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9 UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

10 ROY and JOSIE FISHER, et al., )  
11 )  
12 Plaintiffs, )  
13 )  
14 Plaintiff-Intervenor, )  
15 vs. )  
16 ANITA LOHR, et al., )  
17 )  
18 Defendants, )  
19 SIDNEY L. SUTTON, et al., )  
20 )  
21 Defendants-Intervenors, )  
22 )

No. CV 74-90 TUC DCB

**FISHER PLAINTIFFS' OBJECTION  
TO THE 04/15/15 REPORT AND  
RECOMMENDATION (R&R) BY  
THE SPECIAL MASTER (SM) TO  
THE COURT REGARDING THE  
RESTRUCTURING OF  
FRUCHTHENDLER ELEMENTARY  
SCHOOL (ES) AND CREATION OF  
SABINO MIDDLE SCHOOL (MS)**

Submitted to United States District  
Judge David C. Bury on 04/23/15

23 MARIA MENDOZA, et al., )  
24 )  
25 Plaintiffs, )  
26 )  
27 UNITED STATES OF AMERICA )  
28 )  
29 Plaintiff-Intervenor, )  
30 vs. )  
31 )  
32 TUCSON UNIFIED SCHOOL )  
33 DISTRICT NO. ONE, et al., )  
34 )  
35 Defendants. )

No. CV 74-204 TUC DCB

1 **1. FISHER PLAINTIFFS OBJECT IN PART AND CONCUR IN PART TO SM'S**  
2 **04/15/15 R&R TO COURT**

3  
4 COME NOW, Plaintiffs Roy and Josie Fisher (hereinafter Fisher Plaintiffs), by and  
5 through counsel undersigned, Rubin Salter, Jr. (hereinafter Fisher counsel) to object in  
6 part and concur in part to recommendations set forth in the “Special Master’s [04/15/15]  
7 report to the Court about the restructuring of Fruchthendler Elementary School and the  
8 creation of Sabino Middle School” (see document number 1790 filed 04/15/15).

9  
10 **1.1. STATEMENT OF CASE AND FACTS**

11  
12 Counsel undersigned states as follows:

13         1.       On 01/25/15, Fisher counsel learned that “[a]t a special meeting on  
14 Tuesday, January 27, 2015, the TUSD Governing Board [would] consider a change in  
15 enrollment for Fruchthendler Elementary, Magee Middle and Sabino High schools. The  
16 proposal [under consideration would] change the Fruchthendler enrollment from K-5 to K-  
17 6. [and] move the sixth graders out of Magee Middle School. The other part of the  
18 proposal [would] move the seventh and eighth graders in this feeder pattern from Magee  
19 to Sabino and make Sabino a 7-12 school. The result of this change would be to remove  
20 the majority of the Anglo students from Magee [...]. This is basically a boundary change  
21 that would cause Magee to become a minority concentrated school and create a K-12  
22 feeder pattern from Fruchthendler to Sabino that based on housing patterns will remain  
23 predominately Anglo.” (see attached Richardson 01/25/15 email regarding Fruchthendler  
24 and Sabino emphasis added).

25         2.       On 01/26/15, in an email to Tucson Unified School District (TUSD)  
26 counsel Julie Tolleson, Fisher counsel wrote that the Fisher Plaintiffs were disappointed  
27 to learn, second-hand and after the fact, of the District’s proposal to change the grade  
28 levels at Sabino and Fruchthendler. In that same email, Fisher counsel observed that -

1 had the District honored this Court’s directive to work collaboratively with the plaintiffs  
2 and the Special Master - the “Fisher plaintiffs would have had an opportunity to learn  
3 more about [the plan’s] impact [on] black students[;] [the number of] black students [to]  
4 be moved [;] the [plan’s] impact [on] Magee [;] [whether or not the plan would] cause  
5 Magee to become a racially concentrated school [; and ] the costs involved” (see attached  
6 Salter 01/26/15 email inquiry to Tolleson regarding Fruchthendler and Sabino).

7 3. In an email dated 01/27/15, TUSD counsel Tolleson explained that the  
8 proposal made by the principals at Fruchthendler and Sabino was “the first exposure the  
9 [TUSD Governing] board has even had to the concept to [her] knowledge” (see attached  
10 Tolleson 01/27/15 email response to Salter regarding Fruchthendler and Sabino).

11 4. On 02/09/15, Interim Senior Director of Desegregation, Martha Taylor  
12 forwarded plaintiff counsel an email attachment with a preliminary analysis of the impact  
13 of the proposed changes in grade levels at Fruchthendler and Sabino. In that same email,  
14 Mrs. Taylor explained that “[t]he District [would] be sharing [the attached] information  
15 with the Governing Board in the Spring” (see attached Taylor 02/09/15 email to counsel  
16 regarding Fruchthendler and Sabino and TUSD 02/09/15 preliminary impact analysis  
17 entered into the record on 04/14/15 at pages 42-52 of document number 1789-1).

