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13 UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF ARIZONA  
15

16 Roy and Josie Fisher, et al.,

17 Plaintiffs,

18 v.

19 United States of America,

20 Plaintiff-Intervenors,

21 v.

22 Anita Lohr, et al.,

23 Defendants,

24 Sidney L. Sutton, et al.,

25 Defendant-Intervenors,  
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Case No. 4:74-CV-00090-DCB

**MENDOZA PLAINTIFFS’  
RESPONSE/CLARIFICATION RE  
TUSD’S REVISED OUTREACH,  
RECRUITMENT AND RETENTION  
PLAN**

Hon. David C. Bury

1 Maria Mendoza, et al.,

Case No. CV 74-204 TUC DCB

2 Plaintiffs,

3 United States of America,

4 Plaintiff-Intervenor,

5 v.

6 Tucson United School District No. One, et al.,

7 Defendants.

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In its August 21, 2014 Order (Doc. 1651), the Court ordered Tucson Unified School District No. 1 (“TUSD” or “District”) to file a reply to Mendoza Plaintiffs’ Objection to omissions in the R&R (Doc. 1620 at 5-6) and a revised Outreach, Recruitment, and Retention (“ORR”) plan within 21 days from the filing date of the Order. The Court further stated that any objection may be filed within 14 days of the filing of the revised ORR plan. Accordingly, Mendoza Plaintiffs submit this response to TUSD’s revised ORR plan.

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In their objection to the R&R, Mendoza Plaintiffs asked the Court to require that the District expressly include in the ORR plan USP Section IV,F,1,a language, which requires that any remedial plan to address disparities in attrition rates for African American or Latino administrators or certificated staff must be developed and implemented in the very semester following the semester in which the disparity is identified. Mendoza Plaintiffs disagree with the District’s assertion that the original ORR plan filed with the Court complies with USP Section IV,F,1,a requirements. However, the revised ORR plan addressed Mendoza Plaintiffs’ concern because it contains the USP language Mendoza Plaintiffs sought to be expressly included in the plan.

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Mendoza Plaintiffs also asked the Court to require TUSD to include “national newspapers, education publications and periodicals targeting African American and Latino

1 communities” as part of its advertising strategy, as required under USP Section IV,C,3,a,i.  
2 Again, Mendoza Plaintiffs disagree with the District’s assertion that the original ORR plan  
3 complies with USP requirements regarding national advertising strategies. In Appendix B  
4 attached to the District’s Notice of Filing Revised ORR plan (Doc. 1672 at 21-23), the  
5 District lists additional publications and organizations in which it will consider posting  
6 advertisements. These additions have addressed Mendoza Plaintiffs’ concerns on this  
7 issue.

8 As an additional matter, Mendoza Plaintiffs offer clarification of their position to  
9 address the Court’s concern regarding the use of financial incentives to recruit African  
10 American and Latino candidates for administrator and certificated staff positions. The  
11 Court asked that the District explain the “use of [these] financial incentives, if used  
12 alternatively to the USP proposal to consider financial incentives in the context of a ‘Grow  
13 Your Own’ program.” (Doc. 1651 at 16.) Mendoza Plaintiffs understand that the financial  
14 incentives for African American and Latino candidates do not foreclose the possibility of  
15 using financial incentives to encourage existing TUSD staff to obtain certification, as the  
16 District indicated in its reply to Mendoza Plaintiffs’ objection (Doc. 1673 at 6). Therefore,  
17 in Mendoza Plaintiffs’ understanding, the referenced incentives are not an alternative to  
18 the “Grow Your Own” program. Mendoza Plaintiffs additionally note that they do not  
19 object to the use of financial incentives to recruit African American and Latino candidates  
20 and they are not aware of any Plaintiff opposition to such incentives.

21 Accordingly, Mendoza Plaintiffs do not object to the District’s revised ORR plan.

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1 Dated: September 25, 2014

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 25, 2014, I electronically submitted the foregoing Mendoza Plaintiffs' Response/Clarification re TUSD's Revised Outreach, Recruitment, and, Retention Plan to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: September 25, 2014      \_\_\_s/\_\_\_Imelda Aparicio\_\_\_\_\_