

EXHIBIT D

From: Rubin Salter, Jr. [rsjr3@aol.com]
Sent: Saturday, June 07, 2014 6:42 PM
To: Willis D. Hawley
Cc: wbrammer@rllaz.com; julie.tolleson@tusd1.org; samuel.brown@tusd1.org;
 Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; nramirez@MALDEF.org;
 lthompson@proskauer.com
Subject: Re: ALE Plan -- Renewed Request for R&R

Special Master Hawley and counsel:

On 05/22/14, I wrote to renew the Fisher Plaintiffs' 05/14/14 joinder with the Mendoza Plaintiffs in their 05/14/14 request for a report and recommendation (R&R) on the Tucson Unified School District's Advanced Learning Experiences (ALE) plan (see Salter 05/22/14 email). In that email, the Fisher Plaintiffs also joined in the entirety of the comments, objections and requests set forth in Mendoza counsel Lois Thompson's 05/22/14 email and the Mendoza Plaintiffs' 05/22/14 renewed request for an R&R on the ALE plan attached to that email. After a careful review of the District's 05/30/14 response to the Mendoza renewed request, the Fisher Plaintiffs, by copy of this email, respectfully join in the entirety of the comments, objections and requests set forth in Mendoza counsel Lois Thompson's 06/06/14 email renewal of the Mendoza Plaintiffs' request for an R&R on the ALE plan.

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

The information contained in this email is intended only for the use of the individual or entity named above and is strictly confidential. If you are not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any reproduction, dissemination, distribution, or copying of this email is strictly prohibited. If you have received this email in error, please immediately notify our office by telephone at (520) 623-5706 and delete this message. Your cooperation is appreciated.

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

From: Thompson, Lois D. <lthompson@proskauer.com>
To: wdh <wdh@umd.edu>
Cc: wbrammer <wbrammer@rllaz.com>; julie.tolleson <julie.tolleson@tusd1.org>; samuel.brown <samuel.brown@tusd1.org>; Rubin Salter Jr. (Rsjr3@aol.com) <Rsjr3@aol.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; 'Nancy Ramirez' <nramirez@MALDEF.org>
Sent: Fri, Jun 6, 2014 8:41 am
Subject: ALE Plan -- Renewed Request for R&R

Dear Dr. Hawley,

After we submitted the attached request for a report and recommendation concerning the District's proposed ALE Plan on May 22, 2014, by email dated May 30, 2014, Bill Brammer responded to certain of the concerns expressed by the Mendoza Plaintiffs in that request and provided a revised ALE plan. We now have had an opportunity to review the material that Mr. Brammer provided. While those materials adequately address certain of our concerns, they do not resolve all of them.

Accordingly, Mendoza Plaintiffs once again renew their request for a report and recommendation addressed to (1) the extremely low goals set by the District for increased participation by African American and Latino students in ALEs; (2) the District's failure to have set express goals for the increased participation of ELL students in ALEs; and (3) the District's decision to set a single goal for participation in AACs and a single goal for participation in "GATE." These issues all were raised and discussed by the Mendoza Plaintiffs in their first set of comments on the proposed ALE Plan and have been further discussed in our subsequent replies to District responses to our comments. We have not attached all of those documents to this email to avoid overloading all concerned with documentation they already have. However, if it will assist your review, we can provide these materials to you.

Mendoza Plaintiffs understand the explanation given with respect to the goal TUSD has set to increase the number of African American and Latino students enrolled in UHS and withdraw their request for a report and recommendation with respect to that particular goal at this time with the caveat that if the entering class at UHS is expanded beyond 300, Mendoza Plaintiffs would anticipate a revisiting of the current goal. Further, they reiterate the importance of UHS' s success at retaining enrolled African American and Latino students as an important aspect of the assessment of the District's implementation of the UHS portion of the USP.

On May 30, the District also provided its proposal for the disaggregation of data required by the USP. Mendoza Plaintiffs believe the proposal to provide successive disaggregations in the manner described in the proposal rather than a simultaneous disaggregation is reasonable. They would like to consult with others before responding to the proposals to redact cell sizes of 5 or less. Given that resolution of the disaggregation proposal is not essential to the above concerns the Mendoza Plaintiffs have raised with the ALE Plan and that agreement of all parties and the Special Master is needed to resolve the disaggregation issue, Mendoza Plaintiffs suggest that the disaggregation issue be treated separately and that their request for a report and recommendation concerning ALE goals proceed without further delay.

Lois D. Thompson
Partner

[Proskauer](#)
2049 Century Park East
Suite 3200
Los Angeles, CA 90067-3206
d 310.284.5614
f 310.557.2193
lthompson@proskauer.com

greenspaces
Please consider the environment before printing this email.

From: Thompson, Lois D.
Sent: Thursday, May 22, 2014 3:21 PM
To: wdh@umd.edu
Cc: wbrammer@rllaz.com; julie.tolleson@tusd1.org; 'Brown, Samuel'; Rubin Salter, Jr.; anurima.bhargava@usdoj.gov; zoe.savitsky@usdoj.gov; 'Nancy Ramirez'
Subject: ALE Plan Renewed Request for R&R

Dear Dr. Hawley and counsel,

On May 14, 2014, Mendoza Plaintiffs requested an R&R pursuant to the Stipulated Process for Parties' Review of District Plans Covered by Section I(D)1 of the USP, the District having failed to respond in any way to the Mendoza Plaintiffs' May 1, 2014 statement of their remaining concerns relating to the ALE Plan. On May 15, the District provided its response to those remaining concerns and additional documents. Mendoza Plaintiffs now have had an opportunity to review that material and as set forth in the bubble comments on the District's May 15 response which is attached, continue to seek an R&R with respect to many of the matters covered in those responses. In addition, as noted in the bubble comments, the District has yet to provide a promised proposal re disaggregating data. Accordingly, in the absence of receipt of any such proposal, Mendoza Plaintiffs also seek an R&R relating to the District's failure to provide data in the disaggregated format mandated by the USP. (If you click on "Comment" on the upper right hand of the screen when you open the document, you will be able to see and then print all comments rather than have to click on individual comments as you work your way through the document. At the request of Bill Brammer we have employed this comment form of addressing District documents but find that it is fact quite cumbersome and are unlikely to use it again.)

Lois D. Thompson

Partner

[Proskauer](#)

2049 Century Park East
Suite 3200
Los Angeles, CA 90067-3206
d 310.284.5614
f 310.557.2193
lthompson@proskauer.com

greenspaces

Please consider the environment before printing this email.

To ensure compliance with requirements imposed by U.S. Treasury Regulations, Proskauer Rose LLP informs you that any U.S. tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

This message and its attachments are sent from a law firm and may contain information that is confidential and protected by privilege from disclosure. If you are not the intended recipient, you are prohibited from printing, copying, forwarding or saving them. Please delete the message and attachments without printing, copying, forwarding or saving them, and notify the sender immediately.