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11 TUCSON UNIFIED SCHOOL DISTRICT  
12 LEGAL DEPARTMENT  
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17 Nancy.Woll@tusd1.org

18 Attorneys for Defendants

19 **UNITED STATES DISTRICT COURT**  
20 **DISTRICT OF ARIZONA**

21 ROY and JOSIE FISHER, et al.,  
22 Plaintiffs,

23 UNITED STATES OF AMERICA,  
24 Plaintiff-Intervenor,

25 vs.

26 ANITA LOHR, et al.,  
27 Defendants,

28 and

29 SIDNEY L. SUTTON, et al.,  
30 Defendants-Intervenors.

No. 74-CV-90-TUC-DCB  
(lead case)

**NOTICE AND REQUEST FOR  
APPROVAL RE: PASCUA YAQUI  
EXCHANGE**

(Assigned to: Honorable David C. Bury)

1 MARIA MENDOZA, et al.,  
 2  
 3 Plaintiffs,  
 4 UNITED STATES OF AMERICA,  
 5 Plaintiff-Intervenor,  
 6 vs.  
 7 TUCSON UNIFIED SCHOOL DISTRICT  
 8 NO. ONE, et al.,  
 Defendants.

No. 74-CV-204-TUC-DCB  
(consolidated case)

DECONCINI McDONALD YETWIN & LACY, P.C.  
2525 East Broadway Blvd., Suite 200  
Tucson, AZ 85716-5300

9 The Tucson Unified School District, by and through counsel undersigned, pursuant  
 10 to the Order Appointing Special Master dated January 6, 2013 (the January 6 Order),  
 11 hereby gives notice of and requests approval for its support of H.R. 507, a bill in the United  
 12 States Representatives that requires certain land transactions between the District and the  
 13 Pascua Yaqui Tribe. At its meeting on June 11, 2013, the District’s Governing Board  
 14 approved issuing a letter in support of H.R. 507, subject to Court approval. Attached as  
 15 Exhibit A is Governing Board Agenda Item #32, with all documentation that was provided  
 16 to the Board. That documentation includes a copy of H.R. 507, a map showing the parcels  
 17 involved in H.R. 507 (in addition to parcels that were part of a previous House Bill,  
 18 HR4222, which was not passed), and the proposed letter from the District in support of  
 19 H.R. 507. Attached as Exhibit B is email correspondence from the Mendoza Plaintiffs, the  
 20 Department of Justice and the Special Master indicating that they have no objection to this  
 21 transaction. The Fisher Plaintiffs have neither objected nor consented to the transaction.  
 22  
 23

24 H.R. 507 would grant to the Pascua Yaqui Tribe two 10-acre parcels of vacant land  
 25 owned by the United States, for non-gaming purposes (specifically, expansion of a golf  
 26

1 course adjacent to the Casino del Sol resort). One of these parcels, known as Site 116, is  
 2 held by TUSD pursuant to a patent from the United States. The transfers contemplated by  
 3 H.R. 507 are conditioned upon TUSD relinquishing all right, title and interest in Site 116  
 4 and upon the approval by the Secretary of the Interior of a lease agreement between the  
 5 tribe and the District for the construction and operation of a regional transportation facility  
 6 located on restricted Indian land of the Tribe. The location of the Westside Transportation  
 7 Facility is shown on the map in Exhibit A.  
 8

9  
 10 District staff recommended that the Governing Board support H.R. 507 as it would  
 11 result in a lease allowing the District to use Tribal land for the Westside Transportation  
 12 Center for only \$1 per year while giving up a site that is essentially undevelopable and that  
 13 the District has no plans to use. Site 116 is in the floodplain of the Black Wash and access  
 14 to the site would require bridging that wash at significant expense. The eastern one-third of  
 15 the site is designated as a riparian area to be preserved and 125 feet on the west side of the  
 16 parcel is encumbered by an easement primarily for the Central Arizona Project. Due to  
 17 these constraints and the proximity of this site to other schools, this property was eliminated  
 18 from consideration as a new school site in 2008 and the District has no plans to use the site.  
 19 Site 116 would not be relinquished by the District until the lease for the Westside  
 20 Transportation Center, at \$1 per year, is approved by the Secretary of the Interior. The  
 21 Westside Transportation Center would allow the District to significantly reduce bus miles  
 22 traveled (and therefore fuel and maintenance costs), as well as better serving its students by  
 23 quickly responding to route change requests and dealing with breakdowns and other  
 24  
 25  
 26

DECONCINI McDONALD YETWIN & LACY, P.C.  
 2525 East Broadway Blvd., Suite 200  
 Tucson, AZ 85716-5300

1 emergency requests in the western portion of the District. The District estimates that it will  
2 save 490,000 miles per year and \$700,000 per year in fuel, labor and maintenance costs.<sup>1</sup>  
3

4 For the reasons set forth above, the District requests that the Court approve the  
5 District's support of H.R. 507 and the transfer of Site 116 to the United States if H.R. 507  
6 becomes law and if the conditions set forth in H.R. 507 are met.  
7

8 DATED this 25<sup>th</sup> day of July, 2013.

9 DeCONCINI McDONALD  
YETWIN & LACY, P.C.

10 By: /s/ Heather K. Gaines

11 Richard M. Yetwin  
12 Heather K. Gaines  
13 Sesaly O. Stamps  
14 Counsel for Defendant Tucson Unified  
15 School District  
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Tucson, AZ 85716-5300

26 <sup>1</sup> This information is contained in Agenda Item #32.

CERTIFICATE OF SERVICE

I hereby certify that on July 25, 2013, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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I hereby certify that on July 25, 2013, I electronically transmitted the attached document to the following, who is not a CM/ECF registrant:

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
  ) Plaintiffs,  
v.  )  
United States of America,  
  ) Plaintiff-Intervenor,  
v.  )  
Anita Lohr, et al.,  
  ) Defendants,  
and  
Sidney L. Sutton, et al.,  
  ) Defendants-Intervenors,  
\_\_\_\_\_  
Maria Mendoza, et al.,  
  ) Plaintiffs,  
United States of America,  
  ) Plaintiff-Intervenor,  
v.  )  
Tucson Unified School District No. One, et al.,  
  ) Defendants.  
\_\_\_\_\_

CV 74-90 TUC DCB  
(lead case)

**ORDER**

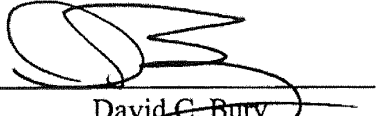
CV 74-204 TUC DCB  
(consolidated case)

1 On July 25, 2013, the District sought Court approval of its official support of H.R.  
2 507, a bill in the United States House of Representatives that requires certain land  
3 transactions to be made between the District and the Pascua Yaqui Tribe. If the bill passes  
4 it will result in a land exchange, which must be approved by the Court pursuant to this  
5 Court's Order of January 6, 2012. (Order (Doc. 1350) at 3, ln 16ff (describing provisions for  
6 objections to be made to "attendance boundary changes; . . . and the purchase and sale of  
7 District real property. (Notice And Request for Approval (NARA) provisions)). The land  
8 exchange involves District property that is not significant for any use as a school site and will  
9 reduce bus miles traveled by students, which will better serve students and save the District  
10 money. There is no objection.

