Hawley 04/10/15 email regarding SM report on Fruchthendler and Sabino

From: Willis D. Hawley <wdh@umd.edu> To: Rubin Salter, Jr. <rsjr3@aol.com>; jrodriguez <jrodriguez@MALDEF.org>; lthompson <lthompson@proskauer.com>; Anurima.Bhargava <Anurima.Bhargava@usdoj.gov>; zoe.savitsky <zoe.savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; deseg <deseg@tusd1.org>; TUSD <TUSD@rllaz.com> Sent: Fri, Apr 10, 2015 5:00 pm Subject: RE: Fruchthendler-Sabino

Rubin, Thanks for prompt response. The District has decided to push ahead with the Sabino proposal. You and others will receive the filing of my report tonight if all goes well. This means that you (and the District) will have a chance to register objections to my recommendations, should you wish to do so. Please see comments below on your conditions.

[...]

Salter 04/10/15 email regarding SM report on Fruchthendler and Sabino

From: Rubin Salter, Jr. <rsjr3@aol.com> To: wdh <wdh@umd.edu>; jrodriguez <jrodriguez@MALDEF.org>; lthompson <lthompson@proskauer.com>; Anurima.Bhargava <Anurima.Bhargava@usdoj.gov>; zoe.savitsky <zoe.savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; deseg <deseg@tusd1.org>; TUSD <TUSD@rllaz.com> Sent: Fri, Apr 10, 2015 12:29 pm Subject: Re: Fruchthendler-Sabino

Dr. Hawley:

After conferring with the Fisher Plaintiff's we have no objection to your proposal and recommendation that the addition of a 6th grade at Fruchthendler be approved and that the District agrees to withdraw the Sabino proposal. As a condition of this acceptance the Fisher plaintiffs would ask the following:

1. The District cease and desist from making decisions without seeking the input of the Plaintiff's, Special Master and the approval of the Federal District Court before implementing said programs.

2. The District agrees to adhere to the process already in place.

3. The District commence looking at ways and means to introduce 6th grade to all elementary schools that are currently K-5.

4. The District should do a thorough DIA study on the effect that these changes would make at both the middle school and elementary school levels (i.e what effect placing 6th grade at Collier or Dunham would have on the feeder school Magee)

Thanks,

Rubin Salter, Jr.

Savitsky 04/09/15 email regarding SM report on Fruchthendler and Sabino

From: Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>

To: Willis D. Hawley <wdh@umd.edu>; Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; TUSD (TUSD@rllaz.com) <TUSD@rllaz.com> Sent: Thu, Apr 9, 2015 7:53 am Subject: RE: Fruchthendler-Sabino

All,

We would like the opportunity to object and respond to this proposal. We can file those objections/responses formally in court, but we would rather have the chance to share those objections/responses informally with the other parties and the Special Master first, in hopes of resolving some of these issues before they are put before the court. We would ask for the weekend (until April 13) to submit that objection/response to all of you.

Dr. Hawley, please let us know if you are amenable to providing us with the weekend.

Thanks very much.

Hawley 04/08/15 email regarding SM report on Fruchthendler and Sabino

From: Willis D. Hawley <wdh@umd.edu> To: Rubin Salter, Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Thompson, Lois D. <lthompson@proskauer.com>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; zoe.savitsky <zoe.savitsky@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; TUSD (TUSD@rllaz.com) <TUSD@rllaz.com> Sent: Wed, Apr 8, 2015 6:31 pm Subject: Fruchthendler-Sabino

I have attached a summary of the report I will be sending to the Court. I appreciate the importance of resolving this matter quickly. I make bold to suggest that we agree to the addition of the sixth grade at Fruchthendler and the District agree to withdraw the Sabino proposal. The lateness of this proposal in the school year and the way it was handled is of concern to the plaintiffs (and me). But we are where we are. If such agreement could be reached now, the District could move forward. If this goes to the Court, we are probably a month away from a decision.

Willis D. Hawley

Rodriguez 04/07/15 email regarding objection regarding Fruchthendler and Sabino

From: Juan Rodriguez <jrodriguez@MALDEF.org> To: wdh <wdh@umd.edu> Cc: Thompson, Lois D. <lthompson@proskauer.com>; 'martha.taylor@tusd1.org' <martha.taylor@tusd1.org>; 'Brown, Samuel' <Samuel.Brown@tusd1.org>; wbrammer <wbrammer@rllaz.com>; TUSD (TUSD@rllaz.com) <TUSD@rllaz.com>; rsjr3 <rsjr3@aol.com>; julie.tolleson <julie.tolleson@tusd1.org>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; zoe.savitsky <zoe.savitsky@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org> Sent: Tue, Apr 7, 2015 4:21 pm Subject: RE: Impact Analysis-Sabino HS & Fruchthendler ES

