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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,
Plaintiffs,
v.
United States of America,
Plaintiff-Intervenors,
v.
Anita Lohr, et al.,
Defendants,
Sidney L. Sutton, et al.,
Defendant-Intervenors,

Case No. 4:74-CV-00090-DCB

**MENDOZA PLAINTIFFS' RESPONSE
TO TUSD'S FILING RE STUDENT
SUPPORT PROGRAMS AND
EXPLANATION OF
RECOMMENDATIONS NOT
ULTIMATELY ADOPTED**

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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11 On October 22, 2014, in its order regarding Tucson Unified School District, No.
12 One's ("TUSD" to the "District") Unitary Status Plan ("USP") budget for the 2014-2015
13 school year, this Court ordered the Special Master to prepare a report regarding the student
14 support criteria and forms for evaluating effectiveness of USP student support programs
15 and to make recommendations for improvement moving forward. Doc. 1705 at 12-13.
16 This Court further ordered the District to work with the Special Master to revise those
17 criteria and forms, and to then file the Special Master's report along with a notice
18 containing an explanation for any recommendations ultimately not adopted by TUSD. *Id.*
19 at 14. Plaintiffs may object within 15 days of the filing of the District's notice. *Id.*
20 Mendoza Plaintiffs now respond to the District's filing regarding student support
21 programs.

22 On February 18, 2015, Special Master Hawley emailed TUSD a memo dated
23 February 15, 2015, containing comments and objections to the District's student support
24 program filings, and requested that the District's Superintendent confirm the District's
25 apparent agreement to proceed in accordance with the substance of that memo. The
26 Special Master's February 18 email, along with the memo Dr. Hawley later provided (an
27 earlier version having initially been attached to that email), are attached as Exhibit 1.
28 Mendoza Plaintiffs agree with each of the Special Master's comments and objections in his

1 memo. They now proceed on the understanding that what Special Master Hawley stated
2 has been agreed to is indeed a matter of agreement with TUSD.

3 In addition, Mendoza Plaintiffs make the following limited objection to the
4 District's filing because it is ambiguous with respect to the District's undertaking to collect
5 and provide the Plaintiffs and Special Master student outcome data for each of the student
6 support programs that will be funded with A.R.S. § 15-910 (G) ("910 (G)") funds each
7 year, including existing programs for which such funding will be sought for the 2015-16
8 school year, as is indicated in the District's "Final Plan". *See* TUSD's "Final Plan"
9 attached as Exhibit 7 to Sam Brown's Declaration, Doc. 1763-1 at 61. In this regard,
10 Mendoza Plaintiffs note that they do not seek a full evaluation for each student support
11 program as part of the comprehensive evaluation plan described in the District's filing, but,
12 rather, that the District will provide, in this and subsequent budget years, a response to the
13 following agreed-upon "General Criteria" question for each student support program: "If
14 the program/intervention is currently being used in TUSD, please provide internal along
15 with external data. IF SO, WHAT DO THE DATA SAY?[,]" *Id.* at 13, 61. Mendoza
16 Plaintiffs make this request out of an abundance of caution to ensure that the District, the
17 Plaintiffs, and the Special Master have as much meaningful information as possible when
18 called upon to determine whether 910(g) funds being sought to pay for individual student
19 support programs are being spent in a manner that truly furthers the outcomes specified in
20 the USP.

21 On February 17, 2015, Mendoza Plaintiffs' requested that TUSD provide assurance
22 that such data will be provided for every student support program funded with 910 (G)
23 funds for the current and subsequent budget years. Exhibit 2, Lois Thompson's email of
24 February 17, 2015. Mendoza Plaintiffs have not received a response from TUSD to their
25 email requesting assurances. They, therefore, respectfully ask this Court to order the
26 District to collect and provide outcome data for each student support program for which
27 910 (G) funds will be sought, for the current and all subsequent budget years, as specified
28 in the General Criteria to which the District has agreed.

1 Dated: February 19, 2015

2 Respectfully submitted,

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6 MALDEF
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8 THOMAS A. SAENZ

9 /s/ Juan Rodriguez
10 *Attorneys for Mendoza Plaintiffs*

CERTIFICATE OF SERVICE

I hereby certify that on February 19, 2015, I electronically submitted the foregoing **Mendoza Plaintiffs' Response to TUSD's Filing Re Student Support Programs and Explanation of Recommendations Not Ultimately Adopted** 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: February 19,2015

s/Imelda Aparicio