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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,  
                    Plaintiffs,  
v.  
United States of America,  
                    Plaintiff-Intervenor,  
v.  
Anita Lohr, et al.,  
                    Defendants,  
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.  
\_\_\_\_\_

CV 74-90 TUC DCB  
(lead case)

**ORDER**

CV 74-204 TUC DCB  
(consolidated case)

1 On September 8, 2014, the Mendoza Plaintiffs filed an Objection to the School Year  
2 (SY) 2014-15 Unitary Status Plan (USP) Budget. On September 11, 2014, the Special  
3 Master commented regarding alleged inadequacies in certain aspects of the budget process,  
4 criteria, and methodology. TUSD has replied to both the Mendoza Plaintiffs and the Special  
5 Master.

6 Unlike last year, TUSD did not file a Notice of Adoption of the Desegregation  
7 Budget. Subsequent to revisions made pursuant to directives contained in this Order, TUSD  
8 shall file a Notice of Adoption and the revised budget. Last year, following the  
9 recommendation of the Special Master, this Court approved the SY 2013-14 USP Budget  
10 conditioned on the parties working together and with the Special Master to “develop . . .  
11 research based criteria for determining when desegregation dollars may fund all or part of  
12 a program to justify expenditures of desegregation money . . . and [to] facilitate the  
13 independent audit and program reviews and assessments required under the USP.” (Order  
14 (Doc. 1477) at 7-8.)

15 The Court has reviewed the budget provisions for the USP, Section X.B. The USP  
16 required the District to propose the methodology and process for allocating funds that are  
17 available to it and its schools pursuant to A. R. S. § 15-910(G) and that account for the  
18 requirements of this Order (“USP Expenditure Plan”), which TUSD was required to do prior  
19 to commencement of the budget process for fiscal year 2013-2014. *Id.* § X.B.1. In response  
20 to last year’s directive for the development of “research based criteria for determining when  
21 desegregation dollars may fund all or part of a program to justify expenditures of  
22 desegregation money,” the District agreed to use 910(G) funding to “supplement” and not  
23 “supplant” other funding sources. (M’s Objection (Doc. 1667, Ex. D: USP Budget Criteria  
24 at 4.) The USP Budget Criteria are aimed at making funding resource decisions as compared  
25 to the methodology employed by TUSD for making funding level decisions for the budgetary  
26 needs of the respective USP programs.

1           The Special Master seeks clarification of the principles which underlie the District’s  
2 use of 910(G) funds. Subsection 910(G) provides: “The governing board may budget for  
3 expenses of complying with or continuing to implement activities which were required or  
4 permitted by a court order of desegregation . . . which are specifically exempt in whole or in  
5 part from the revenue control limit and the capital outlay revenue limit. This exemption  
6 applies only to expenses incurred for activities which are begun before the termination of the  
7 court order.”

8           The USP Budget Criteria, adopted by TUSD last year by stipulation, do not expound  
9 on the “supplant/supplement” definitions beyond a single example of supplanting where  
10 910(G) funds are used to pay a science teacher at a science magnet school for teaching four  
11 science classes, but only two are magnet related science classes. The Mendoza Plaintiffs and  
12 the Special Master object that TUSD is using 910(G) funding to supplant other source funds  
13 for: psychologists, social workers in college and career coordinators, teachers for Culturally  
14 Relevant (Core) Courses (CRC), Dual Language Teachers, and Fine Arts teachers in magnet  
15 schools. The Special Master explains that in all these areas, 910(G) funding should be offset  
16 because without the USP these services would otherwise be funded to some extent from other  
17 sources. The Special Master and Plaintiffs assert that 910(G) funds must be reduced by the  
18 amount of the other source funding. In other words, 910(G) funding may only supplement  
19 other source funds.