18 5. On 02/12/15, Fisher counsel sent an email addressed to the Special Master  
19 and copied to District counsel explaining that: “[t]he Fisher Plaintiffs [were] extremely  
20 concerned by the Tucson Unified School District (TUSD) Governing Board (GB)'s  
21 reported approval of the plan to change the grade levels at Fruchthendler Elementary  
22 School (ES) and Sabino High School (HS) [...]. The Fisher Plaintiffs' concerns are  
23 motivated in equal parts by the District's failure to involve the plaintiffs and the Special  
24 Master in the early stages of the proposal and the District's tacit assertion that it is  
25 somehow freed from its obligation under the Unitary Status Plan (USP) to maintain  
26 diverse enrollment at its schools whenever a group of White parents threatens to (or does  
27 in fact) pull its children out of TUSD schools” (see attached Salter 02/12/15 email to  
28 Hawley regarding Fruchthendler and Sabino).

1           6.       In that same email, Fisher counsel explained that “[t]he Fisher Plaintiffs are  
2 categorically opposed to the District's plan to gerrymander grade levels and feeder  
3 patterns at two high-performing schools (each with a high percentage of White  
4 enrollment) to allow (mostly high-performing and White) students to bypass a lower-  
5 performing middle school with a lower percentage of White enrollment” (idem).

6           7.       In that same email, Fisher counsel explained that “[a] comparison of  
7 percentage enrollment by race and ethnicity at the three schools at issue at instructional  
8 day 40 of the 2014-15 school year show[ed] the following profiles: Sabino = 58.1 White,  
9 3.5 Black and 30.9 Hispanic [;] Fruchthendler = 65.3 White, 2.0 Black and 25.2 Hispanic  
10 [; and] Magee = 46.2 White, 7.3 Black and 36.9 Hispanic” (idem).

11           8.       In that same email, Fisher counsel explained that “[i]t [was] extremely  
12 unsettling that the TUSD GB [...] voted to approve a proposal to alleviate White flight  
13 from the District by endorsing White flight within the District. The Fisher Plaintiffs  
14 believe that the District's [preliminary] desegregation impact analysis (DIA) and its claim  
15 that the changes will have "minimal impact on the racial ethnic composition of Magee"  
16 are flawed by the District's reliance on "current patterns of choice" (patterns of White  
17 flight). An analysis of the potential (as opposed to current) enrollment at Magee would  
18 show a significant and segregative impact on racial and ethnic enrollment at the middle  
19 school” (idem with emphasis added).

20           9.       In that same email, Fisher counsel explained that “[t]he District's projected  
21 increase in (mostly White) enrollment otherwise lost to neighboring districts and charter  
22 schools (primarily during the middle school years) promises to aggravate (or at least  
23 further insulate) the already high degree of racial and ethnic isolation present in  
24 Fruchthendler and Sabino. That outcome cannot be reconciled with the District's  
25 obligations under the USP. The Fisher Plaintiffs are extremely disappointed that the  
26 District, rather than exploring ways to realize the potential racial and ethnic diversity at  
27 Magee (potential currently unrealized as a consequence of White flight within and  
28 without the District), [had] instead approved a plan that promises to reinforce the current

1 lack of racial and ethnic diversity at Sabino and Fruchthendler (effectively promoting  
2 intradistrict White flight as way to recapture enrollment currently lost to interdistrict  
3 White flight).” (idem with emphasis added).

4 10. In that same email, Fisher counsel explained that “[w]hile the Fisher  
5 Plaintiffs would have much preferred to resolve their concerns collaboratively and  
6 without recourse to judicial review, the District's decision to exclude the plaintiffs from  
7 the early stages of the development of its proposal<sup>1</sup> [left the Fisher Plaintiffs] with no  
8 other option. This would not be the first time the District has presented a proposal to the  
9 public as a fait accompli without first soliciting the plaintiff and Special Master feedback  
10 sought by the Court. Please let me know how you would like to proceed, knowing that  
11 the Fisher Plaintiffs are categorically opposed to the proposal and are prepared to seek  
12 judicial relief should collaborative resolution of their concerns prove unsuccessful”  
13 (idem).

14 11. On 02/17/15, Mendoza counsel Lois Thompson sent an email to the SM  
15 joining the Fisher Plaintiffs in their 02/12/15 objection to the proposed changes at  
16 Fruchthendler and Sabino explaining that “[a]s a preliminary matter, they [were] very  
17 concerned that [the District’s] proposal was not shared with the Boundary Committee  
18 during the period of time that the Committee was doing its work, particularly given the  
19 statement in the recent Governing Board presentation that the proposal has been under  
20 consideration for some time. Had it been presented to the Boundary Committee, it likely  
21 would have been subjected to much greater analysis from a much broader perspective  
22 than appears to have been the case to date. The absence of that needed and relevant  
23 broader analysis is one of the reasons for Mendoza Plaintiffs’ current objection” (see  
24 attached Thompson 02/17/15 email objection regarding Fruchthendler and Sabino).

