

# **EXHIBIT 1**

## INTRODUCTION

A revised version of the budget (Version 3.0) is attached and reflects changes made since version 2.0.

This response includes:

- (A) Current Timeline / Process
- (B) Major Changes: 2012-13 and 2013-14
- (C) Major Changes: Version 2.0 and Version 3.0
- (D) Responses to Specific Special Master and/or Party Concerns
- (E) Special Master Recommendations

### A. CURRENT TIMELINE / PROCESS (USP Expenditure Plan 3.0)

Proposed Desegregation Budgetary Process "USP Expenditure Plan 3.0"	
Feb 5	District proposes "USP Expenditure Plan" (no objections)
Feb 5 – Mar 11	District develops: Interim Budget (2012-13); and Proposed USP Budget 1.0 (2013-14)
Mar 12	District submits both budgets to Board/Parties/Special Master (includes Deseg-Funded activities only)
Mar 22	District submits Proposed USP Budget 2.0 (2013-14) (includes Deseg and Non-Deseg funding activities)
Mar 23 – Apr 15	Parties and Special Master have 25 days to review budgets; parties submit comments by April 15
Apr 15 – Apr 25	Special Master reviews all comments and submits recommendations to all Parties by April 25
Apr 25 – Apr 29	District reviews Special Master recommendations; develops Proposed USP Budget 3.0 (2013-14)
May 2	Party Comments, Special Master Recommendations, and Proposed USP Budget 3.0 (2013-14) are reviewed by the Board at a special study session to provide direction on further adjustments prior to the May 7 vote. (Proposed USP Budget 3.0 will be revised accordingly)
May 7	Final Proposed USP Budget 3.0 submitted to the Board, the Parties, and the Special Master (including a separate section outlining the Special Master and Party recommendations that the District does not accept, pursuant to the USP)
May 17	The Parties shall submit objections to the Final Proposed USP Budget 3.0 no later than May 17.

## CRP and MC DIRECTOR

<b>MENDOZAS</b>	<p>Mendoza Plaintiffs object to the District’s collapse of two important positions required by the USP — the Director of Multicultural Curriculum and the Director of Culturally Responsive Pedagogy (“CRPI Director”) — into one position. The USP calls for two separate director positions for multicultural curriculum and culturally responsive pedagogy and instruction. The budget should fund both positions separately so that two persons will be responsible for these positions. The responsibilities of the Director of Multicultural Curriculum include supervising the development and integration of a multicultural curriculum at all grade levels as well as developing strategies to engage African American and Latino students through curriculum and pedagogy. (USP Section V.4.d. at 36.) The responsibilities of the CRPI Director include supervising the implementation of courses focusing on the experiences of both Mexican Americans and African Americans and supervising, developing and implementing a professional development plan for administrators, certificated staff and paraprofessionals throughout the District. (USP Section V.4.c. at 36.) To impose the enormous responsibilities of both positions on one individual is unrealistic and contrary to both the language and the intent of the USP. Moreover, it is impractical to expect that one person can fulfill both positions and meet the deadlines required in the USP.</p>
<b>TUSD</b>	<p>The USP does not call for two separate positions; the USP grants specific authority to the District to “establish the organizational relationships and lines of responsibility for the various offices and positions provided for in this Order.”</p> <p>The opinion that one person cannot fulfill the duties of both positions remains to be seen, but is not established as a fact. Furthermore, the initial “intent of the USP” (when contemplated to be finalized in the late-summer, early-fall) was that culturally-relevant courses would be available at all HS in 2013-14, as would the infusion of Multicultural Curriculum. The current Plaintiff-agreed-upon shift in timelines contemplates that a portion of that work will occur in 2013-14, with full implementation in 2014-15.</p> <p>Designating the same person to fulfill both functions serves several of the objectives that the Mendoza Plaintiffs raise in other areas: (a) reduces siloes, (b) avoids duplication, (c) leverages resources, and (d) allocates the appropriate staffing to the level and scope of the work.</p>

# **EXHIBIT 2**



CODE: 16176  
UNIT: ADM  
GRADE: 5-C  
FLSA: Exempt

**CLASSIFICATION TITLE**

DIRECTOR – CULTURALLY RESPONSIVE PEDAGOGY

**SUMMARY**

Directs district wide culturally responsive pedagogy and practices to allow academic success for all students at Tucson Unified School District (TUSD).