11 **Accordingly,**

12 **IT IS ORDERED** that the District's Notice and Request for Approval Re: Pascua  
13 Yaqui Exchange (Doc. 1486) is GRANTED.

14 DATED this 7<sup>th</sup> day of January, 2014.

15  
16  
17   
18 David C. Bury  
United States District Judge

1 DECONCINI McDONALD YETWIN & LACY, P.C.  
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sstamps@dmyl.com

6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF ARIZONA**

8 ROY and JOSIE FISHER, et al.,  
9 **Plaintiffs,**

10 UNITED STATES OF AMERICA,  
11 **Plaintiff-Intervenor,**

12 vs.

13 ANITA LOHR, et al.,  
14 **Defendants,**

15 and

16 SIDNEY L. SUTTON, et al.,  
17 **Defendants-Intervenors.**

No. 74-CV-90-TUC-DCB  
(lead case)

**NOTICE AND REQUEST FOR  
APPROVAL**

**(MOTION FOR ACTION)**

(Assigned to: Honorable David C. Bury)

19 MARIA MENDOZA, et al.,  
20 **Plaintiffs,**

21 UNITED STATES OF AMERICA,  
22 **Plaintiff-Intervenor,**

23 vs.

24 TUCSON UNIFIED SCHOOL DISTRICT  
25 NO. ONE, et al.,  
26 **Defendants.**

No. 74-CV-204-TUC-DCB  
(consolidated case)



1 Tucson Unified School District (the “District”), by and through undersigned counsel,  
2 hereby submits this Notice and Request for Approval of the sale of the property on which  
3 the now-closed Wrightstown Elementary School is located. The District has shared the  
4 information regarding the proposed sale with the Plaintiffs and the Special Master and has  
5 addressed concerns that they previously raised regarding the sale. The Fisher and Mendoza  
6 Plaintiffs and the Special Master have all indicated that they have no objection to the sale.  
7 Exhibit A.

8 In May 2010, the Wrightstown Elementary school was closed. Since that time, the  
9 Wrightstown Property (the “Property”) has remained vacant and the District has been  
10 attempting to sell it. On July 27, 2012, the District sought the Court’s approval for the sale  
11 to a potential buyer. Doc.1379-1. The Court denied the District’s request, citing concerns  
12 raised by the Special Master that the Property was being sold below the initial appraised  
13 value. Doc. 1399. The Court also expressed concern that the sale of Wrightstown had not  
14 been considered within the context of the USP, specifically with regard to the fact that the  
15 sale would mean closure of the Wrightstown Elementary School could not be undone. Doc.  
16 1399. The District was preparing to respond to these concerns but the potential sale  
17 agreement fell through and therefore the District did not brief the matter further.

18 The District now has another offer for sale of the Property. On December 10, 2013,  
19 the Governing Board voted to execute a purchase agreement conditioned upon the Court’s  
20 approval of the sale. The purchase agreement is attached as Exhibit B. The sales price set  
21 forth in the agreement is \$1.6 million. Although the District initially had the property  
22 appraised in its “as improved” condition, it received no viable offers from purchasers  
23 intending to use the improvements. In 2013, the District obtained an appraisal for the land  
24 only. The appraised value is \$1.1 million. See Exhibit C. Accordingly, the current  
25 proposed sales agreement is for an amount above the appraised value.  
26

USP X.F.1.a

DECONCINI McDONALD YETWIN & LACY, P. C.  
2525 East Broadway Blvd., Suite 200  
Tucson, AZ 85716-5300

1 A Desegregation Impact Analysis has been prepared and is attached hereto as  
2 Exhibit D. The sale of the Property is not expected to have any impact on desegregation  
3 efforts. The former Wrightstown School was closed due to low enrollment and the limited  
4 prospects for development in the area that might add future students. There is no feasible  
5 plan for re-opening the Wrightstown School and the adjacent schools, Bloom and Henry,  
6 have capacity to serve the minimal development projected for the area.

7 The current potential buyer is a developer who plans to demolish the existing  
8 structure on the Property and build up to eighty single family homes. Exhibit D. It is  
9 expected that the racial and socio-economic make-up of the future residents of this small  
10 subdivision will be similar to the racial and socio-economic make-up of the surrounding  
11 residential area. *Id.* Accordingly, the development of the Property is not expected to have  
12 any impact on the enrollment patterns at neighborhood schools, as is shown in the  
13 Desegregation Impact Analysis, which sets forth the current enrollment at the schools that  
14 will serve the new development, the projected demographics of the students from the new  
15 development, and the resulting projected enrollment at the same schools. Furthermore, the  
16 buyer has agreed to a deed restriction that would prohibit use of the Property for a charter  
17 school, see Exhibit B at p. 3, which alleviates a concern that was previously raised by the  
18 Fisher Plaintiffs during informal discussions about the matter.

19 The cost to the District of retaining the Property is approximately \$25,000 per year  
20 in utilities and maintenance. The purchase agreement that is currently on the table is  
21 financially beneficial to the District and will alleviate the need to continue sinking funds  
22 into maintaining an empty building.

23 ////

24 ////

25

26

USP X.F.1.a

1 For the reasons set forth herein, and in light of the fact that the Plaintiffs and Special  
2 Master have indicated no objection, the District respectfully requests that the Court approve  
3 the sale of the Wrightstown Property.

4 DATED this 17<sup>th</sup> day of December, 2013.

5 DECONCINI MCDONALD YETWIN & LACY, P.C.

6  
7 By: /s/ Lisa Anne Smith

8 Lisa Anne Smith  
9 Sesaly O. Stamps  
10 2525 E. Broadway Blvd., Suite 200  
11 Tucson, AZ 85716-5300  
12 Attorneys for Attorneys for  
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CERTIFICATE OF SERVICE

I hereby certify that on December 17<sup>th</sup>, 2013, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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I hereby certify that on December 17<sup>th</sup>, 2013, I electronically transmitted the attached document to the following, who is not a CM/ECF registrant:

Special Master  
Dr. Willis D. Hawley  
[wdh@umd.edu](mailto:wdh@umd.edu)

/s/ Rhonda Letzkus  
Rhonda Letzkus

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
 Plaintiffs,  
 v.  
 United States of America,  
 Plaintiff-Intervenor,  
 v.  
 Anita Lohr, et al.,  
 Defendants,  
 and  
 Sidney L. Sutton, et al.,  
 Defendants-Intervenors,

---

Maria Mendoza, et al.,  
 Plaintiffs,  
 United States of America,  
 Plaintiff-Intervenor,  
 v.  
 Tucson Unified School District No. One, et al.,  
 Defendants.

CV 74-90 TUC DCB  
(lead case)

**ORDER**

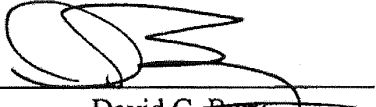
CV 74-204 TUC DCB  
(consolidated case)

1 On December 17, 2013, the District sought Court approval of its sale of Wrightstown  
2 Elementary School, pursuant to this Court's Order of January 6, 2012. (Order (Doc. 1350)  
3 at 3, ln 16ff (describing provisions for objections to be made to "attendance boundary  
4 changes; . . . and the purchase and sale of District real property. (Notice And Request for  
5 Approval (NARA) provisions)). The District performed a Designated Impact Analysis that  
6 reflects the sale of the property will not have an impact of the ethnicity of the neighborhood  
7 or the two remaining schools, Bloom and Henry elementary schools, which will continue to  
8 serve the neighborhood. The Plaintiffs and Special Master have had an opportunity to review  
9 and comment on the sale of Wrightstown Elementary School. There is no objection.

