

**FISHER PLAINTIFFS' COMMENTS ON THE DISTRICT'S JUNE 27, 2014
REVISED DRAFT COMPREHENSIVE MAGNET PLAN**

July 7, 2014

Introduction

Fisher Plaintiffs, after having reviewed the Revised Draft Comprehensive Magnet Plan received June 27, 2014 from the District (hereinafter "June 2014 CMP"), hereby provide commentary to the Special Master, Mendoza Plaintiffs, the Department of Justice, and the District. Additionally, these preliminary comments regarding the June 2014 CMP are in accordance with the schedule provided by Special Master Dr. Hawley, allowing for additional commentary on this CMP through Monday, July 14, 2014.

Fisher Plaintiffs continue to review the comments received from the District to the previous inquiries from Fisher Plaintiffs. They find these responses insufficient and non-responsive in part.

Fisher Plaintiffs have read Special Master Hawley's observations and concur in most instances with them. Therefore the Fisher Plaintiffs join in the observations in Special Master Hawley as well as the commentary and observations made by the Mendoza Plaintiffs. Additional commentary and concerns specific to the concerns of Fisher Plaintiffs is provided below.

Outstanding Commentary and Concerns

The Fisher Plaintiffs have major outstanding concerns and once again reiterate these concerns which they believe critical to the District's resolution.

1. Fisher Plaintiffs believe their original concerns raised in the May 20, 2014 comments to the District have not been ameliorated. Rather, it appears the District is merely paying "lip service" to the Fisher Plaintiffs. The Fisher Plaintiffs wish to reiterate they are serious about their specific concerns and objections to the CMP and wish to have these issues sincerely addressed and considered.
2. Fisher Plaintiffs concur with the responses from Mendoza Plaintiffs as they pertain to the achievement and integration of African American students
3. Fisher Plaintiffs join Special Master Hawley in expressing concern with the excessive number of magnet schools. Fisher Plaintiffs have previously expressed this concern to the District with the process for demagnetizing schools.
4. Fisher Plaintiffs renew their objection to the District's making Cragin

- Elementary School a Magnet School.
5. Fisher Plaintiffs question the District's fallacious belief that Utterback Middle School can become an integrated school. The Fisher Plaintiffs suggest the District examine the history of Utterback Middle School and its attempt to become an integrated school.
 6. Fisher Plaintiffs repeat they have repeatedly objected from day one that the Unitary Status Plan was signed that TUSD cannot obtain unitary status by 2017 due to the late implementation of the magnet plan and other USP mandated requirements.
 7. Fisher Plaintiffs object to the ambiguous criteria contained within the June 2014 CMP as applied to evaluating magnet schools and withdrawing magnet status from those current schools.
 8. Fisher Plaintiffs reiterate their feelings that many of the Districts' responses to the previous questions, issued May 20, 2014, are insufficient, vague, off-point, and non-responsive.
 9. Fisher Plaintiffs noted the CMP stops short of making necessary decisions required to demagnetize those schools showing little integrative effect – whether as consequence of geographic or programmatic factors, or travel times or perceptions of school safety or academic performance. The District responded that there are no obvious decisions and they will use “a process” as required by the USP. What are the details of this process, and has the District developed any less-opaque decisions than at the time of this earlier response.
 10. The Fisher Plaintiffs noted the CMP should be modeled on already successful programs, including those which effect integration by being exceptionally attractive, academically successful, and well funded. The District replied that it is “mindful of creating a magnet system that does not dilute to the point where schools are competing ... without having an integrative impact.” Has the District's mindfulness developed to the point of creating solutions rather than merely philosophizing?
 11. The Fisher Plaintiffs, through a previous request, received information that the District will consider recommendations from the Boundary Review Committee with regard to pros and cons of boundary changes and magnet scenarios with regard to disused school sites. Has the District taken further action as promised on this request? What, if any, recommendation(s) were made by the Boundary Review Committee and what actions were/will be taken on said recommendation(s)?
 12. The Fisher Plaintiffs requested the CMP address the optimal number of magnets, wherein the Fisher Plaintiffs noted that significantly more magnets will need to be established for the CMP to have any hope for having an integrative effect on a significant percentage of District enrollment. The District indicated it would take this recommendation into consideration. To what extent was this recommendation included in any changes in the June 2014 CMP?
 13. The plan is lacking in what Fisher Plaintiffs perceive to be validation that there will be integrative effects. Fisher Plaintiffs would like to have seen a

disparate impact study as to each scenario and proposal that was adopted and rejected. Absence of that type of thorough analysis, it is unclear how the District can be assured the magnet plan, as proposed, will have a positive effect on the integration of its students.

Closing Comments

The Fisher Plaintiffs believe the goals of a magnet plan are threefold: (1) Improve student diversity and integration; (2) Eliminate past vestiges of discrimination; and (3) Aid in improving the educational achievement of African-American and other minority students. As any Comprehensive Magnet Plan must adequately address these goals, Fisher Plaintiffs believe, upon reviewing the June 2014 CMP as submitted, they cannot be achieved by the District. In fact, Fisher Plaintiffs predict the June 2014 CMP will only maintain the status quo, at best, or even worse, increase the degree of segregation.

For these reasons, Fisher Plaintiffs continue to insist upon the District do more than give lip service to their concerns and instead, invest the necessary and required effort to correct past wrongs to provide an environment of student diversity and integration, and a positive educational atmosphere for all African-American and minority students.