20           Culturally Relevant Course (CRC) Teachers: The Special Master notes that for the  
21 most part these are core courses, and core courses have to be offered to all students in the  
22 absence of the USP. The CRCs are, however, smaller than non-CRC core courses and,  
23 therefore, additional teachers are required due to the “low-threshold”<sup>1</sup> class sizes, and these

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25           <sup>1</sup>The Governing Board has approved a target funding formula for the purpose of  
26 reducing class sizes across the District for SY 2014-15, which is 1:27. (TUSD Resp. (Doc.  
27 1678) at 7 (citing M Obj. (Doc. 1667-17), Ex. Q at 15), *but see* (TUSD Resp. (Doc. 1678)  
at 9 n. 4 (arguing there is no basis to use the 1:27 ratio because “it is not the Governing-

1 additional teachers should receive 910(G) funding. TUSD responds that CRCs are required  
2 under the USP and, therefore, subject to 100% funding from 910(G) money. TUSD argues  
3 it would not be able to undertake CRC courses in the absence of the USP . . . not because  
4 TUSD does not realize the significant value of these activities, but because the reality of  
5 budget constraints limits its ability to engage in them.” (TUSD Resp. (Doc. 1679) at 10.)  
6 The Court finds that TUSD may use 910(G) funds to the extent it would not be able to  
7 provide CRCs without it, and that amount should be as described by the Special Master: the  
8 difference between the costs for CRC core courses and regular core courses, with 910(G)  
9 funding supplementing the difference. In this way, CRCs cost the District no more in other  
10 source funds than normal core courses. The Court finds that assessing this cost does not  
11 require “mental gymnastics.” The District knows how many students it has to teach in core  
12 courses, which logically translates to number of students per class rooms, and number of  
13 teachers per class room, etc. This number compares with the number of teachers needed for  
14 the low-threshold CRCs, with the difference receiving 910(G) funding.

15 Dual Language Teachers. The Special Master and the District agree that 910(G)  
16 funding for dual language teachers be based on a “low-threshold” analysis. The Special  
17 Master seeks documentation from the District to support its assertion that this “low-  
18 threshold” methodology results in 40 dual language teachers. He estimates about half that  
19 number are needed for SY 2014-15. In response to the Special Master and the Mendoza  
20 Plaintiffs, who also make a supplant vs supplement objection, TUSD asserts that it would not  
21 be required to provide Dual Language courses but for the USP. This would be a rationale  
22 for 100% funding and may account for the difference between the District and Special  
23 Master’s numbers. It cannot be disputed that TUSD had Dual Language courses long before  
24 the USP, and the USP mandated that TUSD consider “adding additional dual language  
25 programs,” (USP II.E.3.i), and to “build and expand its Dual Language programs,” (USP  
26 \_\_\_\_\_  
27 Board approved formula).

1 V.C.1). At the time the USP was adopted, the District had (11) Dual Language programs.  
2 *Id.* at II.E.3.i., n. 2.

3 The Court approves TUSD's "low-threshold" methodology, based on its 1:27<sup>2</sup> ratio,  
4 for linking 910(G) funds to Dual Language courses. Assuming TUSD would not expand the  
5 Dual Language program but for the USP mandate, then arguably, any new addition of a Dual  
6 Language program in excess of the 11 being operated by the District prior to the USP may  
7 be fully funded from 910(G) funding. According to the Mendoza Plaintiffs, the District has  
8 not added any Dual Language programs. Therefore for purposes of the SY 2014-15 USP  
9 Budget, TUSD must reassess the number of Dual Language teachers to receive 910(G)  
10 funding based solely on the "low-threshold" analysis.

11 UHS Portables: It appears the Special Master and the District have resolved the  
12 question of 910(G) funding for portable classrooms at University High School.

13 Fine Art Teachers at Magnet Schools: The Mendoza Plaintiffs challenge the use of  
14 910(G) funding for fine arts teachers just because the teacher teaches in a magnet school.  
15 (M Object (Doc. 1667) at 7.) The science teacher example provided in the USP Budget  
16 Criteria would seem to resolve the use of 910(G) funds for fine art teachers in TUSD magnet  
17 schools. It is supplanting to use 910(G) funds to pay a fine-arts teacher at a magnet school  
18 for teaching fine-arts classes which are not magnet-related fine-art sections. (M's Object  
19 (Doc. 1667-4): USP Budget Criteria.) Given the logic applied above to CRCs, TUSD may  
20 not use 910(G) funding to supplant other funding, such as maintenance and operations  
21 (M&O) dollars, which without the USP would be spent on traditional or basic fine arts  
22 programs in magnet schools, such as band and orchestra in grades K-8. In other words,  
23 TUSD's fine arts budget should account for an offset.

24 Psychologists: The Special Master and the Mendoza Plaintiffs object to TUSD's use  
25 of 910(G) funding to pay psychologists and social workers who evaluate and support

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27 <sup>2</sup>See n. 1.