10 **Accordingly,**

11 **IT IS ORDERED** that the District's Notice and Request for Approval Re:  
12 Wrightstown Elementary School (Doc. 1522) is GRANTED.

13 DATED this 7<sup>th</sup> day of January, 2014.

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17 David C. Bury  
18 United States District Judge  
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1 **RUSING LOPEZ & LIZARDI, P.L.L.C.**

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2 Tucson, Arizona 85718

Telephone: (520) 792-4800

3 Facsimile: (520)529-4262

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8 *Attorneys for Tucson Unified School District No. One, et al.*

9 **IN THE UNITED STATES DISTRICT COURT**

10 **FOR THE DISTRICT OF ARIZONA**

11 Roy and Josie Fisher, et al.,

Plaintiffs

CV 74-90 TUC DCB  
(Lead Case)

13 v.

14 United States of America,

Plaintiff-Intervenor,

**NOTICE AND REQUEST FOR  
APPROVAL OF PORTABLE  
CLASSROOMS AT RINCON  
HIGH SCHOOL/UNIVERSITY  
HIGH SCHOOL**

16 v.

17 Anita Lohr, et al.,

Defendants,

CV 74-204 TUC DCB  
(Consolidated Case)

19 and

20 Sidney L. Sutton, et al.,

Defendants-Intervenors,

22 Maria Mendoza, et al.

Plaintiffs,

24 United States of America,

Plaintiff-Intervenor,

26 v.

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

Defendants.

USP X.F.1.a



1 The Tucson Unified School District, No. 1 (“TUSD” or the “District”), by and  
 2 through undersigned counsel, hereby submits this Notice and Request for Approval of a  
 3 contract to relocate existing District portable classrooms to Rincon High School/University  
 4 High School, an action approved by the TUSD Governing Board on March 25, 2014,  
 5 pursuant to the January 6, 2012 Order Appointing Special Master (ECF No. 1350) and this  
 6 Court’s August 22, 2012 Order (ECF No. 1385). *See* Exhibit 1 hereto, Minutes from  
 7 Governing Board meeting on March 25, 2014.

8 The Department of Justice, the Mendoza Plaintiffs, and the Fisher Plaintiffs all have  
 9 stipulated to this Notice and Request for Approval. *See* Declaration of J. William Brammer  
 10 (“Decl. Brammer”), Exhibit 2 hereto, and Exhibits A, B, and C thereto.<sup>1</sup> The District  
 11 respectfully requests that the Special Master and Court expedite their consideration of this  
 12 Notice and Request in light of the agreement of the Parties and the time constraints  
 13 associated with installing the portable classrooms before the start of the Fall 2014 semester  
 14 on July 31, 2014.

15 Time is of the essence in securing approval of these additional portable classrooms.  
 16 TUSD needs to complete the installation before classes begin. The District believes that the  
 17 addition of these portable classrooms is absolutely necessary in light of the increase in the  
 18 Rincon/UHS student body that has occurred and is expected to continue as a result of the  
 19 new UHS admissions policy.

20 TUSD wishes to add four double-classroom portables (eight classrooms at 6720  
 21 square feet total) and one restroom portable (400 square feet) at the Rincon/University High  
 22 School campus. *See* TUSD Desegregation Impact Analysis attached hereto as Exhibit 3.  
 23 Capacities of each portable classroom are estimated at 25 students; therefore, this addition

24 \_\_\_\_\_  
 25 <sup>1</sup> The Fisher Plaintiffs conditioned their stipulation upon the provision of information  
 26 regarding the assignment of Rincon High School and University High School students to  
 27 the portable classrooms. *See* Decl. Brammer at ¶ 4, Ex. C. TUSD provided the requested  
 28 information and notified the Fisher Plaintiffs that if the District heard no further objections  
 by June 13, 2014, it would consider the stipulation effective and all issues resolved. *Id.*  
 Following that email, TUSD heard nothing further on this issue from the Fisher Plaintiffs.  
*Id.* at ¶ 5.

1 will increase the capacity of the campus by 200 students. *Id.* Although the distribution of  
2 Rincon versus University High School students in these portable classrooms has not yet  
3 been determined, it is likely that students from both schools will use them.

4 The increase in capacity of the Rincon/University High School campus was  
5 necessitated by new University High School admissions criteria that TUSD is implementing  
6 in an attempt to improve the racial/ethnic diversity of the school and comply with the  
7 District’s obligations under Section (V)(A)(5) of the Unitary Status Plan. ECF 1450 at 31.  
8 The portable classrooms were added based on an estimate of the number of additional  
9 students that could be accepted using the new admissions criteria. *Id.* In the past,  
10 University High School has accepted between 250 and 300 ninth grade students. The  
11 additional capacity the portable classrooms will provide will allow the school to accept  
12 between 320 and 330 ninth grade students. *Id.*

13 The Desegregation Impact Analysis attached hereto as Exhibit 3 shows that the  
14 revised University High School testing approach already has resulted in the admission of 55  
15 additional students, with a higher admission rate for African-American and Latino students  
16 than occurred under the old admissions criteria. *Id.* Assuming this trend continues,  
17 enrollment of African-American and Latino students at University High School is projected  
18 to increase, and the proportion of African-American enrollment also will increase. *Id.*

19 Based on the foregoing, TUSD respectfully requests that the Court approve the  
20 addition of portable classrooms at the Rincon High School/University High School campus.

21  
22 DATED this 17<sup>th</sup> day of June 2014.

23  
24 RUSING LOPEZ & LIZARDI, P.L.L.C.

25 s/ J. William Brammer, Jr.  
26 J. William Brammer, Jr.  
27 Oscar S. Lizardi  
28 Michael J. Rusing  
Patricia V. Waterkotte  
Attorneys for Tucson Unified School District No.  
One, et al.

USP X.F.1.a

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Telephone: (520) 792-4800

1 **ORIGINAL** of the foregoing filed via the CM/ECF  
2 Electronic Notification System and transmittal of a  
3 Notice of Electronic Filing provided to all parties  
4 that have filed a notice of appearance in the District  
5 Court Case, as listed below.