**MINIMUM REQUIREMENTS**

Bachelor's Degree in related field

Experience in Mexican American Studies, African American Studies, Cultural Studies, Ethnic Studies, Urban Education, Multicultural Education or a related field

Five (5) or more years of any combination of teaching experience, administrative/supervisory or program management experience in a multicultural setting.

**PREFERRED REQUIREMENTS**

Master's or Doctorate degree in specific area of: African American Studies, Mexican American Studies, Cultural Studies, Ethnic Studies or Multicultural Education

Experience designing and implementing academic and/or social programs focusing on multicultural students.

Experience writing grants, fund development, public speaking and presentation preparation.

Experience developing and conducting student leadership groups.

Active participation in culturally diverse social and civic organizations.

Experience working with diverse urban populations.

Administrative experience in an educational environment

**ADDITIONAL REQUIREMENTS AFTER HIRE**

Must hold the Arizona IVP fingerprint clearance card.

Proof of immunity to rubeola (measles) and rubella (German measles), or proof of MMR immunization.

**ESSENTIAL FUNCTIONS**

**THE LIST OF ESSENTIAL FUNCTIONS IS NOT EXHAUSTIVE AND MAY BE SUPPLEMENTED.**

Directs District-wide culturally responsive instructional strategies to meet the needs of all students, especially those at-risk.

Oversees the development and implementation of culturally responsible pedagogy.

Works with appropriate TUSD personnel to establish and implement district policies and procedures to have an equity based and culturally responsive curriculum and instructional services.

Directs educational approaches and practices which create and support inclusive learning environments utilizing learner centered approaches that emphasize students' cultural assets, backgrounds, social conditions, and individual strengths, while engaging families of students as partners in the learning process.

Collaborates with appropriate TUSD personnel to facilitate opportunities to create best practices in the classroom and/or school to coach and mentor students for academic success using culturally responsive pedagogy.

Collaborates with appropriate TUSD personnel to develop and implement curriculum and instruction focusing on cultural and historical experiences to engage all TUSD students.

Supervises the implementation of culturally responsive courses.

Responsible for development and oversight of budget.

Promotes inclusive practices, respect for diversity and equity among TUSD staff, students, and public.

Prepares and monitors assigned budgets.

Supervises assigned staff.

Represents the District in professional and community activities as directed.

Adheres to all court orders, state and federal laws, and District policies and regulations.

Prepares ad hoc reports as requested

Directs the collection and dissemination of information on available training sources for district wide personnel relating to Cultural Responsive Pedagogy and directs and coordinates the implementation.

**MENTAL TASKS**

Communicates. Comprehends. Performs functions from written and oral instructions and from observing others. Evaluates written materials.

**PHYSICAL TASKS**

Work involves the performance of duties where physical exertion is not normally required to perform all aspects of the job. Assistance is available as required to perform physically demanding tasks. Work involves sitting for extended periods of time, requires moving from one location to another, reaching, stooping, bending, and holding and grasping objects. Visual weakness must not prohibit the performance of assigned duties. Verbal communicative ability may be required of public contact positions.

**EQUIPMENT, AIDS, TOOLS, MATERIALS**

Utilizes office equipment such as telephone, computer, printer and copier

**WORKING CONDITIONS**

Indoor. Office environment. Contact with employees, students and public.

**CONTROL, SUPERVISION**

Supervisory control of staff, which includes interviewing, selecting, training, directing and appraising work, handling employee complaints, disciplining staff, and providing for staff safety and security.

M:JOB16176  
New/Rev: 8/13

# **EXHIBIT 3**

**Nancy Ramirez**

**From:** Nancy Ramirez  
**Sent:** Tuesday, September 24, 2013 10:54 AM  
**To:** 'Willis D. Hawley'  
**Cc:** 'Thompson, Lois D.'; 'Rubin Salker, Jr.'; Bhargava, Anurima (CRT); 'Savitsky, Zoe (CRT)'; lasmith@dmv.com; 'Brown, Samuel'  
**Subject:** Mendoza Plaintiffs' Objection to Description of CRPI Director Qualifications

Dr. Hawley,

Pursuant to USP Section X (E)(6), Mendoza Plaintiffs seek your intervention in enforcing USP Section V(E)(4)(c), which sets forth the qualifications for the Director of Culturally Responsive Pedagogy and Instruction ("CRPI"). TUSD's job announcement for the CRPI Director, currently posted on the TUSD website (<http://www.tusd.k12.az.us/contents/employment/descriptions/JOB16176.pdf>) does not comply with the requirements set forth in the USP. We seek your enforcement of the USP to ensure that the District complies with the USP requirements before final action is taken and a CRPI Director is hired who fails to meet the mandatory prerequisites.