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26 <sup>1</sup> At 25:15 into Part 1 of the video footage of the TUSD GB presentation on the proposal,  
27 Sabino HS Principal Matt Munger explained that he approached Superintendent Sanchez  
28 with the proposal last year: <http://tusd1.org/contents/govboard/gbvideo012715.html>

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

19           13. On 03/04/15, Interim Senior Director of Desegregation, Martha Taylor  
20 forwarded plaintiff counsel an email attachment with additional analysis of the impact of  
21 the proposed changes in grade levels at Fruchthendler and Sabino (see attached Taylor  
22 03/04/15 email regarding regarding Fruchthendler and Sabino and TUSD 03/04/15  
23 additional impact analysis entered into record on 04/14/15 at pages 83-98 of document  
24 number 1789-1).

25           14. On 04/07/15, Mendoza counsel Juan Rodriguez forwarded an email  
26 attachment to the Special Master with the Mendoza Plaintiffs’ supplemental objection to  
27 the proposed changes at Fruchthendler and Sabino (see attached (1) Rodriguez 04/07/15  
28 email regarding Fruchthendler and Sabino and (2) Mendoza Plaintiffs’ additional

1 objections to the proposed Fruchthendler/Sabino plan). In their supplement, the Mendoza  
2 Plaintiffs objected *inter alia* to: (1) the District’s “intense focus on the provision of  
3 options for predominately white parents” (*idem*), despite the fact that “[c]urrently, the  
4 District is losing more non-white students than white students.” (*idem*); (2) the District’s  
5 failure to offer even a modicum of research supporting the proposed grade  
6 reconfiguration at Sabino; and (3) the true objective of the proposed changes as  
7 evidenced in the District’s 03/30/15 “targeted mailing [...] ask[ing] parents if they are  
8 interested in sending their child/ren to ‘a newly designed honors pipeline program in  
9 TUSD’ [...] being offered predominately to white students in upper middle class to high  
10 socio-economic families who reside in the northeast part of the District” (*idem*).

11 15. On 04/08/15, the SM forwarded counsel a summary of his position on the  
12 proposed changes at Fruchthendler and Sabino as an attachment to an email in which he  
13 proposed the plaintiffs “agree to the addition of the sixth grade at Fruchthendler and the  
14 District agree to withdraw the Sabino proposal [acknowledging that] [t]he lateness of [the]  
15 proposal in the school year and the way it was handled [by the District was] of concern to  
16 the plaintiffs [and the Special Master, but that] [i]f such agreement could be reached now,  
17 the District could move forward [, whereas if the matter went] to the Court, [the parties  
18 would be] probably a month away from a decision” (see attached 04/08/15 Hawley email  
19 and position statement regarding Fruchthendler and Sabino).

20 16. In the overview to that same position statement, the SM explained that he  
21 had divided his analysis of the District’s proposal “into two parts. First is the question of  
22 whether a sixth grade should be added to Fruchthendler. The second question is whether  
23 seventh and eighth grade middle school should be added to the Sabino High School  
24 campus. My answer to the first question is yes. My response to the second question is  
25 that the Court should not approve this proposal.” (*idem*).

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1           17. On 04/10/15, Fisher counsel, in the spirit of compromise and in an effort to  
2 avoid unnecessary litigation, indicated the Fisher Plaintiffs' willingness to consider the  
3 SM's 04/08/15 position, on the express conditions that: "[1] [t]he District cease and desist  
4 from making decisions [impacting student assignment] without [first] seeking the input of  
5 the Plaintiff's [sic] [and the] Special Master [...] [;] [2] [t]he District [...] adhere to the  
6 process already in place [for making decisions impacting student assignment]; [3] [t]he  
7 District commence looking at ways and means to introduce 6th grade to all elementary  
8 schools that are currently K-5[; and] [4] [t]he District [conduct] a thorough  
9 [desegregation impact analysis] on the effect that these changes would make at both the  
10 middle school and elementary school levels [of all impacted schools]" (see attached  
11 04/10/15 Salter email response regarding Fruchthendler and Sabino with emphasis  
12 added).

13           18. On 04/10/15, the SM sent an email response to Fisher counsel explaining  
14 that "[t]he District [had] decided to push ahead with [its] Sabino proposal [, but that the  
15 parties would] have a chance to register objections to [the Special Master's]  
16 recommendations, should [they] wish to do so" (see attached 04/10/15 Hawley email  
17 regarding SM proposal for Fruchthendler and Sabino).

18           19. On 04/14/15, TUSD filed a notice and request for the approval (NARA) of  
19 grade expansions at Fruchthendler Elementary School (ES) and Sabino High School (HS)  
20 (see document number 1789 filed 04/14/15), specifically seeking this Court's approval of  
21 the addition of "a 6th grade component to Fruchthendler Elementary School (currently a  
22 K-5 school) [and] 7th and 8th grade components to Sabino High School" (idem at 2).