1 exceptional education students and personnel who supervise federal and state compliance.  
2 The Special Master points out this supplants other funding because with or without the USP,  
3 this is the work assigned to this staff. The Court agrees with the Special Master that “it is not  
4 clear why African-American and Latino students, *per se*, have need of psychological services  
5 beyond those that are provided to other students.” (SM Obj. (Doc. 1670) at 4.)

6 TUSD links the 910(G) funding for psychologists to the USP §§ V.D.1 and V.E.1.a.  
7 Section V of the USP covers Quality of Education, including subsection A, Access to and  
8 Support in Advanced Learning Experiences (ALEs), such as Gifted and Talented Education  
9 Services; subsection B pertains to reading and literacy programs, and subsection C requires  
10 the District to expand the Dual Language program. Subsection D, Exceptional/Special  
11 Education, was added to the USP by the Plaintiffs Mendoza and provides:

12 The District shall develop appropriate criteria for data gathering and  
13 reporting to enable it to conduct meaningful review of its referral,  
14 evaluation and placement policies and practices on an annual basis to ensure  
15 that African American and Latino students, including ELL students, are not  
16 being inappropriately referred, evaluated or placed in exceptional (special)  
17 education classes or programs.

18 The District asserts that funding for psychologists falls within the objectives of  
19 section V, to provide student engagement and support “to improve academic achievement  
20 and educational outcomes of the District’s African American and Latino students, including  
21 ELL students, using strategies to seek to close the achievement gap and eliminate the racial  
22 and ethnic disparities for these students in academic achievement, dropout and retention  
23 rates, discipline (described in Section (VI)), access to Advanced Learning Experiences  
24 (described in Section (V)(1)) and any other areas where disparities and potential for  
25 improvement may be identified as a result of studies required by this Order.” USP § V.E.1.a.

26 But the data gathering, reporting, and review provisions in subsection D,  
27 Exceptional/Special Education, were proposed by the Mendoza Plaintiffs to address a long  
28 held concern that the flip-side to under-representation by minority students in ALEs may be  
overrepresentation by minority students as special education students. In adopting subsection

1 D, the Court found Maintaining Inclusive Environments, Subsection E, aimed at preventing  
2 segregation, was inadequate to address the Mendoza Plaintiffs' concern that minority  
3 students may be incorrectly perceived and treated as special need students and, therefore,  
4 placed unnecessarily in exceptional (special) education classes. The Court found that such  
5 racial stereotyping affects student achievement, which is a quality of education concern, and  
6 adopted subsection D, as proposed by the Mendoza Plaintiffs. (Order (Doc. 1436) at 32.)

7 Psychologists employed in the Exceptional/Special Education department are  
8 responsible for screening students, subsequent to teacher referrals, for proper placement in  
9 special education classes or if not appropriate for placement in special education, the  
10 psychologist determines what resources are appropriate to address the needs of the student.  
11 Nothing about subsection D grows the special education program in respect to minority  
12 students to warrant hiring more psychologists to conduct special educational evaluations.  
13 The goal of subsection D is to limit involvement by minority students in stigmatizing special  
14 needs programs and to avoid perpetuating the stereotype that minority students are special  
15 needs students. Subsection D expressly seeks to prevent inappropriate referrals, evaluations,  
16 and placements in exceptional (special) education classes or programs.

17 As noted by the Special Master, hiring more psychologists does not ensure they will  
18 make non-discriminatory evaluations and placements of minority students in special  
19 education classes. More importantly, it is not clear a placement problem exists. TUSD's  
20 response does not reflect that its data gathering and reporting has lead to a "meaningful  
21 review," which has established "African American and Latino students, including ELL  
22 students, are being inappropriately referred, evaluated or placed in exceptional (special)  
23 education classes or programs." To warrant 910(G) funding, TUSD must establish that there  
24 is a race-based problem and show that hiring more psychologists resolves it.

25 Student Engagement/Student Support Services and Programs: The above stigma and  
26 stereotype concerns exist in respect to TUSD's plan to move the three behavior specialists  
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1 previously assigned to the African American and Mexican American Support Services  
2 Departments (AASSD and MASSD) to the Exceptional/Special Education Department.  
3 Unlike white classmates experiencing problems with discipline, “African American and  
4 Latino students will come under the jurisdiction of the Exceptional/Special Education  
5 Department.” (M Object (Doc. 1667) at 8.) While not precluded expressly, this proposed  
6 reshuffle conflicts at least with the spirit of the USP.

