move directly into leadership positions would be encouraged to apply for the program as they continue to work at TUSD. Participants will be recognized formally and provided with a certificate of completion to document the additional training and professional development received over the year.

B. RETENTION

1. Collect and Monitor Retention Data

TUSD will conduct evaluations, surveys, and focus groups to help identify any disparities, gauge job satisfaction levels, and to identify concerns or obstacles that may cause employees to leave TUSD and frustrate retention efforts.

a. Evaluate disparities in attrition rates, if any, of African-American and Latino administrators and certificated staff compared to other racial and ethnic groups.

TUSD will: (1) evaluate the attrition rates of all racial and ethnic groups to assess whether disparities exist between African-American and Latino administrators and certificated staff compared to other racial and ethnic groups; and (2) if disparities exist, assess the reasons for the disparities (to the extent possible). If disparities exist TUSD will develop and implement strategies, where feasible, to address disparate attrition.

b. Assess teachers' overall job satisfaction and interest in continuing to work for TUSD

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

c. Facilitate teacher focus groups

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

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2. Adopt Measures Intended to Increase the Retention of African-American and Latino Administrators and Certificated staff

a. Corrective Action Plans

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

b. Other Measures

Outreach and Communication to TUSD Employees about Opportunities for Themselves and Their Children

TUSD is expanding its outreach to employees regarding special employee programs and, more generally, to provide increased family support (see Appendix E). TUSD will continue to work to ensure that employees feel welcome, and as part of the TUSD family, will recognize the benefits of working in TUSD by feeling supported and encouraged as TUSD employees.

Administrator Focus Groups

In addition to the teacher focus groups described above, TUSD will facilitate administrator focus groups to address any concerns, but also to identify additional ways by which TUSD can support administrators (particularly African-American and Latino administrators) in their work and in increasing or maintaining their job satisfaction.

Extended Professional Development Opportunities

TUSD will provide opportunities for administrators and certificated staff to participate in targeted professional development opportunities. For example, in 2013-14 TUSD sent one African-American principal to the NABSE (National Alliance of Black School Educators) conference along with staff from the African American Student Services Department. Other African-American and Latino administrators have shown an interest in similar PD opportunities in the future.

Support Beginning Teachers

TUSD recognizes that providing ongoing support structures for beginning teachers can serve as a key factor in retaining beginning teachers. Towards developing these structures, TUSD has put in place a Teacher Induction/Mentoring Program for all beginning teachers. First-year teachers in struggling schools may be provided additional support. A key piece of the retention strategy is to support beginning teachers in ways that make them feel welcome, appreciated, and supported as they begin their teaching careers to ensure that they are successful and to encourage them to remain employed with TUSD. (See Appendix C, "Ongoing Support for Beginning Teachers")

Encourage Prospective Leaders to Become Leaders

TUSD has developed a detailed plan for encouraging and supporting prospective leaders, particularly African-American and Latino staff members, to develop their capacity for leadership positions. (See Appendix F, "Prospective Administrative Leaders Plan" particularly Section V: Methods for Growing Our Own) By enhancing opportunities for professional growth and development, current employees will recognize that they are valued, supported, and encouraged to remain and grow with TUSD.

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All Citations

Not Reported in F.Supp.3d, 2014 WL 4379084

Footnotes

- ¹ Generally, a LMA identifies the area within which employers compete for labor, survey that labor market to determine typical salaries and ancillary pay considerations to recommend salary structures and ancillary pay considerations that will enable an employer to effectively compete for employees in the geographic labor market within specific job classifications.
- ² The Court discusses the second part of this Professional Support provision below in the context of TUSD' proposed financial incentives.
- ³ The Court uses the term hard-to-fill, here, to refer to: critical needs subject areas, hard to fill content areas and hard-to-fill sites. ORR § IV: Definitions.

- ⁴ The Plaintiff Intervenor, the United States, did not object to the Special Master's recommendation to not require a new LMA, but noted that TUSD still, as of 6/10/2014, had not provided requested data concerning adding comparative Metropolitan Statistical Areas to the LMA, which it first requested 2/27/2013, and again requested when it reviewed the summary LMA, 8/26/2013. (DOJ Objection (Doc. 1621)).
- ⁵ Appendix B, with additional entities being considered for future recruitment advertising, is not attached to the ORR Plan filed with the R & R for the Court's review. *See* (R & R (Doc. 1612) at Ex. F: ORR.) The Court assumes the addition sought by Plaintiffs Mendoza is not contained in Appendix B.
-