6 LOIS D. THOMPSON CSBN 093245  
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8 Attorneys for Mendoza Plaintiffs  
9 Proskauer Rose LLP  
10 2049 Century Park East, Suite 3200  
11 Los Angeles, California 90067  
12 (310) 557-2900  
13 lthompson@proskauer.com  
14 jroche@proskauer.com

15 NANCY A. RAMIREZ CSBN 152629  
16 Attorney for Mendoza Plaintiffs  
17 Mexican American LDEF  
18 634 S. Spring St. 11th Floor  
19 Los Angeles, CA 90014  
20 (213) 629-2512  
21 nramirez@maldef.org

22 RUBIN SALTER, JR. ASBN 001710  
23 KRISTIAN H. SALTER ASBN 026810  
24 Attorney for Fisher, et al., Plaintiffs  
25 177 North Church Avenue, Suite 903  
26 Tucson, Arizona 85701-1119  
27 rsjr2@aol.com

28 ANURIMA BHARGAVA  
ZOE M. ZAVITSKY CAN 281616  
Attorneys for Plaintiff-Intervenor  
Educational Opportunities Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, SW  
Patrick Henry Building, Suite 4300  
Washington, DC 20530  
(202) 305-3223  
anurima.bhargava@usdoj.gov  
zoe.savitsky@usdoj.gov

JULIE TOLLESON ASBN 012913  
Tucson Unified School District  
Legal Department  
1010 E 10th St  
Tucson, AZ 85719  
520-225-6040  
Julie.Tolleson@tusd1.org

27  
28

1 **COPY** of the foregoing served via email  
this 17<sup>th</sup> day of June, 2014 to:

2 **WILLIS D. HAWLEY**  
3 Special Master  
4 2138 Tawes Building  
5 College of Education  
6 University of Maryland  
College Park, MD 20742  
(301) 405-3592  
wdh@umd.edu

7 s/ Jason Linaman

8  
9  
10  
11  
12 **Rusing Lopez & Lizardi, P.L.L.C.**  
13 6363 North Swan Road, Suite 151  
14 Tucson, Arizona 85718  
15 Telephone: (520) 792-4800  
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# EXHIBIT 1

TUCSON UNIFIED SCHOOL DISTRICT  
GOVERNING BOARD  
AGENDA FOR SPECIAL MEETING\*

TIME: March 25, 2014  
4:00 p.m.

PLACE: Board Room  
Morrow Education Center  
1010 E. Tenth Street  
Tucson, Arizona 85719

ACTION

- 4:00 p.m. 1. Schedule an executive meeting at this time to consider the following matters:
- A. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property pursuant to A.R.S. §38-431.03 Subsection (A)(7) **APPROVED**
    - 1) Menlo Park
    - 2) Southwest Education Center
  - B. Personnel issues pursuant to A.R.S. §38-431.03 (A)(1); legal advice/instruction to attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
    - 1) Administrative appointments, reassignments and transfers
    - 2) Non-Renewal of Certified Administrators in Accordance with Arizona Revised Statute §15-503 and Provisions Contained in the 2013-2014 Meet and Confer Agreements for ELI Administrators, Psychologists and Research Project Managers
  - C. Legal Advice/Instruction to Attorney pursuant to A.R.S. §38-431.03 (A)(3) and (A)(4)
    - 1) Open Meeting Law
    - 2) Procurement
    - 3) Governing Board Policy No. BBAA – *Board Member Authority and Responsibilities*

RECESS SPECIAL MEETING

RECONVENE SPECIAL MEETING – appx. 6:30 p.m. Board Room  
Morrow Education Center  
1010 E. Tenth Street

PLEDGE OF ALLEGIANCE

Special Board Meeting  
March 25, 2014 – 4:00 p.m.  
Page | 2

INFORMATION ITEM

2. Superintendent's Report **INFORMATION ONLY**

CALL TO THE AUDIENCE (20 Minutes) *(Pursuant to Governing Board Policy No. BDAA, at the conclusion of the Call to the Audience, the Governing Board President will ask if individual members wish to respond to criticism made by those who have addressed the Board, wish to ask staff to review a matter, or wish to ask that a matter be put on a future agenda. No more than one board member may address each criticism.)*

INFORMATION ITEM

3. Boundary Review Plan Status Update: Demographic Study  
**INFORMATION ONLY**

ACTION ITEMS

4. Administrative appointments, reassignments and transfers – District Shepherd **APPROVED – JANNA ACEVEDO**
5. Administrative appointments, reassignments and transfers – Director of Schools, Elementary/K-8 Leadership (2 positions)  
**APPROVED – MARIA MARIN, ELEMENTARY SCHOOLS; AND KATHLEEN SCHEPPE, K-8 SCHOOLS**
6. Administrative appointments, reassignments and transfers – Chief Operations Officer **APPROVED – STUART DUNCAN**
7. Non-Renewal of Certified Administrators in Accordance with Arizona Revised Statute 15-503 and Provisions Contained in the 2013-2014 Meet and Confer Agreements for ELI Administrators, Psychologists and Research Project Managers **APPROVED**
8. Approval to Purchase Furnishings/Equipment for the Early Learning Childcare Centers using District and/or Cooperative Purchasing Contracts **APPROVED**
9. Permission to Proceed with Contracts to Relocate Existing District Portable Classrooms to Rincon/University High School Campus **APPROVED**
10. Approval and Commitment of Increased Funding for New Wide Area Network (WAN) Services for School Year 2014-2015 E-Rate Application **APPROVED**

Special Board Meeting  
March 25, 2014 – 4:00 p.m.  
Page | 3

11. Acceptance of the Agreement between New Tech Network and Tucson Unified School District for the 2013-2014 School Year, Mary Belle McCorkle Academy of Excellence Pre-K-8, with authorization for the Superintendent to execute the Agreement **APPROVED**
12. Permission to Increase Invitation for Bid (IFB) No. 14-62-C18 Fire Sprinkler Inspection and Repair Services **APPROVED**

#### STUDY/ACTION ITEMS

13. Curriculum for Infant Early Learning Center **APPROVED**
14. Compensation Compression Resolution Plan – Phase 2 and 3 **APPROVED**

#### STUDY ITEM

15. Potential In-District Charter for C. E. Rose **STUDIED ONLY**

#### GOVERNING BOARD POLICIES

##### Action

16. Governing Board Policy DJ – *Purchasing Procedures*, as approved on December 10, 2013 **STANDS AS APPROVED ON DECEMBER 10, 2013, WITH THE UPDATES ON RELATED REGULATION DJ-R – PURCHASING PROCEDURES TO STRENGTHEN INTERNAL CONTROLS, PROVIDED BY CHIEF FINANCIAL OFFICER AND PURCHASING DIRECTOR.**

##### Study/Action

17. Governing Board Policy AC – *Non-Discrimination* (revision) **APPROVED**

#### ACTION ITEM

18. Resolution in Support of “National Educator’s Coming Out Day” **APPROVED**

10:00 p.m. ADJOURNMENT

#### ADJOURNMENT

\* One or more Governing Board members will/may participate by telephonic or video communications.

\*\* Names and details, including available support documents, may be obtained during regular business hours at the TUSD Governing Board Office.

- Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting the Director of Staff Services to the Governing Board at 225-6070. Requests should be made as early as possible to arrange the accommodation.
- Upon request, TUSD will provide a certified interpreter to interpret Governing Board meetings whenever possible. Please contact the Director of Staff Services to the Governing Board at 225-6070 at least 72 hours prior to the event. Every effort will be made to honor requests for interpretation services made with less than 72 hours’ notice.
- Previa petición, TUSD proporcionará un intérprete certificado para interpretar la agenda de las reuniones de la Mesa Directiva o de proporcionar los servicios de interpretación en la reuniones de la Mesa Directiva cuando sea posible. Favor de contactar al Director de Servicios de Personal de la Mesa Directiva al teléfono 225-6070 cuando menos 72 horas antes del evento. Se hará todo lo posible para satisfacer la solicitud los servicios de interpretación realizados con menos de 72 de anticipación.
- If authorized by a majority vote of the members of the Governing Board, any matter on the open meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. 38-431.03 (A)(3). The executive session will be held immediately after the vote and will not be open to the public.