The USP requires that the CRPI Director "shall have experience developing and teaching curriculum focused on the African American and/or Latino social, cultural, and historical experience at the secondary level." (USP, V, E, 4, (c) at 37.) The posted announcement does not require candidates to have secondary experience and, in fact, is silent regarding the level of experience candidates should have. Listed as a "minimum requirement" is "[f]ive (5) or more years of any combination of teaching experience, administrative/supervisory or program management experience in a multicultural setting." It does not satisfy the requirement that candidates have experience "developing curriculum." In addition, requiring candidates to have experience "in a multicultural setting" is not equivalent to having experience developing and teaching curriculum that is "focused on the African American and/or Latino social, cultural, and historical experience." It lists among the "preferred requirements" "[e]xperience designing and implementing academic and/or social programs focusing on multicultural students." It is not clear, based on this description, that it satisfies the requirement that candidates have experience "developing and teaching curriculum." If a candidate only has experience designing and implementing a social program, this would not satisfy the requirement in the USP. Further, designing programs "focusing on multicultural students" is not the same as developing curriculum focused on the "African American and/or Latino social, cultural and historical experience."

We hope that your intervention now will avoid the need for Mendoza Plaintiffs to request, pursuant to USP Section X(E)(6), that you bring this instance of noncompliance with the USP to the attention of the Court and will avoid the possibility that the District will make a hiring decision to which the Mendoza Plaintiffs will be constrained to object.

Nancy Ramirez  
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# **EXHIBIT 4**

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M E M O R A N D U M

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**TO:** Parties, Dr. Hawley  
**FROM:** Lisa Anne Smith  
**DATE:** September 30, 2013  
**RE:** Mendoza Request for Intervention Regarding the Job Description for CRPI Director

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We agree with and appreciate the Special Master's conclusion that he does not have grounds to intervene to require the District to change the CRPI job description. As both Sam and I have explained previously, the USP includes requirements regarding who can fill the position, but it does not dictate how the District should go about finding a qualified individual.

The District is committed to finding the best qualified person for the CRPI position and believes that the current, on-going process, with the job description as is, will achieve that goal. The District has not arrived at any conclusion that the USP should be amended so it would be premature to ask the parties to change or waive any of the USP requirements.

It is the District's intention to hire a person who meets the USP requirements. The District has confirmed, and reiterates here, that it will not hire a person who does not meet the criteria stated in the USP without the consent of the parties. However, if it appears that the best qualified applicant meets most but not all of the USP requirements, the District may ask the Parties to stipulate to amending or waiving a requirement in light of the qualifications of the applicant. If that happens, the USP may be changed by consensus, but because that may never happen, and because there is no way of knowing what specific requirement the District may ask the Parties to waive, there is no reason to discuss changing the USP at this time.

The District has not ignored, and has no intention to ignore, the requirements of the USP. It has made a decision that is within its discretion as to how to attract the best possible candidate pool for this important position.

For these reasons, the District declines to change the job description or to request any amendment of the USP regarding the CPRI position requirements at this time.

# **EXHIBIT 5**

September 26, 2013

To: Parties

From: Bill Hawley

Re: Mendoza Request for Intervention Regarding the Job Description for CRPI Director

The District has posted on its website a job announcement/position statement for the Culturally Responsive Pedagogy and Instruction (CRPI) Director. On September 6, the Mendoza Plaintiffs expressed concern that the job announcement did not include qualifications for the position that are specified in the USP. Shortly thereafter, the Mendodza Plaintiffs met with the District in Tucson and reiterated its concerns. On September 19, the Mendoza Plaintiffs asked the District to change the job description to align it with the provisions of the USP.