23           20. In its 04/14/15 NARA, the District explains that the purpose of its proposal  
24 is "both to retain students who have been choosing non-TUSD options (such as adjacent  
25 districts and charter schools) and to attract new entrants to TUSD from nearby non-  
26 District schools [thereby] generat[ing] new Average Daily Membership (ADM) revenue  
27 for the District as a result of retained/recruited students without causing an adverse  
28 impact on desegregation" (idem at 2).



1           21. In its NARA, the District explains that “[a] high percentage of middle-  
2 school aged students living in the area surrounding Fruchthendler Elementary School  
3 (“Fruchthendler”) and Sabino High School (“Sabino”) do not attend TUSD schools for  
4 grades 6 through 8. Some area students attend the nearest TUSD middle school, Magee,  
5 but many students who leave TUSD after fifth grade for middle school outside the district  
6 do not return at all. As a result, TUSD loses funding, and the decline of its Anglo student  
7 population is exacerbated (thereby frustrating efforts to recruit Anglo students to other  
8 TUSD schools for integration purposes)” (idem at 2).

9           22. On 04/15/15, the SM filed a “report to the Court about the restructuring of  
10 Fruchthendler Elementary School and the creation of Sabino Middle School” (see  
11 document number 1790 filed 04/15/15). In that report, the SM reiterates the position  
12 taken in his 04/08/15 email, explaining that he divided his analysis of the District’s  
13 request “into two parts. First is the question of whether a sixth grade should be added to  
14 Fruchthendler. The second question is whether a seventh and eighth grade middle school  
15 should be added to the Sabino High School campus. For the reasons set forth below, the  
16 Special Master supports the request for the approval of the addition of the sixth grade to  
17 Fruchthendler Elementary School and recommends that the Court not approve the Sabino  
18 proposal as presented” (idem at lines 6-13 of page 3).

19           23. On 04/23/15, the Fisher Plaintiffs filed the instant objection to the SM’s  
20 04/15/15 R&R on the restructuring of Fruchthendler ES and the creation of Sabino MS  
21 on the basis of the facts and law set forth herein.  
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1 **1.2. FRUCHTHENDLER AND SABINO PLANS SHOULD BOTH BE DENIED AS**  
2 **PROCEDURALLY AND CONSTITUTIONALLY UNSOUND**

3  
4 The Fisher Plaintiffs remain extremely concerned by the TUSD GB's plans to change the  
5 grade levels at Fruchthendler ES and Sabino HS. Their concerns are motivated in equal  
6 parts by: (1) the District's failure to involve the plaintiffs and the SM in the early stages  
7 of the proposal (thereby shielding the proposal from the relatively greater scrutiny of the  
8 boundary review process (BRP) established by the USP) and (2) the District's specious  
9 assumption that it has no obligation to recognize and counteract the pernicious effects of  
10 White flight in its student assignment plans. The Supreme Court has long held that "a  
11 student assignment plan is not acceptable merely because it appears to be neutral, for  
12 such a plan may fail to counteract the continuing effects of past school segregation"  
13 (Swann v Board of Education, 402 U.S. 1 1971). In Swann, for example, the Court found  
14 that "racially neutral assignment plans proposed by school authorities to a district court  
15 may be inadequate; such plans may fail to counteract the continuing effects of past school  
16 segregation resulting from discriminatory location of school sites" (Swann v Board of  
17 Education, 402 U.S. 1 1971). Under federal law, a school district operating under a  
18 federal desegregation order carries an affirmative obligation to account for the legacy of  
19 discriminatory practices when fashioning its student assignment policies and plans. The  
20 seeming "neutrality" of the District's proposed student assignment "honors pipeline"  
21 from Fruchthendler to Sabino is absurd in an area of the District where deed restrictions  
22 and the actions of neighborhood associations, realtors, and individuals kept African  
23 Americans and Mexican Americans from owning or renting property well into the 1960s  
24 (idem). For the same reason, the District's request for approval to provide privileged  
25 programming to the historically privileged class of predominantly high SES White  
26 students residing in the Sabino attendance area is constitutionally unsound and should be  
27 denied by this Court.