# EXHIBIT 2

1 **RUSING LOPEZ & LIZARDI, P.L.L.C.**

2 6363 North Swan Road, Suite 151

3 Tucson, Arizona 85718

4 Telephone: (520) 792-4800

5 Facsimile: (520)529-4262

6 J. William Brammer, Jr. (State Bar No. 002079)

7 wbrammer@rllaz.com

8 Oscar S. Lizardi (State Bar No. 016626)

9 olizardi@rllaz.com

10 Michael J. Rusing (State Bar No. 006617)

11 mrusing@rllaz.com

12 Patricia V. Waterkotte (State Bar No. 029231)

13 pvictory@rllaz.com

14 *Attorneys for Tucson Unified School District No. One, et al.*

15 **IN THE UNITED STATES DISTRICT COURT**

16 **FOR THE DISTRICT OF ARIZONA**

17 Roy and Josie Fisher, et al.,

18 Plaintiffs

CV 74-90 TUC DCB  
(Lead Case)

19 v.

20 United States of America,

21 Plaintiff-Intervenor,

**DECLARATION OF J. WILLIAM  
BRAMMER, JR. RE: NOTICE  
AND REQUEST FOR APPROVAL  
OF PORTABLE CLASSROOMS  
AT RINCON HIGH  
SCHOOL/UNIVERSITY HIGH  
SCHOOL**

22 v.

23 Anita Lohr, et al.,

24 Defendants,

CV 74-204 TUC DCB  
(Consolidated Case)

25 and

26 Sidney L. Sutton, et al.,

27 Defendants-Intervenors,

28 Maria Mendoza, et al.

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.

Defendants.

USP X.F.1.a

Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Telephone: (520) 792-4800

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I, J. William Brammer, Jr., declare under penalty of perjury that the following statements are true:

1. I am above the age of 18 and am competent to make this Declaration. I am an attorney of record for Defendant Tucson Unified School District No. One (“TUSD”) in this action and have personal knowledge regarding the facts stated herein. This declaration is based upon my personal knowledge, information and belief.

2. Attached hereto as **Exhibit A** is a true and correct copy of a string of emails beginning with an email I sent to opposing counsel and Special Master Willis Hawley on May 28, 2014 at 10:49 a.m. and ending with an email I received from Nancy Ramirez dated June 5, 2014 at 9:30 a.m.

3. Attached hereto as **Exhibit B** is a true and correct copy of a string of emails beginning with an email I sent to opposing counsel and Special Master Willis Hawley on May 28, 2014 at 10:49 a.m. and ending with an email from my associate, Sarah Stanton, to Rubin Salter, Jr., on which I was copied, on June 12, 2014 at 12:16 p.m. Neither I nor my associates received a response or further objection to the last email in this Exhibit.

4. Attached hereto as **Exhibit C** is a true and correct copy of a string of emails beginning with an email I sent to opposing counsel and Special Master Willis Hawley on May 28, 2014 at 10:49 a.m. and ending with an email from Zoe Savitsky to my associate, Sarah Stanton, on which I was copied, on June 16, 2014 at 3:15 p.m.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

DATED this 17<sup>th</sup> day of June, 2014.

/s/ J. William Brammer, Jr.  
J. William Brammer, Jr.

# **EXHIBIT A**

USP X.F.1.a

---

**From:** Nancy Ramirez <nramirez@MALDEF.org>  
**Sent:** Thursday, June 05, 2014 9:30 AM  
**To:** Sarah J. Stanton; William Brammer; Rubin Salter Jr. (Rsjr3@aol.com); lthompson@proskauer.com; Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley (wdh@umd.edu)  
**Cc:** Julie Tolleson (Julie.Tolleson@tusd1.org); Desegregation (deseg@tusd1.org); Nodine, Bryant (Bryant.Nodine@tusd1.org); TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Mendoza Plaintiffs will stipulate to the allow the portables at Rincon.

---

**From:** Sarah J. Stanton [mailto:Sstanton@rllaz.com]  
**Sent:** Tuesday, June 03, 2014 12:16 PM  
**To:** William Brammer; Rubin Salter Jr. (Rsjr3@aol.com); Nancy Ramirez; lthompson@proskauer.com; Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley (wdh@umd.edu)  
**Cc:** Julie Tolleson (Julie.Tolleson@tusd1.org); Desegregation (deseg@tusd1.org); Nodine, Bryant (Bryant.Nodine@tusd1.org); TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Dr. Hawley and Counsel,

I am following up on Bill Brammer's email of last week, below, regarding TUSD's request for a stipulation to allow the addition of four double classroom portables at Rincon/UHS. Please advise as soon as possible if the District may state in its NARA that you have stipulated to allow the addition of these classrooms.

Thank you,  
Sarah Stanton

Sarah Stanton  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
[ssanton@rllaz.com](mailto:ssanton@rllaz.com)  
[www.rllaz.com](http://www.rllaz.com)



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---

**From:** William Brammer  
**Sent:** Wednesday, May 28, 2014 10:49 AM  
**To:** Rubin Salter Jr. (Rsjr3@aol.com); 'nramirez@MALDEF.org' (nramirez@MALDEF.org); lthompson@proskauer.com; Anurima Bhargava (Anurima.Bhargava@usdoj.gov); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Willis D. Hawley (wdh@umd.edu)  
**Cc:** Julie Tolleson (Julie.Tolleson@tusd1.org); Desegregation (deseg@tusd1.org); Nodine, Bryant (Bryant.Nodine@tusd1.org); TUSD  
**Subject:** Moving portable classrooms to accommodate expanding UHS enrollment

Dr. Hawley and counsel:

Attached please find a Desegregation Impact Analysis regarding the addition of four double-classroom portables at Rincon/UHS. The new UHS admissions criteria necessitated increased classroom space at UHS, which these portables are intended to provide. The principal hasn't determined yet which students will occupy the portable classrooms, but the current thinking is that it will be predominantly Rincon students.

Pursuant to the USP, the Order Appointing Special Master, and the Court's Order of August 22, 2012, the District plans to file a NARA later this week. Time is of the essence in getting this request approved, as the District wants to install these portable classrooms over the summer and have them ready to go by the start of the fall semester at the end of July.

Accordingly, would you please let us know if you will stipulate to this request and if we may inform the Court, in our NARA, that you have so stipulated. If you have any objections to this upcoming NARA, please let us know what your specific concerns are so we can address them immediately.