Dear Dr. Hawley,

Attached is the Mendoza Plaintiffs' supplemental objection to the proposal to change grade configurations at Fruchthendler Elementary and Sabino High Schools, together with exhibits in one file. We also are including below a copy of our earlier objection for your convenience. We apologize for the fact that we were unable to provide this to you until today. As you know, we devoted substantial time last week to preparing comments on the individual magnet school plans. With the intervening holiday and the need to access additional data and present new information (only available with the mailing of "honors pipeline program" post cards by the District last week), we were not able to provide this supplemental objection any sooner. We apologize for any inconvenience the delay from your proposed Monday response may have caused you.

Juan Rodriguez | Staff Attorney

Taylor 03/04/15 email regarding TUSD responses regarding Fruchthendler and Sabino

From: Taylor, Martha <Martha.Taylor@tusd1.org> To: 'Willis D. Hawley' <wdh@umd.edu>; Anurima Bhargava <anurima.bhargava@usdoj.gov>; Brown, Samuel <Samuel.Brown@tusd1.org>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; RLL <tusd@rllaz.com>; Rubin Salter <rsjr3@aol.com>; Tolleson, Julie <Julie.Tolleson@tusd1.org>; Zoe Savitsky <zoe.savitsky@usdoj.gov> Cc: Holmes, Steven <Steven.Holmes@tusd1.org> Sent: Wed, Mar 4, 2015 4:27 pm Subject: Fruchthendler/Sabino NARA

Dr. Hawley and Counsel: Please find attached the District's request for approval and response to the Fisher and Mendoza objections related to the NARA for grade expansions at Fruchthendler ES and Sabino HS.

Martha G. Taylor MA, JD Interim Sr. Director of Desegregation

Thompson 02/17/15 email objection regarding Fruchthendler and Sabino

From: Thompson, Lois D. <lthompson@proskauer.com> To: wdh <wdh@umd.edu>; 'martha.taylor@tusd1.org' <martha.taylor@tusd1.org>; 'Brown, Samuel' <Samuel.Brown@tusd1.org>; wbrammer <wbrammer@rllaz.com>; TUSD (TUSD@rllaz.com) <TUSD@rllaz.com>; rsjr3 <rsjr3@aol.com>; julie.tolleson <julie.tolleson@tusd1.org>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; zoe.savitsky <zoe.savitsky@usdoj.gov>; Eichner, James (CRT) (James.Eichner@usdoj.gov) (CRT) (James.Eichner@usdoj.gov) <James.Eichner@usdoj.gov> Cc: Juan Rodriguez (jrodriguez@MALDEF.org) <jrodriguez@MALDEF.org> Sent: Tue, Feb 17, 2015 4:50 pm Subject: Impact Analysis-Sabino HS & Fruchthendler ES

Dr. Hawley, Ms. Taylor, and Others:

The Mendoza Plaintiffs join in the Fisher Plaintiffs' objection to the proposal to change the grade levels at Fruchthendler Elementary School and Sabino High School.

In addition to the specific bases for objection articulated by the Fisher Plaintiffs, the Mendoza Plaintiffs add the following:

As a preliminary matter, they are very concerned that this proposal was not shared with the Boundary Committee during the period of time that the Committee was doing its work, particularly given the statement in the recent Governing Board presentation that the proposal has been under consideration for some time.

Had it been presented to the Boundary Committee, it likely would have been subjected to much greater analysis from a much broader perspective than appears to have been the case to date. The absence of that needed and relevant broader analysis is one of the reasons for Mendoza Plaintiffs' current objection.

In particular, Mendoza Plaintiffs believe that in a District like TUSD where there is great student mobility, it was erroneous to have limited the desegregation impact analysis (or indeed, the overall analysis of impacts) to only Fruchthendler, Magee, and Sabino.

For example, has the District considered the feeder patterns for Palo Verde and Santa Rita and whether parents will prefer the proposed new Sabino configuration with the consequence that students may leave magnet Booth-Fickett for the reconfiguredSabino, and, if so, what the impact will be on the Booth-Fickett magnet?

Will the option that the District is posing lead parents at underutilized magnet Palo Verde to move their families to Sabino? And, if so, what will be the implications for the magnet programs and integration efforts at Palo Verde?

Mendoza Plaintiffs also seek to understand on what basis the District concluded that only 18 students would move from Magee.