28

1 1.2.1. FACIALLY NEUTRAL PLANS SHOULD BE DENIED WHERE THEY  
2 EXACERBATES INTRADISTRICT WHITE FLIGHT FROM MAGEE MS

3  
4 The Fisher Plaintiffs remain categorically opposed to the District's "grassroots" attempt  
5 to gerrymander grade levels and feeder patterns at two high-performing,  
6 disproportionately White schools (Fruchthendler and Sabino) to encourage (mostly high-  
7 performing and White) students to bypass a lower-performing middle school with a lower  
8 percentage of White enrollment (Magee).<sup>2</sup> It is extremely unsettling that the TUSD GB  
9 has voted to approve a proposal to alleviate White flight *from* the District by (irrationally)  
10 endorsing White flight *within* the District. The Fisher Plaintiffs remained concerned that  
11 the District's desegregation impact analysis (DIA) and its claim that the proposed  
12 changes will have "minimal impact on the racial ethnic composition of Magee" (at page 7  
13 of TUSD 03/04/15 DIA) MS are flawed by the District's unjustifiable reliance on  
14 "current patterns of choice" (idem at 12) (since those patterns, far from neutral, are  
15 largely patterns of White flight). The Fisher Plaintiffs believe that an analysis of the  
16 potential (as opposed to current) enrollment at Magee would show a significant and  
17 segregative impact on racial and ethnic enrollment at the middle school. The District's  
18 projected increase in (disproportionately White) enrollment otherwise lost to neighboring  
19 districts and charter schools (primarily during the middle school years) promises to  
20 aggravate (or at a minimum reinforce) the high degree of racial and ethnic isolation  
21 already present in Fruchthendler and Sabino. The Fisher Plaintiffs remain concerned that  
22 that outcome cannot be reconciled with the District's obligations under the USP. The  
23 Fisher Plaintiffs are extremely disappointed that the District, rather than exploring ways

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25 \_\_\_\_\_  
26 <sup>2</sup> A comparison of percentage White enrollment at the three schools discussed in the  
27 District's proposal at instructional day 40 of the 2014-15 school year shows that 58.1% of  
28 Sabino HS students were White, 65.3% of Fruchthendler ES students were White and  
46.2% of Magee MS students were White. By way of comparison, the average  
percentage White enrollment was 25% for TUSD high schools, 19.8% for TUSD middle  
schools and 20.3% for TUSD elementary schools.

1 to realize the potential racial and ethnic diversity at Magee (potential currently unrealized  
2 as a consequence of White flight within and without the District), instead approved a plan  
3 that promises to reinforce the current lack of racial and ethnic diversity at Sabino and  
4 Fruchthendler (effectively promoting intradistrict White flight as way to recapture  
5 enrollment currently lost to *interdistrict* White flight).

6  
7 1.2.2. PLANS CIRCUMVENTING THE SCRUTINY OF THE BOUNDARY REVIEW  
8 PROCESS SHOULD BE DENIED WHERE THEY VIOLATE THE USP

9  
10 Given its potential impact on the student assignment and feeder patterns at virtually every  
11 elementary, middle and high school in the Eastern half (if not the entirety) of the District,  
12 the delayed<sup>3</sup> announcement of the Fruchthendler/Sabino proposal raises serious concerns  
13 that the “grassroots” initiative was inappropriately shielded from the USP-mandated  
14 scrutiny of the boundary review process (BRP). In their 04/07/15 objection, the Mendoza  
15 Plaintiffs provide credible evidence that the District is aggressively marketing a  
16 Fruchthendler-Sabino “honors pipeline” to TUSD parents residing in the attendance zone  
17 for Collier ES, despite the fact that Collier was nowhere included in the DIA prepared by  
18 the District (at page 8 of Mendoza 04/07/15 supplemental objection). The District’s  
19 decision to delay the announcement of its plans for Sabino not only circumvented the  
20 scrutiny of the BRP, it also marketed the plan to parents and the public as an  
21 accomplished fact.<sup>4</sup> This is not the first time the District has presented a proposal to the  
22 public as a fait accompli without first soliciting the plaintiff and SM feedback. In his  
23 04/15/15 R&R to this Court, the SM concedes that: “[t]he District moved forward with  
24

25 <sup>3</sup> At 25:15 into Part 1 of the video footage of the TUSD GB presentation on the proposal,  
26 Sabino HS Principal Munger explained that he approached Superintendent Sanchez with  
27 the proposal last year: <http://tusd1.org/contents/govboard/gbvideo012715.html>

28 <sup>4</sup> See the attached 04/23/15 screenshot of Sabino HS homepage (retrieved from  
<http://sabinohighschool.weebly.com/>) showing a theater marquee promising: “COMING  
SOON! SABINO JR. HIGH SCHOOL SY2015-2016.”

1 these proposals without the parent and public consultations that typically accompany  
2 decisions such as these. It sought parental commitments to enroll their students at  
3 Fruchthendler without Court approval. The new middle school was publicized in ways  
4 that might lead parents to believe that this option would be available next year. The  
5 District argues that it is adhering to the established NARA procedures – which do not  
6 require consultation with the plaintiffs and the Special Master prior to Board action [...].  
7 The District asserts that this is not a boundary change and therefore is not subject to  
8 Board policies requiring public engagement. While the establishment of a Sabino middle  
9 school would not involve formal boundary change, the District’s proposal focuses on the  
10 benefits of the middle school initiative being premised on the attractions of the site to  
11 families living in what could easily be described as the school’s boundaries” (at pages 6-7  
12 of document number 1790 filed 04/15/15 emphases added). The Fisher Plaintiffs  
13 strongly disagree with the District’s position. The District’s plans for Fruchthendler and  
14 Sabino include the establishment of a new feeder patterns that implicates both the  
15 provisions of the USP governing student assignment, school feeder patterns and school  
16 boundary changes and the TUSD GB policy governing school boundary changes.