Thank you for your courtesy and cooperation,

Bill

J. William Brammer, Jr.  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
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[Brammer@rllaz.com](mailto:Brammer@rllaz.com)  
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# **EXHIBIT B**

USP X.F.1.a



---

**From:** Sarah J. Stanton  
**Sent:** Thursday, June 12, 2014 12:16 PM  
**To:** Rubin Salter, Jr.; nramirez@MALDEF.org; William Brammer; lthompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; wdh@umd.edu  
**Cc:** Julie.Tolleson@tUSD1.org; deseg@tUSD1.org; Bryant.Nodine@tUSD1.org; TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Special Master Hawley and Counsel,

In response to Rubin Salter's question regarding the NARA and DIA on the Rincon/UHS portable classrooms, it is impossible to determine what the exact breakdown of Rincon versus UHS students in the new portable classrooms will be before class schedules are finalized. However, the District anticipates that slightly more Rincon students than UHS students may use the portables because the Rincon student body is estimated to be slightly larger (1,123 students versus UHS' 1,081 students) and because the District wants to keep students and teachers from each school together. Some Rincon teachers and students were moved into portables to make room for UHS students in existing classrooms and vice-versa. The Principals of the schools worked together to plan the exchanges so that teachers in the same core groups (i.e. math teachers) would stay in the same proximity.

We plan to file the NARA tomorrow, June 13, 2014. If we hear nothing further from the Fisher Plaintiffs on this issue before then, we will assume that they have no objection to the NARA. Thank you.

Sincerely,

Sarah Stanton  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
[ssanton@rllaz.com](mailto:ssanton@rllaz.com)  
[www.rllaz.com](http://www.rllaz.com)



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**From:** Rubin Salter, Jr. [mailto:rsjr3@aol.com]  
**Sent:** Thursday, June 05, 2014 6:41 PM  
**To:** nramirez@MALDEF.org; Sarah J. Stanton; William Brammer; lthompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; wdh@umd.edu  
**Cc:** Julie.Tolleson@tusd1.org; deseg@tusd1.org; Bryant.Nodine@tusd1.org; TUSD  
**Subject:** Re: Moving portable classrooms to accommodate expanding UHS enrollment

Special Master Hawley and counsel:

The sole impediment to the Fisher Plaintiffs' stipulation to the requested use of portables is District counsel's suggestion that, while "[t]he principal hasn't determined yet which students will occupy the portable classrooms, [...] the current thinking is that it will be predominantly Rincon students" (see Brammer 05/28/14 email). For this reason, I would ask that District counsel share the rationale for the use of the portables by Rincon, as opposed to UHS, students.

Thank you,

Rubin Salter, Jr.

---

Rubin Salter, Jr.  
Attorney  
The Law Office of Rubin Salter, Jr.  
177 N. Church Avenue  
Suite 903  
Tucson, AZ 85701  
(520) 623-5706  
(520) 623-1716 fax  
[rsjr3@aol.com](mailto:rsjr3@aol.com)

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-----Original Message-----

From: Nancy Ramirez <[nramirez@MALDEF.org](mailto:nramirez@MALDEF.org)>  
To: 'Sarah J. Stanton' <[Sstanton@rllaz.com](mailto:Sstanton@rllaz.com)>; William Brammer <[WBrammer@rllaz.com](mailto:WBrammer@rllaz.com)>; Rubin Salter Jr. ([Rsjr3@aol.com](mailto:Rsjr3@aol.com)) <[Rsjr3@aol.com](mailto:Rsjr3@aol.com)>; lthompson <[lthompson@proskauer.com](mailto:lthompson@proskauer.com)>; Anurima Bhargava ([Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)) <[Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)>; Savitsky, Zoe (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)) (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)) <[Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)>; Willis D. Hawley ([wdh@umd.edu](mailto:wdh@umd.edu)) <[wdh@umd.edu](mailto:wdh@umd.edu)>  
Cc: Julie Tolleson ([Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)) <[Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)>; Desegregation ([deseg@tusd1.org](mailto:deseg@tusd1.org)) <[deseg@tusd1.org](mailto:deseg@tusd1.org)>; Nodine, Bryant ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)) ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)) <[Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)>; TUSD <[TUSD@rllaz.com](mailto:TUSD@rllaz.com)>  
Sent: Thu, Jun 5, 2014 9:30 am  
Subject: RE: Moving portable classrooms to accommodate expanding UHS enrollment

Mendoza Plaintiffs will stipulate to the allow the portables at Rincon.

---

**From:** Sarah J. Stanton [mailto:[Sstanton@rllaz.com](mailto:Sstanton@rllaz.com)]  
**Sent:** Tuesday, June 03, 2014 12:16 PM  
**To:** William Brammer; Rubin Salter Jr. ([Rsjr3@aol.com](mailto:Rsjr3@aol.com)); Nancy Ramirez; [lthompson@proskauer.com](mailto:lthompson@proskauer.com); Anurima Bhargava ([Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)); Savitsky, Zoe (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)); Willis D. Hawley ([wdh@umd.edu](mailto:wdh@umd.edu))  
**Cc:** Julie Tolleson ([Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)); Desegregation ([deseg@tusd1.org](mailto:deseg@tusd1.org)); Nodine, Bryant

([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)); TUSD

**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Dr. Hawley and Counsel,

I am following up on Bill Brammer's email of last week, below, regarding TUSD's request for a stipulation to allow the addition of four double classroom portables at Rincon/UHS. Please advise as soon as possible if the District may state in its NARA that you have stipulated to allow the addition of these classrooms.

Thank you,  
Sarah Stanton

Sarah Stanton  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
[ssanton@rllaz.com](mailto:ssanton@rllaz.com)  
[www.rllaz.com](http://www.rllaz.com)



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---

**From:** William Brammer  
**Sent:** Wednesday, May 28, 2014 10:49 AM  
**To:** Rubin Salter Jr. ([Rsjr3@aol.com](mailto:Rsjr3@aol.com)); 'nramirez@MALDEF.org' ([nramirez@MALDEF.org](mailto:nramirez@MALDEF.org)); [lthompson@proskauer.com](mailto:lthompson@proskauer.com); Anurima Bhargava ([Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)); Savitsky, Zoe (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)); Willis D. Hawley ([wdh@umd.edu](mailto:wdh@umd.edu))  
**Cc:** Julie Tolleson ([Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)); Desegregation ([deseg@tusd1.org](mailto:deseg@tusd1.org)); Nodine, Bryant ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)); TUSD  
**Subject:** Moving portable classrooms to accommodate expanding UHS enrollment

Dr. Hawley and counsel:

Attached please find a Desegregation Impact Analysis regarding the addition of four double-classroom portables at Rincon/UHS. The new UHS admissions criteria necessitated increased classroom space at UHS, which these portables are intended to provide. The principal hasn't determined yet which students will occupy the portable classrooms, but the current thinking is that it will be predominantly Rincon students.

Pursuant to the USP, the Order Appointing Special Master, and the Court's Order of August 22, 2012, the District plans to file a NARA later this week. Time is of the essence in getting this request approved, as the District wants to install these portable classrooms over the summer and have them ready to go by the start of the fall semester at the end of July.

Accordingly, would you please let us know if you will stipulate to this request and if we may inform the Court, in our NARA, that you have so stipulated. If you have any objections to this upcoming NARA, please let us know what your specific concerns are so we can address them immediately.