Further, has the District considered the impact of the proposal on low enrollment schools Collier and Dunham? (Mendoza Plaintiffs also seek to understand how proposals to address underutilization come forward for consideration given their understanding that the principals at both Collier and Dunham have made such proposals in the past. They therefore seek to understand why the suggestion by the principal of Sabino is apparently going forward while others are not and whether and to what extent the District considers effect on integration in deciding which proposals to pursue.)

Mendoza Plaintiffs also are concerned about the failure to flesh out the programmatic and cost consequences of adding 7th and 8th graders to the Sabino campus. Mendoza Plaintiffs have heard that the District plans to separate the 7th and 8th graders from the high school students but this is not made clear in the proposal the District has provided. If this is the plan, how is it to be accomplished and at what expense? How will school nurses, counselors, and monitors be staffed and assigned? Will the library collection be expanded to address the requirements of 7th and 8th graders and how will access to the library be managed if the student populations are to be kept separate? How will the playing fields and gyms be used by two distinct school populations and age groups? How will music, performance and auditorium facilities be utilized? Will the school be on a single bell system? How will discipline be implemented and enforced given the differences in the student populations? Is the plan ultimately to have two comprehensive schools on one single campus (with distinctive separation) or to have a blended 7th-12th grade junior/high school hybrid? What are the instructional and social implications for each? Absent answers to these questions, Mendoza Plaintiffs do not believe the full impact of the District's proposal can be assessed and that the proffered desegregation impact analysis therefore is of limited value.

Mendoza Plaintiffs attach some of the District data they reviewed in considering TUSD's Sabino/Fruchthendler proposal.

40th day enrollment 2014-15

[...]

Lois D. Thompson

Salter 02/12/15 email objection to Hawley and counsel regarding Fruchthendler and Sabino

From: Rubin Salter, Jr. <rsjr3@aol.com> To: wdh <wdh@umd.edu>; Martha.Taylor <Martha.Taylor@tusd1.org>; anurima.bhargava <anurima.bhargava@usdoj.gov>; james.eichner <james.eichner@usdoj.gov>; jrodriguez <jrodriguez@maldef.org>; lthompson <lthompson@proskauer.com>; zoe.savitsky <zoe.savitsky@usdoj.gov> Cc: HT.Sanchez <HT.Sanchez@tusd1.org>; Adrian.Vega <Adrian.Vega@tusd1.org>; Steven.Holmes <Steven.Holmes@tusd1.org>; Mary.Anderson <Mary.Anderson@tusd1.org>; Matthew.Munger <Matthew.Munger@tusd1.org>; Bryant.Nodine <Bryant.Nodine@tusd1.org> Sent: Thu, Feb 12, 2015 5:11 pm Subject: Re: Impact Analysis-Sabino HS & Fruchthendler ES

Special Master Hawley and counsel:

The Fisher Plaintiffs are extremely concerned by the Tucson Unified School District (TUSD) Governing Board (GB)'s reported approval of the plan to change the grade levels at Fruchthendler Elementary School (ES) and Sabino High School (HS).

The Fisher Plaintiffs' concerns are motivated in equal parts by the District's failure to involve the plaintiffs and the Special Master in the early stages of the proposal and the District's tacit assertion that it is somehow freed from its obligation under the Unitary Status Plan (USP) to maintain diverse enrollment at its schools whenever a group of White parents threatens to (or does in fact) pull its children out of TUSD schools.

The Fisher Plaintiffs are categorically opposed to the District's plan to gerrymander grade levels and feeder patterns at two high-performing schools (each with a high percentage of White enrollment) to allow (mostly high-performing and White) students to bypass a lower-performing middle school with a lower percentage of White enrollment.

A comparison of percentage enrollment by race and ethnicity at the three schools at issue at instructional day 40 of the 2014-15 school year shows the following profiles:

Sabino = 58.1 White, 3.5 Black and 30.9 Hispanic (see attached) Fruchthendler = 65.3 White, 2.0 Black and 25.2 Hispanic (see attached) Magee = 46.2 White, 7.3 Black and 36.9 Hispanic (see attached)

The District's projected increase in (mostly White) enrollment otherwise lost to neighboring districts and charter schools (primarily during the middle school years) promises to aggravate (or at least further insulate) the already high degree of racial and ethnic isolation present in Fruchthendler and Sabino. That outcome cannot be reconciled with the District's obligations under the USP.

It is extremely unsettling that the TUSD GB has voted to approve a proposal to alleviate White flight from the District by endorsing White flight within the District. The Fisher Plaintiffs believe that the District's desegregation impact analysis (DIA) and its claim that the changes will have "minimal impact on the racial ethnic composition of Magee" are flawed by the District's reliance on "current patterns of choice" (patterns of White flight). An analysis of the potential (as opposed to current) enrollment at Magee would show a significant and segregative impact on racial and ethnic enrollment at the middle school.