The District responded on September 22 saying that:

The District does not intend to change the job description. The USP, at section (V)(E)(4)(c), does not include any mandates regarding the job description itself. The USP requires that the District "hire or designate" an individual with certain experience. The District is committed to finding a qualified individual to fill this role but it retains the discretion to word its job description as it deems appropriate.

The District makes this assertion while in its own Project Management Plan related to the hiring of personnel specified in the USP, the District says on p. 6, section 1.1, that it will revise or develop description that meet the USP requirements.

On September 23, 2013, the Mendoza plaintiffs asked the Special Master to intervene as follows:

Pursuant to USP Section X (E)(6), Mendoza Plaintiffs seek your intervention in enforcing USP Section V(E)(4)(c), which sets forth the qualifications for the Director of Culturally Responsive Pedagogy and Instruction ("CRPI"). TUSD's job announcement for the CRPI Director, currently posted on the TUSD website (<http://www.tusd.k12.az.us/contents/employment/descriptions/JOB16176.pdf>) does not comply with the requirements set forth in the USP. We seek your enforcement of the USP to ensure that the District complies with the USP requirements before final action is taken and a CRPI Director is hired who fails to meet the mandatory prerequisites.

The USP requires that the CRPI Director "shall have experience developing and teaching curriculum focused on the African American and/or Latino social, cultural, and historical experience at the secondary level." (USP, V, E, 4, (c) at 37.) The posted announcement does not require candidates to have secondary experience and, in fact, is silent regarding the level of experience candidates should have. Listed as a "minimum requirement" is "[f]ive (5) or more years of any combination of teaching experience, administrative/supervisory or program management experience in a multicultural setting." It does not satisfy the requirement that candidates have experience "developing curriculum." In addition, requiring candidates to have experience "in a multicultural setting" is not equivalent to having experience developing and teaching curriculum that is "focused on the African American and/or Latino social, cultural, and historical experience." It lists among the "preferred requirements" "[e]xperience designing and implementing academic and/or social programs focusing on multicultural students." It is not

clear, based on this description, that it satisfies the requirement that candidates have experience "developing and teaching curriculum." If a candidate only has experience designing and implementing a social program, this would not satisfy the requirement in the USP. Further, designing programs "focusing on multicultural students" is not the same as developing curriculum focused on the "African American and/or Latino social, cultural and historical experience."

We hope that your intervention now will avoid the need for Mendoza Plaintiffs to request, pursuant to USP Section X(E)(6), that you bring this instance of noncompliance with the USP to the attention of the Court and will avoid the possibility that the District will make a hiring decision to which the Mendoza Plaintiffs will be constrained to object.

The USP does not require that job descriptions be approved or reviewed by the Plaintiffs and the Special Master. So, I do not believe that I can ask the Court to intervene even though the job description is inconsistent with the provisions of the USP, misleading to candidates and invites objection to the Court if a person appointed does not have the qualifications described in the USP. I can ask the District to correct the disputed job description and did so on September 24 and 25. The District declined to make changes.

While I do not have grounds to intervene in requiring the District to alter the job description for the CRPI Director position, it is clear that the District's actions with respect this position are inappropriate and troubling.

The District says that it knowingly omitted provisions of the USP from the job description for at least two reasons: (1) it believed that the job was too narrowly described in the USP to fit the role it saw for the person filling this position and (2) that the chance of recruiting a high quality person to the position would be greater if it omitted some of the requirements of the USP. When the District arrived at these conclusions about the need to amend the provision of the USP it should have asked the Plaintiffs for a change in or waiver of the USP and explained why. It did not.

Should the District seek to hire a candidate that does not meet the qualifications, the Plaintiffs and the Special Master could object to the Court. If they did not object, they would be acknowledging the right of the District to ignore the USP when it feels that the provisions of the USP are unreasonable or do not meet its needs. If the District goes ahead with its job description but would not hire a person that did not have the qualifications set out in the USP, then there is no reason to exclude those requirements from the job announcement. Indeed, good practice in hiring is to be clear about the roles candidates are to fill and the qualifications expected of those in those roles.