Thank you for your courtesy and cooperation,

Bill

J. William Brammer, Jr.  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
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# EXHIBIT C

USP X.F.1.a

---

**From:** Savitsky, Zoe (CRT) <Zoe.Savitsky@usdoj.gov>  
**Sent:** Monday, June 16, 2014 3:13 PM  
**To:** Sarah J. Stanton; Bhargava, Anurima (CRT)  
**Cc:** TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Thanks for checking in. We had been interested in the answer to the Fisher Plaintiffs' question. We are satisfied with the answer and are happy to stipulate to the request.

All the best,

Zoe

---

Zoe M. Savitsky  
Trial Attorney  
U.S. Department of Justice, Civil Rights Division  
Educational Opportunities Section, PHB 4300  
950 Pennsylvania Ave., NW  
Washington, DC 20530

Ph: (202) 305-3223 | Fx: (202) 514-8337

---

**From:** Sarah J. Stanton [mailto:Sstanton@rllaz.com]  
**Sent:** Monday, June 16, 2014 5:33 PM  
**To:** Bhargava, Anurima (CRT); Savitsky, Zoe (CRT)  
**Cc:** TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Dear Counsel,

We did not receive a response from the DOJ with regards to our request for a stipulation to allow additional portable classrooms to be installed at Rincon/UHS. Both the Mendoza and Fisher Plaintiffs have stipulated to the addition, and Special Master Hawley has also indicated he will not object to the request. We plan on filing the NARA later today. Please let me know if we may indicate that the DOJ stipulates to the District's request. Thank you.

Sarah

Sarah Stanton  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
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[www.rllaz.com](http://www.rllaz.com)

USP X.F.1.a



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---

**From:** Sarah J. Stanton  
**Sent:** Thursday, June 12, 2014 12:16 PM  
**To:** Rubin Salter, Jr.; [nramirez@MALDEF.org](mailto:nramirez@MALDEF.org); William Brammer; [lthompson@proskauer.com](mailto:lthompson@proskauer.com); [Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov); [Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov); [wdh@umd.edu](mailto:wdh@umd.edu)  
**Cc:** [Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org); [deseg@tusd1.org](mailto:deseg@tusd1.org); [Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org); TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Special Master Hawley and Counsel,

In response to Rubin Salter's question regarding the NARA and DIA on the Rincon/UHS portable classrooms, it is impossible to determine what the exact breakdown of Rincon versus UHS students in the new portable classrooms will be before class schedules are finalized. However, the District anticipates that slightly more Rincon students than UHS students may use the portables because the Rincon student body is estimated to be slightly larger (1,123 students versus UHS' 1,081 students) and because the District wants to keep students and teachers from each school together. Some Rincon teachers and students were moved into portables to make room for UHS students in existing classrooms and vice-versa. The Principals of the schools worked together to plan the exchanges so that teachers in the same core groups (i.e. math teachers) would stay in the same proximity.

We plan to file the NARA tomorrow, June 13, 2014. If we hear nothing further from the Fisher Plaintiffs on this issue before then, we will assume that they have no objection to the NARA. Thank you.

Sincerely,

Sarah Stanton  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
[sstanton@rllaz.com](mailto:sstanton@rllaz.com)  
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**From:** Rubin Salter, Jr. [<mailto:rsjr3@aol.com>]  
**Sent:** Thursday, June 05, 2014 6:41 PM  
**To:** [nramirez@MALDEF.org](mailto:nramirez@MALDEF.org); Sarah J. Stanton; William Brammer; [lthompson@proskauer.com](mailto:lthompson@proskauer.com); [Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov); [Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov); [wdh@umd.edu](mailto:wdh@umd.edu)  
**Cc:** [Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org); [deseg@tusd1.org](mailto:deseg@tusd1.org); [Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org); TUSD  
**Subject:** Re: Moving portable classrooms to accommodate expanding UHS enrollment

Special Master Hawley and counsel:

The sole impediment to the Fisher Plaintiffs' stipulation to the requested use of portables is District counsel's suggestion that, while "[t]he principal hasn't determined yet which students will occupy the portable classrooms, [...] the current thinking is that it will be predominantly Rincon students" (see Brammer 05/28/14 email). For this reason, I would ask that District counsel share the rationale for the use of the portables by Rincon, as opposed to UHS, students.

Thank you,

Rubin Salter, Jr.

---

Rubin Salter, Jr.  
Attorney  
The Law Office of Rubin Salter, Jr.  
177 N. Church Avenue  
Suite 903  
Tucson, AZ 85701  
(520) 623-5706  
(520) 623-1716 fax  
[rsjr3@aol.com](mailto:rsjr3@aol.com)

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-----Original Message-----

From: Nancy Ramirez <[nramirez@MALDEF.org](mailto:nramirez@MALDEF.org)>  
To: 'Sarah J. Stanton' <[Sstanton@rlaz.com](mailto:Sstanton@rlaz.com)>; William Brammer <[WBrammer@rlaz.com](mailto:WBrammer@rlaz.com)>; Rubin Salter Jr. ([Rsjr3@aol.com](mailto:Rsjr3@aol.com)) <[Rsjr3@aol.com](mailto:Rsjr3@aol.com)>; lthompson <[lthompson@proskauer.com](mailto:lthompson@proskauer.com)>; Anurima Bhargava ([Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)) <[Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)>; Savitsky, Zoe (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)) (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)) <[Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)>; Willis D. Hawley ([wdh@umd.edu](mailto:wdh@umd.edu)) <[wdh@umd.edu](mailto:wdh@umd.edu)>  
Cc: Julie Tolleson ([Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)) <[Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)>; Desegregation ([deseg@tusd1.org](mailto:deseg@tusd1.org)) <[deseg@tusd1.org](mailto:deseg@tusd1.org)>; Nodine, Bryant ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)) ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)) <[Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)>; TUSD <[TUSD@rlaz.com](mailto:TUSD@rlaz.com)>



Sent: Thu, Jun 5, 2014 9:30 am  
Subject: RE: Moving portable classrooms to accommodate expanding UHS enrollment

Mendoza Plaintiffs will stipulate to the allow the portables at Rincon.

---

**From:** Sarah J. Stanton [<mailto:Sstanton@rlaz.com>]  
**Sent:** Tuesday, June 03, 2014 12:16 PM  
**To:** William Brammer; Rubin Salter Jr. ([Rsjr3@aol.com](mailto:Rsjr3@aol.com)); Nancy Ramirez; [lthompson@proskauer.com](mailto:lthompson@proskauer.com); Anurima Bhargava ([Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)); Savitsky, Zoe (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)); Willis D. Hawley ([wdh@umd.edu](mailto:wdh@umd.edu))  
**Cc:** Julie Tolleson ([Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)); Desegregation ([deseg@tusd1.org](mailto:deseg@tusd1.org)); Nodine, Bryant ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)); TUSD  
**Subject:** RE: Moving portable classrooms to accommodate expanding UHS enrollment

Dr. Hawley and Counsel,

I am following up on Bill Brammer's email of last week, below, regarding TUSD's request for a stipulation to allow the addition of four double classroom portables at Rincon/UHS. Please advise as soon as possible if the District may state in its NARA that you have stipulated to allow the addition of these classrooms.