The Fisher Plaintiffs are extremely disappointed that the District, rather than exploring ways to realize the potential racial and ethnic diversity at Magee (potential currently unrealized as a consequence of White flight within and without the District), has instead approved a plan that promises to reinforce the current lack of racial and ethnic diversity at Sabino and Fruchthendler (effectively promoting intradistrict White flight as way to recapture enrollment currently lost to interdistrict White flight).

While the Fisher Plaintiffs would have much preferred to resolve their concerns collaboratively and without recourse to judicial review, the District's decision to exclude the plaintiffs from the early stages of the development of its proposal* leaves us with no other option. This would not be the first time the District has presented a proposal to the public as a fait accompli without first soliciting the plaintiff and Special Master feedback sought by the Court.

Please let me know how you would like to proceed, knowing that the Fisher Plaintiffs are categorically opposed to the proposal and are prepared to seek judicial relief should collaborative resolution of their concerns prove unsuccessful.

Thank you,

Rubin Salter, Jr.

* At 25:15 into Part 1 of the video footage of the TUSD GB presentation on the proposal, Sabino HS Principal Munger explained that he approached Superintendent Sanchez with the proposal last year:

http://tusd1.org/contents/govboard/gbvideo012715.html

Hawley 02/09/15 email response to Taylor regarding Sabino and Fruchthendler DIA

From: Willis D. Hawley <wdh@umd.edu>

To: Taylor, Martha <Martha.Taylor@tusd1.org>; Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter <rsjr3@aol.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov> Cc: Sanchez, HT <HT.Sanchez@tusd1.org>; Vega, Adrian <Adrian.Vega@tusd1.org>; Holmes, Steven <Steven.Holmes@tusd1.org>; Anderson, Mary <Mary.Anderson@tusd1.org>; Munger, Matthew <Matthew.Munger@tusd1.org>; Nodine, Bryant <Bryant.Nodine@tusd1.org> Sent: Mon, Feb 9, 2015 9:58 am Subject: RE: Impact Analysis-Sabino HS & Fruchthendler ES

Let me add that when I consult with the District on matters like this, I do so in order to bring attention to issues that might delay or complicate action. I also emphasize that the plaintiffs may see issues I did not and that my comments could change should such issues emerge.

Bill

Taylor 02/09/15 email to counsel regarding Fruchthendler and Sabino

From: Taylor, Martha <Martha.Taylor@tusd1.org> To: Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter <rsjr3@aol.com>; Willis D. Hawley <wdh@umd.edu>; Zoe Savitsky <zoe.savitsky@usdoj.gov> Cc: Sanchez, HT <HT.Sanchez@tusd1.org>; Vega, Adrian <Adrian.Vega@tusd1.org>; Holmes, Steven <Steven.Holmes@tusd1.org>; Anderson, Mary <Mary.Anderson@tusd1.org>; Munger, Matthew <Matthew.Munger@tusd1.org>; Nodine, Bryant <Bryant.Nodine@tusd1.org> Sent: Mon, Feb 9, 2015 8:50 am Subject: Impact Analysis-Sabino HS & Fruchthendler ES

Plaintiffs: Attached please find the Impact Analysis information for the proposed grade-level changes to Fruchthendler ES and Sabino HS. Dr. Hawley finds no problem regarding integration with these changes and there are no 910(G)funds that will be expended. The District will be sharing this information with the Governing Board in the Spring. We are happy to answer any questions you may have.

Thank you.

Martha G. Taylor MA, JD Interim Sr. Director of Desegregation

Tolleson 01/27/15 email response to Salter regarding Sabino and Fruchthendler changes

From: Tolleson, Julie <Julie.Tolleson@tusd1.org> To: Rubin Salter, Jr. <rsjr3@aol.com> Cc: kellangfo@aol.com>; lhrichardson2000 <lhrichardson2000@yahoo.com>; gloria.c.copeland <gloria.c.copeland@hotmail.com> Sent: Tue, Jan 27, 2015 5:59 pm Subject: RE: TUSD Boundary change

I don't know if you were able to watch Matt Munger (Sabino) and Mary Anderson (Fruchthendler) make their "pitch" to the board tonight but it will probably be on the website within a couple of days. It sounds like they've articulated most of the "pluses" as relating to retaining kids who tend to leave TUSD after elementary and recruiting kids from outside the District (Cat Foothills, Vail). They had some student transfer/analysis data but I've certainly not studied it in any detail.