### 17 18 1.2.3. PLANS IMPEDING IMPLEMENTATION OF USP MUST BE DENIED

19  
20 Above and beyond any procedural defects in the District’s proposal, a “grassroots”  
21 initiative that creates an honors pipeline catering to predominately White students from  
22 high socioeconomic status (SES) families stands to frustrate the student assignment goals  
23 of the USP. Indeed, this Court has explicitly recognized that “[s]chool policies must  
24 yield to the Constitution where they stand to impede or otherwise limit the  
25 implementation of the USP. See North Carolina State Bd. of Ed. v. Swann, 402 U.S. 43,  
26 46 (1971) (where policy limits a school from operating a unitary school system or  
27 impedes disestablishing a dual school system, it must fall)” (at lines 18-21 of page 5 of  
28 document number 1468 filed 04/26/13 emphasis added). The District’s NARA seeks to

1 establish a favored feeder pattern for a favored class. In his report to this Court, the SM  
2 argues that the District's failure to develop "sixth grade additions to schools that serve  
3 greater numbers of African American and Latino students [...] does not undermine the  
4 benefits of adding the sixth grade to Fruchthendler" (at lines 17-21 of page 3 of document  
5 number filed 1790). Unfortunately, the District's proposal to privilege one class of  
6 students over another impedes the implementation of the student assignment and  
7 achievement provisions of the USP and does, therefore, undermine any benefits arising  
8 from the addition of a sixth grade at Fruchthendler. For these reasons, and those  
9 discussed below, the Fisher Plaintiffs respectfully ask this Court to set aside the SM's  
10 recommendation regarding Fruchthendler as constitutionally unsound.

11

12 1.2.4. PLAN RELIES ON DESEGREGATION IMPACT ANALYSIS THAT FAILS TO  
13 CONSIDER WHITE FLIGHT

14

15 The District's 03/04/15 desegregation impact analysis (DIA) fails to consider White (and  
16 high SES) Flight among the likely reasons parents pull their children out of TUSD upon  
17 completion of 6th grade at Fruchthendler, stating only that: "anecdotal evidence gleaned  
18 by Fruchthendler principal Mary Anderson, as well as a review of an area map, suggest  
19 that geography/travel time play a role in the accelerated loss of students at 6th grade. That  
20 evidence suggests that many Fruchthendler families choose to go outside of TUSD for  
21 middle school because there are two competitive middle school options within a few  
22 miles of Fruchthendler (Esperero to the north and Basis to the west, as shown on Map 1  
23 below). In contrast, the TUSD middle school (Magee) into which Fruchthendler feeds is  
24 four miles away and in the opposite direction that many parents travel to get to work.  
25 Ms. Anderson reports that once a TUSD family transfers a middle- school-age student  
26 into adjacent Catalina Foothills, the parents are more likely to then take their younger  
27 children out of Fruchthendler and enroll them into the adjoining elementary school in an  
28 effort to have all family members on the same district calendar. Every student for whom

1 a transfer is avoided results in increased ADM to the District and, potentially, greater  
2 diversity” (at page 3 of TUSD 03/04/15 response to plaintiff objections to grade changes  
3 at Sabino and Fruchthendler). If the District were to consider the possibility that White  
4 (and high SES) Flight is a factor leading parents to withdraw their students from the  
5 District after completion of 6th grade at Fruchthendler, then it would also have to  
6 consider the possibility that the current plan tacitly encourages intradistrict White (and  
7 high SES) Flight as a means of countering interdistrict White (and high SES) Flight,  
8 which would run directly counter to its obligations under the USP. If the District  
9 afforded due consideration to both those possibilities it would necessarily conclude that  
10 its plan is at odds with its obligations under the USP and would be forced to amend its  
11 current plan to ensure that the predominantly White (and high SES) students retained in  
12 the 7th and 8th grades at Sabino are counterbalanced by somehow attracting or  
13 incentivizing or facilitating the transfer of a commensurate number of predominantly  
14 non-White (and low SES) students from other TUSD schools.

15  
16 1.2.5. PLAIN RELIES ON DESEGREGATION IMPACT ANALYSIS THAT  
17 MISCHARACTERIZES THE RACIAL AND ETHNIC PROFILE OF SABINO HS  
18

19 The District’s 03/04/15 DIA mischaracterizes the percentage racial and ethnic enrollment  
20 at Sabino. In its response, the District suggests that the 55% White enrollment at Sabino  
21 is not identifiably White and opines that White enrollment may soon drop below 50% at  
22 Sabino: “assumptions about the demographics of Sabino are often incorrect. Although  
23 there is a perception of Sabino High School as being composed largely of Anglo students  
24 the reality is much different and is changing rapidly. In just the last 5 years the entering  
25 freshman class has increased from 20% Hispanic students to 33%. Some of the increase  
26 is due to open-enrollment, but as shown in Table 3 below (Sabino HS Ninth Grade  
27 Enrollment), the Sabino neighborhood has also shown a dramatic increase in Hispanic  
28 students (from 19% to 29%). Anglo students now comprise less than 55% of the students

