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

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,

Plaintiffs

CV 74-90 TUC DCB
(Lead Case)

v.

United States of America,

Plaintiff-Intervenor,

DECLARATION OF RICHARD A. FOSTER RE: OBJECTION TO THIRD AMENDED REPORT AND RECOMMENDATION RELATING TO EVALUATING TEACHERS AND PRINCIPALS (ECF 1666)

v.

Anita Lohr, et al.,

Defendants,

CV 74-204 TUC DCB
(Consolidated Case)

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.

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1 1. I am above the age of 18 and am competent to make this Declaration. I have
2 personal knowledge of the facts herein. This declaration is based upon my personal
3 knowledge, information and belief.

4 2. I am a Senior Director, Curriculum Deployment for Defendant Tucson
5 Unified School District No. One (“TUSD”) and have held this position since July 2014.
6 Prior to holding this position, I served as the Director of Professional Development. Part of
7 my responsibility is the review and continuing evaluation of TUSD’s principal and teacher
8 evaluation procedures as required by USP § IV.H.1.¹

9 3. During March and April 2013, TUSD conducted the review and assessment of
10 the items in USP § IV.H.1 and adopted new principal and teacher evaluation procedures.

11 4. During the fall of 2013, District personnel, including myself, Tsuru Bailey-
12 Jones, Desiree Cueto, and other support staff, worked on the Supportive and Inclusive
13 Learning model and began ongoing District-wide SAIL training. See Exhibit A to
14 Declaration of Samuel Brown.

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¹ USP § IV.H.1 states:

18 ***H. Evaluation***

19 ***1. By July 1, 2013, the District shall review, amend as appropriate, and adopt teacher and***
20 ***principal evaluation instruments to ensure that such evaluations, in addition to***
21 ***requirements of State law and other measures the District deems appropriate, give***
22 ***adequate weight to:***

23 ***(i) an assessment of***

24 ***(I) teacher efforts to include, engage, and support students from diverse racial, ethnic,***
25 ***cultural, and linguistic backgrounds using culturally responsive pedagogy and***

26 ***(II) efforts by principals to create school conditions, processes, and practices that support***
27 ***learning for racially, ethnically, culturally and linguistically diverse students;***

28 ***(ii) teacher and principal use of classroom and school-level data to improve student***
outcomes, target interventions, and perform self-monitoring; and

(iii) aggregated responses from student and teacher surveys to be developed by the District,
protecting the anonymity of survey respondents.

These elements shall be included in any future teacher and principal evaluation instruments
that may be implemented. All teachers and principals shall be evaluated using the same
instruments, as appropriate to their position. [USP IV.H.1](emphasis added).

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1 5. On May 10, 2013, I met with the Special Master to discuss the information
2 provided for the teacher and principal evaluation processes. Sam Brown (TUSD
3 Desegregation Director), Maria Manconi and Heather Gaines also were present at this
4 meeting. The Special Master did not direct TUSD to prepare two additional USP plans for
5 principal and teacher evaluations during this meeting.

6 6. In early October, I met with the Special Master in Tucson regarding principal
7 and teacher evaluations. Sam Brown also was present to discuss this as well as other issues
8 with the Special Master. During that meeting, Sam and I confirmed our shared
9 understanding that separate “plans” which were not required by the language of the USP
10 would not be submitted to the Plaintiffs and Special Master for § I.D.1 review. *See*
11 Declaration of Samuel Brown.

12 7. In January 2014, a district committee whose members were myself, Dr.
13 Augustine Romero, Tsuru Bailey-Jones, Ignacio Ruiz, and other support staff, worked with
14 a consultant from the Danielson group to analyze TUSD’s evaluation instruments. The
15 Danielson Group consists of educational consultants that provide assistance based on the
16 latest research findings and professional learning activities. *See*
17 <http://danielsongroup.org/consultants>. TUSD, with the Danielson Group, evaluated the
18 instruments’ Framework for Teaching to identify the CRP components imbedded in the
19 District’s current evaluation model and create professional development around those
20 elements. *See* ECF 1666-10 at 10-11, review prepared by Danielson Consultant, Ann
21 Cummins Bogan.

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

3 DATED this 10 day of September, 2014.
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6 Richard A. Foster

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