	Case 4:74-cv-00090-DCB Docum	ent 1585	Filed 05/06/14	Page 1 of 5
1 2 3 4 5 6 7	Rubin Salter, Jr. ASBN 001710 Kristian H. Salter ASBN 026810 Attorneys for Fisher Plaintiffs 177 North Church Avenue Suite 903 Tucson, Arizona 85701-1119 (520) 623-5706 (phone) rsjr3@aol.com (email) kristian.salter@azbar.org (email) UNITED STATES DISTRICT		FOR THE DIST	RICT OF ARIZONA
8	ROY and JOSIE FISHER, et al.,)	No. CV 74-90	TUC DCB
9 10	Plaintiffs,))	FISHER PLA	
11	Plaintiff-Intervenor,)	MASTER'S (TO THE SPECIAL 04/29/14 REPORT MENDATION
12 13	vs.)	REGARDING APPOINTMI	G THE
13	ANITA LOHR, et al.,)	DIRECTOR	OF CULTURALLY E PEDAGOGY AND
15	Defendants,)	INSTRUCTI	
16 17	SIDNEY L. SUTTON, et al.,)	Submitted to United States District	
17 18	Defendants-Intervenor) rs,)	Judge David C. Bury on 05/06/14	
19	MARIA MENDOZA, et al.,	<u>)</u>)	No. CV 74-20	4 TUC DCB
20 21	Plaintiffs,)		
21 22	UNITED STATES OF AMERICA)		
23	Plaintiff-Intervenor,)		
24 25	vs.)		
26	TUCSON UNIFIED SCHOOL DISTRICT NO. ONE, et al.,))		
27 28	Defendants.)		
	Case 4:74-cv-00090-DCB Subr	nitted 05/	06/14	Page 1 of 5

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1. FISHER PLAINTIFFS' OBJECTION TO SPECIAL MASTER'S R&R

COME NOW, Plaintiffs Roy and Josie Fisher (hereinafter the Fisher Plaintiffs), by and
through counsel undersigned, Rubin Salter, Jr. to submit the instant objection to the
Special Master's 04/29/14 "Report and Recommendation Regarding the Appointment of
the Director for Culturally Responsive Pedagogy and Instruction" (see document number
1529 filed 04/29/14).

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9 IN SUPPORT WHEREOF, counsel undersigned cites the following facts and authority. 10 The Fisher Plaintiffs, while otherwise satisfied with the recommendations made by 11 Special Master Willis Hawley in his 04/29/14 report, remain concerned that the interests 12 of the District's African American students will suffer irreperable harm by the eight-13 month, interim appointment of a candidate who "[f]rom the record," does not clearly 14 have "experience in curriculum development related to African American students, as 15 required by the USP" (at page 2 of 04/29/14 report and recommendation). For this 16 reason, the Fisher Plaintiffs respectfully move this Court to follow the recommendations 17 made by the Special Master in his 04/29/14 report and, *additionally*, to require the 18 Tucson Unified School District (the District) to compensate for the interim appointee's 19 lack of "experience in curriculum development related to African American students" by 20 requiring the District to solicit and act on the recommendations of a nationally recognized 21 expert in curriculum development for African American students. While cognizant of the 22 need for the interim appointment, the Fisher Plaintiffs believe that this supplementary 23 measure is necessary to safeguard the interests of the District's African American 24 students and ensure the equitable implementation of this provision of the Unitary Status 25 Plan (USP). To this end, the Fisher Plaintiffs respectfully recommend consulting with Dr. Jacqueline Jordan Irvine, Professor of Urban Education in the Division of 26 27 Educational Studies at Emory University, a nationally recognized expert in the field of 28 culturally relevant pedagogy and the education of African American students.

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1	2. CONCLUSION
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3	On the basis of the foregoing facts and arguments, the Fisher Plaintiffs respectfully move
4	this Court to grant the relief requested herein.
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6	Respectfully submitted this 6th day of May, 2014
7	
8	s/ Rubin Salter, Jr.
9	RUBIN SALTER, JR., ASBN 01710
10	Counsel for Fisher Plaintiffs
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	Case 4:74-cv-00090-DCB Submitted 05/06/14 Page 3 of 5

<u>3. CERTIFICATE OF SERVICE</u>

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2 3 I declare and certify that foregoing document was electronically transmitted to the CM/ECF system for filing and transmittal of a notice of electronic filing to the following 4 CM/ECF registrants on this 6th day of May, 2014: 5 6 WILLIAM BRAMMER ASBN 002079 JULIE C. TOLLESON ASBN 000000 7 OSCAR S. LIZARDI ASBN 016626 Attorney for Defendant TUSD **Tucson Unified School District** 8 MICHAEL J. RUSING 006617 Legal Department PATRICIA L. VICTORY 029231 9 Attorneys for Defendant TUSD 1010 E 10th St. Rusing, Lopez & Lizardi, PLLC Tucson. AZ 85719 10 (520) 225-6040 6363 N. Swan Rd., Suite 151 11 julie.tolleson@tusd1.org Tucson, Arizona 85718 (520) 792-4900 12 brammer@rllaz.com 13 olizardi@rllaz.com mrusing@rllaz.com 14 pvictory@rllaz.com 15 LOIS D. THOMPSON CSBN 093245 16 NANCY A. RAMIREZ CSBN 152629 JENNIFER L. ROCHE CSBN 254538 Attorney for Mendoza Plaintiffs 17 Mexican American LDEF Attorneys for Mendoza Plaintiffs 634 S. Spring St. 11th Floor 18 Proskauer Rose LLP Los Angeles, CA 90014 2049 Century Park East, Suite 3200 19 Los Angeles, California 90067 (213) 629-2512 (310) 557-2900 20 nramirez@maldef.org lthompson@proskauer.com 21 jroche@proskauer.com 22 23 24 25 26 27

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1 2 3 4 5 6 7	ANURIMA BHARGAVA, ChiefWILLIS D. HAWLEYZOE M. ZAVITSKYSpecial MasterEducational Opportunities Section2138 Tawes BuildingCivil Rights Division USDOJCollege of Education950 Pennsylvania Avenue, NWUniversity of MarylandPatrick Henry Building, Suite 4300College Park, MD 20742Washington, D.C. 20530(301) 405-3592(202) 305-3223wdh@umd.eduanurima.bhargava@usdoj.govzoe.savitsky@usdoj.gov		
8 9			
10	Respectfully submitted this 6th day of May, 2014		
11	s/ Rubin Salter, Jr.		
12	RUBIN SALTER, JR., ASBN 01710		
13	Counsel for Fisher Plaintiffs		
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