1 at Sabino” (at page 6 of TUSD 03/04/15 response). The proper standard for evaluating  
2 whether the enrollment at a given school or grade level is identifiably White (or largely  
3 Anglo) is to measure the deviation from the district-wide average percentage White  
4 enrollment at the given grade level(s). The percentage of White enrollment at Sabino is  
5 58.1%. The average percentage White enrollment at all TUSD high schools is  
6 25%. That difference (of 33.1%) is reasonably characterized as identifiably White. For  
7 these reasons, the District’s discussion of percentage enrollment without reference to the  
8 district-wide average is highly misleading and objectionable.

9  
10 **1.3. CONCLUSION**

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11  
12 On the basis of the foregoing facts and law, the Fisher Plaintiffs respectfully ask this  
13 Court to: (1) deny the District’s 04/14/15 NARA in toto; (2) reject as constitutionally  
14 unsound the SM’s recommendation to approve the District’s plans for Fruchthendler ES;  
15 and (3) adopt the SM’s recommendation to deny the District’s plans for Sabino HS.

16  
17 Respectfully submitted this 23rd day of April, 2015

18  
19 s/ Rubin Salter, Jr.

20 RUBIN SALTER, JR., ASBN 01710

21 Counsel for Fisher Plaintiffs  
22  
23  
24  
25  
26  
27  
28



1 **2. CERTIFICATE OF SERVICE**

---

2  
3 I declare and certify that a full, correct and true copy of the foregoing document was  
4 electronically transmitted to the CM/ECF system for filing and transmittal of a notice of  
5 electronic filing to the following CM/ECF registrants on this 23rd day of April, 2015. I  
6 certify further that, on this date, the CM/ECF system's service-list report showed that all  
7 participants in this case were CM/ECF registrants.  
8

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15 Respectfully submitted this 23rd day of April, 2015

17 s/ Rubin Salter, Jr.

18 RUBIN SALTER, JR., ASBN 01710  
19 Counsel for Fisher Plaintiffs

28

**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**

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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 reconfigured Sabino, 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 <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**

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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**

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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 <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.

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Rubin Salter, Jr.



**Richardson 01/25/15 email regarding Fruchthendler and Sabino**

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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:

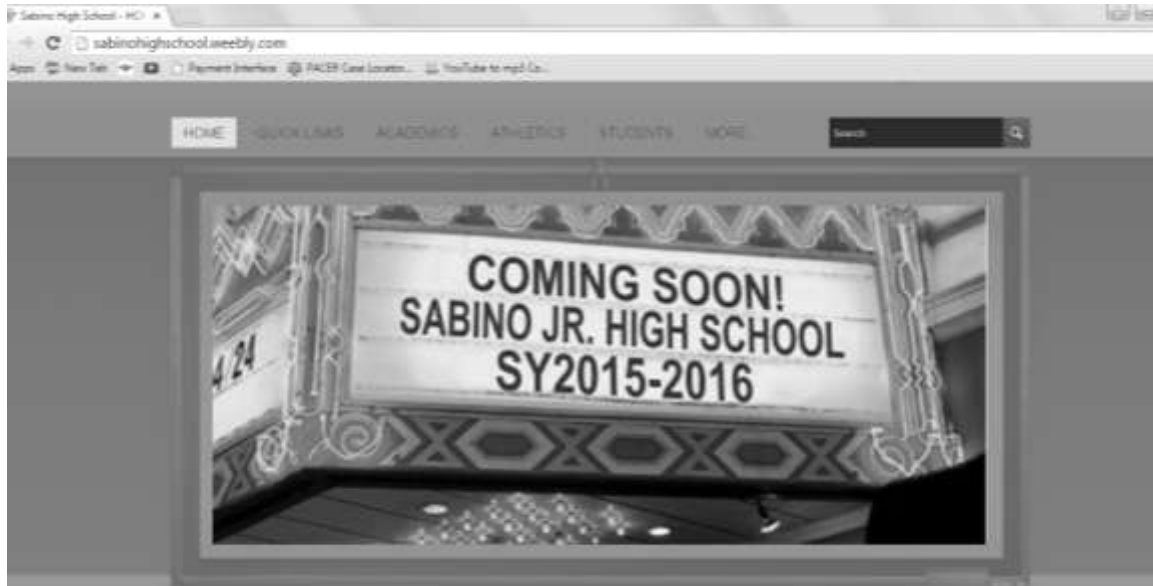
At a special meeting on Tuesday, January 27, 2015, the TUSD Governing Board will consider a change in enrollment for Fruchthendler Elementary, Magee Middle and Sabino High schools. The proposal is to change the Fruchthendler enrollment from K-5 to K-6. This would move the sixth graders out of Magee Middle 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 Fruchthendler 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