7 The remainder of the Mendoza Plaintiffs’ objections are relevant to Student Support  
8 Services and Program cost-benefit arguments, which reflect two concerns. First, the  
9 Mendoza Plaintiffs complain that data remains unavailable, after repeated requests, for  
10 assessing the effectiveness of the student support programs and services being provided  
11 under the USP.<sup>3</sup> Second, without efficacy data, Plaintiffs cannot determine whether TUSD  
12 is making cost effective program choices.<sup>4</sup>

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15 <sup>3</sup>This Court recently clarified that in instances where Plaintiffs believe their discovery  
16 requests are unanswered, they must first present the discovery request to the Special Master  
17 and if the Special Master is unsuccessful in obtaining the discovery, he will present the  
18 matter to the Court by a Motion to Compel. (Order (Doc. 1660) at 10.) In this case as in any  
19 case, Plaintiffs are responsible for prosecuting it, and may appeal directly to this Court in all  
20 matters. The Court is NOT encouraging litigiousness. The Court encourages the parties to  
21 develop criteria together so that the applicable standard is clear. For example: there was  
22 research-based criteria developed for evaluating program effectiveness; requisite data was  
23 gathered corresponding to the criteria; the criteria was applied to the data, with the sole  
24 question being whether TUSD’s future decisions, including budgetary decisions, are  
25 rationally based on its efficacy findings.

26  
27 <sup>4</sup>For example, Student Support Criteria forms reflect program effectiveness for three  
28 programs: Core Plus, AVID, and AP Summer Boot Camp, but TUSD expands them to a  
limited extent, (Core Plus \$160,000; AVID \$230,000, AP Boot Camp \$140,000), in  
comparison to spending over a million dollars for the fine arts programs addressed above and  
3.5 million dollars for Learning Support Coordinators, a service the Plaintiffs questioned  
regarding effectiveness last year, which remains challenged this year. The Mendoza  
Plaintiffs complain that TUSD is not moving quickly enough to implement programs  
essential to the USP such as the multi-cultural curriculum and culturally relevant courses.  
The Court believes these substantive arguments regarding the effectiveness of specific



1 “Last year, after reviewing the Plaintiffs’ objections and the Special Master’s  
2 recommendations relating to the 2013-14 budget, this Court directed as follows: ‘The District  
3 shall develop research-based criteria and use it to assess student support programs, including  
4 the functions of Learning Support Coordinators, evidence for identifying target programs and  
5 activities and possible redundancy, the use of student outcome data, and research based  
6 criteria/design principles.’” (M Object. (Doc. 1667) at 10 (quoting Order (Doc. 1477) at 5.)  
7 Subsequently, the parties developed the Student Support Criteria, but the Mendoza Plaintiffs  
8 report the criteria were less useful than anticipated with the Student Support Criteria forms  
9 failing to capture sufficient program efficacy or student-outcome information. The Court  
10 recognizes a link between program effectiveness and the budget to the extent “‘it makes little  
11 sense to examine and make recommendations regarding provisions of a budget without  
12 examining the proposed expenditure and the demonstrated or likely efficacy of the activity  
13 or action to be implemented.’” (Order (Doc. 1477) at 4 (quoting Special Master’s Objection  
14 (Doc. 1477-1) at 3.) The Court directs the Special Master to prepare a report for TUSD  
15 regarding the adequacy of the Student Support Criteria developed by the parties last year and  
16 TUSD’s use of the Student Support Criteria forms for evaluating program effectiveness for  
17 USP Student Engagement/Student Support Services and Programs. The Special Master shall  
18 make specific recommendations to assist TUSD in making improvements or alterations to  
19 the Student Support Criteria and forms to be used by TUSD so that budget decisions this  
20 coming year are informed by a program effectiveness analysis.

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23 programs are better challenged by R&R, and Plaintiffs should proceed accordingly, if  
24 necessary. An R&R is pending regarding the CRCs. Delay regarding implementation of the  
25 USP is also better challenged within the context of the Court’s annual review. Both the  
26 District Annual Report and the Special Master’s Annual Report are before the Court, and the  
27 parties have filed a stipulated Implementation Plan for the coming year. Substantive  
28 questions of delay related to implementation of the USP are better addressed in the context  
of these annual reviews or by R&R.

