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**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,

**TUSD’S REPLY TO MENDOZA  
PLAINTIFFS’ RESPONSE AND  
LIMITED OBJECTION TO  
STUDENT SUPPORT  
PROGRAMS AND  
EXPLANATION OF  
RECOMMENDATIONS NOT  
ULTIMATELY ADOPTED**

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.

1 Pursuant to this Court’s October 22, 2014 order (ECF 1705), Tucson Unified School  
2 District No. One (“TUSD”) replies to the Mendoza Plaintiffs’ Response and Limited  
3 Objection to TUSD’s Filing re Student Support Programs and Explanation of  
4 Recommendations Not Ultimately Adopted (“Mendoza Student Support Response”). *See*  
5 ECF 1773. In the Mendoza Student Support Response, the Mendoza Plaintiffs (1) state  
6 their understanding that TUSD is in agreement with the Special Master’s February 15, 2015  
7 Memo (ECF 1773-1 at 3-6) transmitted to TUSD on February 18, and (2) make a limited  
8 objection that TUSD has not confirmed commitment to the “‘General Criteria’ question for  
9 each student support program: “If the program/intervention is currently being used in  
10 TUSD, please provide internal along with external data. IF SO, WHAT DO THE DATA  
11 SAY?[,]” *Id.* at 13, 61.” *See* ECF 1773 at 2-3.

12 **(1) Special Master’s February 18 Objections Resolved**

13 TUSD agrees the Special Master’s February 15 memo (ECF 1773-1 at 3-6)  
14 accurately reflects the resolution of his objections<sup>1</sup> regarding TUSD’s explanation of  
15 student support recommendations not ultimately adopted (ECF 1763).

16 **(2) Commitment to General Criteria**

17 TUSD is committed to evaluate USP supported programs using the evaluation  
18 criteria that the Special Master has specified. The Special Master’s criteria represent sound  
19 evaluation questions appropriate for most evaluation projects. TUSD will decide  
20 beforehand what **outcome to use** for measuring the success and impact of a program.  
21 Increased student standardized test growth and achievement data should always factor into  
22 any educational evaluation, but sometimes other student data may measure program impact  
23 more directly such as grades, attendance, discipline, graduation/retention rates, etc. For  
24 example, if a program is designed to improve attendance in schools, then student  
25 standardized test achievement data *may* be impacted as a secondary outcome. The primary  
26 outcome would be, for example, improved attendance rates at the school. Nevertheless,  
27

28 <sup>1</sup> The Special Master’s objections subsequently were joined by the Mendoza Plaintiffs. *See*  
ECF 1773-2 at 2.

1 TUSD is prepared to collect student outcome data that shows behavior change over time  
2 and TUSD will assess whether the program has an effect on student growth and  
3 achievement as well.

4 DATED this 26th day of February, 2015.

5 RUSING LOPEZ & LIZARDI, P.L.L.C.

6  
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11 **ORIGINAL** of the foregoing filed via the CM/ECF  
12 Electronic Notification System and transmittal of a  
13 Notice of Electronic Filing provided to all parties  
14 that have filed a notice of appearance in the District  
15 Court Case, as listed below.

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**COPY** of the foregoing served via email  
this 26<sup>th</sup> day of February, 2015 to:

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s/ Leila Gimino