I hope it will answer your questions but I think it is far from a done deal and this is the first exposure the board has even had to the concept to my knowledge. I guess we'll see if it has legs and whether those legs appear to be marching in the right direction. J

Hawley 01/26/15 email response regarding Fruchthendler and Sabino

From: Willis D. Hawley <wdh@umd.edu>

To: Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>; Rubin Salter Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Lois D. Thompson <lthompson@proskauer.com>; Anurima Bhargava <Anurima.Bhargava@usdoj.gov>; Zoe Savitsky <Zoe.Savitsky@usdoj.gov>; James Eichner <James.Eichner@usdoj.gov> Cc: Becky Montano <rebeccarmontano@aol.com> Sent: Mon, Jan 26, 2015 2:38 pm Subject: RE: Possible change in the grade structures

The district responded quickly to say that they have done the deseg impact analysis and will share that and consult with the plaintiffs if the Board expresses support. I encourage giving the plaintiffs a heads up early. Bill

Hawley 01/26/15 email regarding Fruchthendler and Sabino

From: Willis D. Hawley Sent: Monday, January 26, 2015 3:13 PM To: Desegregation (deseg@tusd1.org); TUSD; Rubin Salter Jr.; Juan Rodriguez; Lois D. Thompson; Anurima Bhargava; Zoe Savitsky; James Eichner Cc: Becky Montano Subject: Possible change in the grade structures

I understand that the district is considering changes in the grade structures at Fruchthendler and Sabino. These changes would appear to require consultation with the plaintiffs and comment by the special master as provided for in section 10 of the USP. It may be that the district is considering such consultation plus a desegregation impact analysis but this seems an example of an action that the plaintiffs and the special master might be advised about early in the process. I make this comment because as we have all agreed it would be desirable to avoid public conflict should that possibility confront a proposal being considered by the plaintiffs that comes within the purview of the USP. Bill

Salter 01/26/15 email to TUSD counsel Tolleson regarding Fruchthendler and Sabino

From: Rubin Salter, Jr. <rsjr3@aol.com> To: julie.tolleson <julie.tolleson@tusd1.org> Cc: kellangfo@aol.com>; lhrichardson2000 <lhrichardson2000@yahoo.com>; gloria.c.copeland <gloria.c.copeland@hotmail.com> Sent: Mon, Jan 26, 2015 4:42 pm Subject: TUSD Boundary change

The USP and Judge Bury have encouraged all parties to work collaboratively. However, once again the Fisher Plaintiffs are in a position to having learn about TUSD board decisions that effect school assignment and boundary changes by opening up the morning paper and finding the proposed plan.

It is even more perplexing to Fisher Plaintiffs that Fruchthendler and Sabino, among the schools with the highest percentage of white students, will remain so by this proposed boundary and attendance change. These schools since Phase III of the consent decree have revived favorite status through gerrymandering of attendance zones and boundary changes, and closure of schools.

Had the District operated in the aforementioned spirit of collaboration Fisher plaintiffs would have had an opportunity to learn about the following important components of this proposed plan:

- How will it impact black students

- How many black students will be moved?

- What will be the impact upon Magee?, will it cause Magee to become a racially concentrated school?

- What are the costs involved?

- What impact from a social standpoint will this have on the students?

Given the history of this matter Fisher Plaintiffs know that impact analysis are bound to be deficient in the information they provide.

Rubin Salter, Jr.

Richardson 01/25/15 email regarding Fruchthendler and Sabino

From: Lorraine Richardson <lhrichardson2000@yahoo.com> To: Jr. Rubin Salter <rsjr3@aol.com> Cc: KL <kellangfo@aol.com>; Gloria Copeland <gloria.c.copeland@hotmail.com> Sent: Sun, Jan 25, 2015 7:56 pm Subject: TUSD Boundary Change

Dear Mr. Salter:

At a special meeting on Tuesday, January 27, 2015, the TUSD Governing Board will consider a change in enrollment for Fruchthendler Elementary, Magee Middle and Sabino High schools. The proposal is to change the Fruchtendler enrollment from K-5 to K-6. This would move the sixth graders out of Magee Middle School. The other part of the proposal is to move the seventh and eighth graders in this feeder pattern from Magee to Sabino and make Sabino a 7-12 school.

The result of this change would be to remove the majority of the Anglo students from Magee which now has 47.7% Anglo students. This is basically a boundary change that would cause Magee to become a minority concentrated school and create a K-12 feeder pattern from Fruchthtendler to Sabino that based on housing patterns will remain predominately Anglo.

Would you please request information from the District on this proposal.

Lorraine H. Richardson