1           Professional Development: The Special Master asserts the budget for professional  
2 development is especially important because successful implementation of the USP hinges  
3 on training TUSD's professional staff to effectively do the work mandated by the USP. The  
4 Special Master asks the Court to set aside \$2,000,000 in addition to the \$2,120,949 dollars  
5 TUSD budgeted for professional development. The Special Master advises the Court that  
6 the TUSD budget lacks a systematic approach for determining the costs of professional  
7 development.

8           According to the Special Master, there are research based approaches for estimating  
9 the time it takes to learn instructional practices and general consensus among researchers  
10 about the practices that are most essential for effective professional development. (SM  
11 Object (Doc. 1670) at 3, and Attachment A: 8/4/14 memo at 2.) And, he provided the  
12 District with a synthesis of the relevant research. *Id.*, Attach. A: 8/4/14 memo at 3. The  
13 Special Master recommends that the Court require the District to use a research based  
14 methodology for estimating the cost of an effective professional development program to be  
15 implemented in SY 2014-15. The Court finds there is no rational basis for the professional  
16 development budget to be based on last year's budget, when it can instead be based on the  
17 USP and the detailed implementation plans set out in the Implementation Addendum (Doc.  
18 1627)). Both contain express program requirements which enable TUSD to identify,  
19 specifically, the professional development needed each year to implement the USP. TUSD  
20 offers no reason why the professional development budget cannot be based on specific  
21 training goals correlated to this year's implementation plans for the USP, and based on who  
22 will actually be involved in professional development and the number of hours needed for  
23 effective professional development in these specified areas, with the number of hours being  
24 estimated using a research based methodology to account for the specific professional  
25 development programs being implemented in SY 2014-15. In other words, TUSD should use  
26 a systematic approach for determining the costs of professional development.

1 Without making a recommendation, the Special Master expressed concern that  
2 TUSD's professional development cost estimate is based in part on the cost of using  
3 substitute teachers to cover for teachers absent from classrooms for professional  
4 development. While this may save money in comparison to paying teachers overtime to  
5 attend professional training, substitute teachers have a negative impact on student learning.  
6 The Court notes this makes the estimate of actual hours needed for effective training  
7 especially important, not just for the budget but for the quality of education being delivered  
8 to students in SY 2014-15. In revising the budget for professional development, TUSD  
9 should consider ways to minimize to the extent practicable any negative impact on student  
10 learning related to professional development.

11 The Court does not adopt the recommendation for the \$2,000,000 set aside, but it  
12 directs TUSD to make a research-based assessment of the time needed to provide effective  
13 training in the areas relevant for this year's USP implementation plans, and use a systematic  
14 approach to estimating the cost of providing this level of training to specifically identified  
15 staff needing professional development in SY 2014-15. Subsequently, TUSD shall revise  
16 the SY 2014-15 budget for professional training.

17 Budget Process and Criteria: Again, the Mendoza Plaintiffs ask the Court to direct  
18 that a process and time line be formulated for future budget years. Mendoza Plaintiffs ask  
19 that the Special Master and the budget expert formulate a budget process and time line,  
20 which will ensure adequate information is provided in time for plaintiffs, the budget expert,  
21 and the Special Master to conduct meaningful review of the proposed budget, and that the  
22 process and time line be submitted, approved, and adopted by order of the Court. According  
23 to the Mendoza Plaintiffs the SY 2014-15 budget process was not an improvement over last  
24 year; instead, this year the Plaintiffs received materials later in the year and in a less user-  
25 friendly format. The school fiscal year begins July 1, with Board approval of the budget  
26 usually occurring in June to be submitted to the State in July. According to the Mendoza  
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1 Plaintiffs' brief, the 2014-15 USP Budget was adopted by the TUSD Board on August 12,  
2 2014 and delivered to the Plaintiffs and Special Master on August 14, 2014, with objections  
3 to this Court following in September. The Court declines to discuss adequacy or lack thereof  
4 regarding the actual number of days the parties engaged in back and forth discussions  
5 regarding budget concerns. A process that does not ensure the development and adoption  
6 of the USP Budget as part of TUSD's school year budget is inadequate. A delayed USP  
7 budget forces this Court to address budget issues, as it does now, several months into the  
8 school year. The USP Budget should be developed as part of the TUSD annual SY Budget,  
9 with time for this Court to make meaningful decisions not mooted by time.