The District has put itself in an untenable position. If it rejects people who do not have the qualifications specified in the USP, it will be wasting the time and resources of everyone involved in the hiring process, especially the candidates'. This is likely affect the interest educators have in future District positions. By not specifying the qualifications required by the USP, the District undermines its likelihood of finding a person who fits the qualifications of the USP. If it hires a candidate that does not meet the qualifications specified in the USP, one or more of the Plaintiffs will object (Mendoza Plaintiffs have already so indicated) and I would have no option but to recommend to the Court that person not be appointed. Should the Court not accept my recommendation, the candidate who was selected will learn that the position to which he/she is being appointed is contested and could decide not to accept the position. This cannot end well.

The District should do one of the following:

1. Add to the position statement the qualifications specified in the USP and inform the people who have applied that the additional qualifications have been added and invite candidates to amend their applications accordingly if they meet the criteria. This is not, let me be clear, an action that implicitly allows the Plaintiffs or the Special Master to develop or approve job descriptions.

2. Put the position on hold and request that provisions of the USP related to it be amended. If the Plaintiffs and the Special Master agree, the hiring process can go forward with minimal disruption. If agreement cannot be reached, option one above would be implemented.

# **EXHIBIT 6**

**Nancy Ramirez**

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**From:** Willis D. Hawley <wdh@um.edu>  
**Sent:** Friday, April 04, 2014 12:33 PM  
**To:** Rubin Salter, Jr.; Nancy Ramirez; Thompson, Lois D.; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; Samuel.Brown@tusd1.org; Tolleson, Julie; Brammer@rilaz.com  
**Subject:** Appointment of CRPI Director

April 4, 2014

**To:** Parties  
**From:** Bill Hawley  
**Re:** Appointment of Director of Culturally Responsive Pedagogy and Instruction

This memo is triggered by concerns express by one or more plaintiffs and is intended to report on events and information related to the appointment of Sal Galbadon as CRPI Director. It is not a criticism of Galbadon, who is a very well-regarded expert on English Language Learning, particularly bilingual education for students whose home language is Spanish. This memo may serve to provide the plaintiffs with information they need to decide their response to the appointment and will allow the District to elaborate on the appointment.

In September, 2013, the District posted a job announcement for this position. The USP identifies specific qualifications for the position, some of which were not included in the job announcement. The Mendoza plaintiffs and I raised concern about this and, on September 26, I urged the District to add the USP-specified qualifications or to pursue other options. The District refused saying, in effect, that the definition in the USP did not meet the needs of the District. After an exchange of emails and phone calls, the District said that while it would not change the job announcement but would not appoint someone who did not meet the requirements in the USP. My response was that of the qualifications asked for in a job announcement do not include the capabilities you need, the chances of finding a qualified candidate are not great. I also noted that if the selected candidate did not meet the qualifications specified the USP, I would have no option but to recommend to the Court that the person not be appointed.

A current employee was appointed as interim director for CRPI while the search went forward. Almost 40 people applied (Galbadon did not). A six person racially diverse team was identified as the interview team. It interviewed 37 candidates with the modal time being 10 minutes. Eight candidates, who appear to include persons of different racial and ethnic backgrounds, were seen to have "met the minimum threshold". This process was "compromised" when a leak to the public from the panel regarding the selection occurred. The district thought about starting the process again, but felt the need for the position was urgent. None of the finalists were considered further.

On March 13, 2014, the District announced that Galbadon, who had retired full time from the District in 2012, had been appointed CRPI Director. Galbadon was not interviewed by the interview committee but was interviewed by the Superintendent and Steve Holmes, to whom he would report in his new position.



Galbadon has served in many roles in the District (see attached vita) and has impressive credentials as an expert on bilingual education. In his vita, he identifies himself as a Language Acquisition Specialist. In the letter from Steve Holmes, Assistant Superintendent for Curriculum and Instruction, describes Galbadon's experience as a "career advocating for and supporting instruction for English Language learners." Of his several writings and presentations, none deal with culturally responsive pedagogy. CRP does, of course, deal with the appropriate selection of culturally relevant curriculum and Galbadon has experience in developing curriculum for Latino students and has been an advisor to the District in its development of culturally relevant courses. From the record, one cannot tell if Galbadon has experience in teaching and curriculum development related to African American students, as required by the USP. It is important to note that the position has the somewhat redundant title of Culturally Responsive *Pedagogy and Instruction* presumably to emphasize the teaching dimensions of the task. Experts on CRP would almost certainly rank facilitation of culturally responsive teaching as more complex than curriculum development.

Willis D. Hawley  
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