Thank you,  
Sarah Stanton

Sarah Stanton  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
[sstanton@rlaz.com](mailto:sstanton@rlaz.com)  
[www.rlaz.com](http://www.rlaz.com)



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---

**From:** William Brammer  
**Sent:** Wednesday, May 28, 2014 10:49 AM  
**To:** Rubin Salter Jr. ([Rsjr3@aol.com](mailto:Rsjr3@aol.com)); 'nramirez@MALDEF.org' ([nramirez@MALDEF.org](mailto:nramirez@MALDEF.org)); [lthompson@proskauer.com](mailto:lthompson@proskauer.com); Anurima Bhargava ([Anurima.Bhargava@usdoj.gov](mailto:Anurima.Bhargava@usdoj.gov)); Savitsky, Zoe (CRT) ([Zoe.Savitsky@usdoj.gov](mailto:Zoe.Savitsky@usdoj.gov)); Willis D. Hawley ([wdh@umd.edu](mailto:wdh@umd.edu))  
**Cc:** Julie Tolleson ([Julie.Tolleson@tusd1.org](mailto:Julie.Tolleson@tusd1.org)); Desegregation ([deseg@tusd1.org](mailto:deseg@tusd1.org)); Nodine, Bryant ([Bryant.Nodine@tusd1.org](mailto:Bryant.Nodine@tusd1.org)); TUSD  
**Subject:** Moving portable classrooms to accommodate expanding UHS enrollment

Dr. Hawley and counsel:

Attached please find a Desegregation Impact Analysis regarding the addition of four double-classroom portables at Rincon/UHS. The new UHS admissions criteria necessitated increased classroom space at UHS, which these portables are intended to provide. The principal hasn't determined yet which students will occupy the portable classrooms, but the current thinking is that it will be predominantly Rincon students.

Pursuant to the USP, the Order Appointing Special Master, and the Court's Order of August 22, 2012, the District plans to file a NARA later this week. Time is of the essence in getting this request approved, as the District wants to install these portable classrooms over the summer and have them ready to go by the start of the fall semester at the end of July.

Accordingly, would you please let us know if you will stipulate to this request and if we may inform the Court, in our NARA, that you have so stipulated. If you have any objections to this upcoming NARA, please let us know what your specific concerns are so we can address them immediately.

Thank you for your courtesy and cooperation,

Bill

J. William Brammer, Jr.  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
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[www.rlaz.com](http://www.rlaz.com)



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# EXHIBIT 3

**TUSD Desegregation Impact Analysis  
University High School  
May 27, 2014**

Governing Board meeting of March 25, 2014, Action Item #9 (contract to relocate existing district portable classrooms to University High School).

This is approval of an additional four double-classroom portables (eight classrooms at 6720 square feet total) and one restroom portable (400 square feet) at the Rincon/University campus. Capacities of each portable classroom are estimated at 25 students based on the class sizes and periods of instructional use. Thus, this change will increase the capacity of the school by 200 students.

The increase in capacity was necessitated by new admission criteria that TUSD is testing in an attempt to improve the racial/ethnic diversity of the school and comply with TUSD's obligations under Section V(A)(5) of the Unitary Status Plan. The portable classrooms were added based on an estimate of the number of additional students that could be accepted using the new testing procedures. In the past, UHS has accepted 250 to 300 ninth grade students; the additional capacity will allow them to accept 320 to 330 ninth graders. Accepting this number will result in an enrollment of approximately 1,200 students in a few years.

University High School Enrollment and Ethnicity

With the additional capacity, the enrollment of University High School is expected to increase from 1,009 students to approximately 1,200 students within three years.

UHS does not have an attendance area. Accordingly, the composition of future students is totally dependent on the acceptance of ninth graders through the testing and admissions program. In order to comply with the Unitary Status Plan, UHS is making adjustments to its freshman admission criteria. This year, students who received between 43 and 49 admission points were offered the opportunity to increase their points by answering 3-5 short-answer essay questions, which is an additional component to the current UHS admission policy.

The tables below show the number of students admitted through the previous testing approach and those admitted using the additional questions.<sup>1</sup>

9th Grade Pre-Enrollment for SY2014-15 by Testing Approach

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
Previous Approach	149	11	83		21	10	275
	54%	4%	30%	0%	8%	4%	
Additional Questions	20	6	25	0			55
	36%	11%	45%	0%	2%	5%	

<sup>1</sup> The data provided has been redacted to protect personally identifiable information in accordance with USP § I.D.9 and in accordance with applicable federal and state law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

The revised testing approach admitted 55 additional students, with a higher admission rate for African American and Hispanic students than under the old admissions criteria.. Assuming new enrollment procedures produce the same ethnic/racial composition as this year's procedures, enrollments of Hispanic and African-American students are projected to increase, and the proportion of African-American enrollment will also increase. (The proportion of Hispanic enrollment is expected to be essentially unchanged.)

The tables that follow show the current enrollment and projections for the next two years.

Students in SY13-14

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
9th grade	165	6	92		26	15	307
	54%	2%	30%	1%	8%	5%	
10th grade	118	5	79		29	13	246
	48%	2%	32%	1%	12%	5%	
11th grade	123		66		24	10	226
	54%	1%	29%	0%	11%	4%	
12th grade	104		85		28	8	229
	45%	1%	37%	1%	12%	3%	
Total	510	16	322	7	107	46	1,008
	51%	2%	32%	1%	11%	5%	

Projected Enrollment 2014-2015

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
9th grade	169	17	108		22	13	330
	51%	5%	33%	0%	7%	4%	
10th grade	163	6	91		26	15	304
	54%	2%	30%	1%	8%	5%	
11th grade	106	5	71		26	12	222
	48%	2%	32%	1%	12%	5%	
12th grade	118		63	0	23	10	217
	54%	1%	29%	0%	11%	4%	
Total	556	31	333	6	97	50	1,073
	52%	3%	31%	1%	9%	5%	

Projected Enrollment 2015-2016

Grades	Anglo	Afr Am	Hisp	Nat Am	Asian-PI	Multi	Total
9th grade	169	17	108		22	13	330
	51%	5%	33%	0%	7%	4%	
10th grade	167	17	106		22	13	326
	51%	5%	33%	0%	7%	4%	
11th grade	147	5	82		23	13	273
	54%	2%	30%	1%	8%	5%	

12th grade	103		69		25	11	214
	48%	2%	32%	1%	12%	5%	
Total	586	43	365	7	92	50	1143
	51%	4%	32%	1%	8%	4%	

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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
Plaintiffs,  
v.  
United States of America,  
Plaintiff-Intervenor,  
v.  
Anita Lohr, et al.,  
Defendants,  
and  
Sidney L. Sutton, et al.,  
Defendants-Intervenors,  
\_\_\_\_\_  
Maria Mendoza, et al.,  
Plaintiffs,  
United States of America,  
Plaintiff-Intervenor,  
v.  
Tucson Unified School District No. One, et al.,  
Defendants.  
\_\_\_\_\_

CV 74-90 TUC DCB  
(lead case)

**ORDER**


CV 74-204 TUC DCB  
(consolidated case)

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There being no objection and the Court finding good cause,

**IT IS ORDERED** that the Notice and Request for Approval of Portable Classrooms for Rincon High School and University High School (Doc. 1626) filed by Defendant Tucson Unified School District is GRANTED.

DATED this 25<sup>th</sup> day of June, 2014.



David C. Bury  
United States District Judge