10 Pursuant to the USP § X.B.4, there has been an appointment of a school budget  
11 operations expert, agreed upon by the Parties and the Special Master, who is responsible for  
12 assessing the funding needs of the USP. *Id.* X.B.4. This expert is paid by the District and  
13 reports to the Plaintiffs and the Special Master. Working within these confines, the Court  
14 requests the budget expert prepare a report regarding the adequacy of the USP Budget  
15 Criteria to meet the requirements of the USP, § X.B, subsections 3 and 4, which shall include  
16 a time line with proposed deadlines for the annual budget review process and filing of the  
17 USP Annual Budget with the Court for approval prior to the June-July deadlines for  
18 finalizing the TUSD's SY Budget. The time line should ensure that the annual review for  
19 program effectiveness informs the budget process. The budget expert's review shall be a  
20 comprehensive assessment of what worked and didn't work in 2013-2014 and this year's  
21 budget process, and the USP Budget Criteria and Process adopted in response to the Court's  
22 directives last year. The purpose of the budget expert's report is to make specific  
23 recommendations to TUSD for necessary improvements or alternatives to the USP Budget  
24 Criteria and Process.

25 The Special Master shall work with TUSD and the Parties to reach agreement  
26 regarding the recommendations presented in the budget expert's report for necessary changes  
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1 to the USP Budget Criteria and Process. TUSD shall file the Budget Expert's report  
2 regarding the USP Budget Criteria and Process with the Court, and identify, with explanation  
3 of whether by stipulation or by objection, any recommendations that were ultimately not  
4 adopted by TUSD.

5 The Special Master shall work with TUSD and the Parties to reach agreement  
6 regarding his recommendations for changes to the Student Support Criteria and forms for  
7 evaluating program effectiveness for USP Student Engagement/Student Support Services and  
8 Programs. TUSD shall file the Special Master's recommendations for the Student Support  
9 Criteria and forms for evaluating future program effectiveness for USP Student  
10 Engagement/Student Support Services and Programs. TUSD shall identify, with explanation  
11 of whether by stipulation or by objection, any recommendations that were ultimately not  
12 adopted by TUSD.

13 The Plaintiffs may thereafter file objections with the Court. TUSD may reply, and  
14 the Court will take further action, if necessary.

15 **Accordingly,**

16 **IT IS ORDERED** that TUSD shall file a Notice of Adoption of the Desegregation  
17 Budget, subsequent to revisions made pursuant to the directives contained in this Order. The  
18 budget revisions shall be completed in time to make any necessary program changes for  
19 Spring semester SY 2014-15 and Summer school.

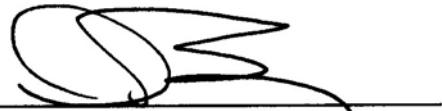
20 **IT IS FURTHER ORDERED** that the Budget Review Criteria and Process is  
21 referred to the Budget Expert to prepare the report as directed above within 30 days of the  
22 filing date of this Order.

23 **IT IS FURTHER ORDERED** that the Student Support Criteria and forms for  
24 evaluating program effectiveness for USP Student Engagement/Student Support Services and  
25 Programs is referred to the Special Master to prepare a Report and Recommendation (R&R)  
26 for TUSD within 30 days of the filing date of this Order.

1           **IT IS FURTHER ORDERED** that the Special Master and TUSD shall work  
 2 together collaboratively for 45 days to revise the Budget Review Criteria and Process and the  
 3 Student Support Criteria and forms for evaluating program effectiveness for USP Student  
 4 Engagement/Student Support Services and Programs. Thereafter, TUSD shall file the Budget  
 5 Expert’s Report Re: the Budget Review Criteria and Process and the Special Master’s R&R  
 6 Re: Student Support Criteria and forms for evaluating program effectiveness for USP Student  
 7 Engagement/Student Support Services and Programs.

8           **IT IS FURTHER ORDERED** that simultaneously, TUSD shall file a Notice  
 9 identifying, with explanation of whether by stipulation or by objection, any recommendations  
 10 which were ultimately not adopted by TUSD. Within 15 days of the filing date of the Notice,  
 11 Plaintiffs or the Special Master may object . In the event of an Objection, TUSD may file  
 12 a Reply within 7 days of the filing date of the Objection.

13           DATED this 21<sup>st</sup> day of October, 2014.

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 15 \_\_\_\_\_  
 16 David C. Bury  
 17 United States District Judge