**04/23/15 screenshot of Sabino HS homepage (<http://sabinohighschool.weebly.com/>)**



**MENDOZA PLAINTIFFS' ADDITIONAL OBJECTIONS TO THE PROPOSED  
FRUCHTHENDLER/SABINO PLAN**

April 7, 2015

**Despite Pending Budget Cuts TUSD Moves Forward with the  
Fruchthendler/Sabino Grade Configuration Plan**

During the meetings held with all of the parties on March 26th and 27th, Chief Financial Officer Karla Soto stated the District might not be able to purchase leveled reading materials with M & O funds for those schools whose programs were not within the agreed 910(g) funding as a consequence of funding cuts recently imposed on school districts by Arizona Governor Ducey. She also indicated that there would be severe pressure on the District's spending given an anticipated reduction of about \$18 million in that funding.

During negotiations regarding the five million dollar carry-over from the 2013-14 school year to the 2014-15 school year, discussion had ensued among the parties about the proposal for blanket usage of desegregation dollars across all District schools for the purchase of a leveled reading program, which led the District to commit to purchasing the leveled reading program using M&O funds for the segment of schools which could not be tied to the USP. Yet, given the above referenced cuts, and the seemingly imminent failure to make good on its commitment to purchase the leveled reading program for those schools desegregation funding cannot cover, there has been no abandonment of the Sabino/Fruchthendler grade configuration modifications the District has proposed at a minimum cost of \$230,000 for renovations and \$260,000 per year for transportation. (See Fruchthendler/Sabino: Response to Objections and Request for Approval, March 4, 2015 ("TUSD Response") at p.14.)

At this point, it is impossible to know what other cuts the District will propose based on the noted state cuts but it appears that with little or no regard to such pending cuts, the District is committed to stand by its grade reconfiguration plan for Fruchthendler ES and Sabino HS, which may not increase overall enrollment and therefore may not lead to increased income to the District through such increased enrollment. It is alarming that the District is willing to forsake a successful, research-based reading program and rationalize doing so based on "state cuts" while insisting on going forward with the costs of a plan that is based largely on student enrollment projections that are not built on sound and credible numbers and that is explicitly directed to white families even as the District also is losing Latino students in ever increasing numbers, as discussed further below.<sup>1</sup> No parent surveys have been conducted, for example, as of April 6, 2015.

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<sup>1</sup> The District suggests that the costs of the Fruchthendler/Sabino plan are immaterial because they will not be paid for with 910(g) funds but that ignores the

It would seem most prudent for the District to move away from a costly plan to capture students who have left TUSD which is not grounded in solid projections; was put together without Sabino High School parent input; and was created in a particularly rushed fashion. For example, in response to some of the Plaintiffs' comments about the lack of inclusion of the Plaintiffs in the process, Julie Tolleson, legal counsel for TUSD, stated during the meetings of March 26<sup>th</sup> and 27<sup>th</sup>, that she herself had only a short period to review the proposal prior to it going to the Board.

The District's own memorandum of March 4, 2015 to the Special Master states, "**While there is little data to project the impact of the plan on Sabino High School**, the District **anticipates** that almost all of the Fruchthendler 6<sup>th</sup> graders would transition to 7<sup>th</sup> grade at Sabino and largely remain there through the completion of high school. In addition, the District **anticipates** that the Sabino 7<sup>th</sup> and 8<sup>th</sup> grade option (and the transportation available to it) will appeal to families within the Sabino attendance area that are presently choosing non-District options. Based on the 2010 census, there are 190 middle-school-age students per grade (580 6<sup>th</sup>-8<sup>th</sup> graders total) in the Sabino area who are not attending TUSD schools....Thus, the District projects increases to Sabino enrollment between 80 to 110 students (the Fruchthendler transition only), and there is a strong **potential** to increase that enrollment by attracting some of the remaining students in the Sabino area not already attending TUSD schools." (TUSD Memo at 5; emphasis added.) That upper estimate is more than 300 students, as is noted in the January 27, 2015 TUSD Governing Board Agenda Fruchthendler/Sabino Plan materials which states, "The goal would be to add more students (up to 330 total) by recruiting students who don't now attend TUSD schools....Sabino has capacity to accept over 300 additional students in a separate, junior-high-school campus." (A copy of this Board Agenda is attached as Exhibit 1. Attached as Exhibit 2 is a copy of the Governing Board Agenda for February 10, 2015, also dealing with the Fruchthendler/Sabino proposal.)

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facts that M&O funds are needed to support the USP in addition to 910(g) funds and that the District has an on-going obligation to spend all of its funds in a non-discriminatory manner. With respect to the non 910(g) funds, Mendoza Plaintiffs note that the District allocated over \$38 million in M&O funds to the USP in the 2014-15 fiscal year. Further, they repeat that this planned initiative and the related expenses to create what the District now proclaims is a better environment for 6<sup>th</sup> graders and an opportunity for a special honors "pipeline" (see discussion below) is explicitly targeted to white students: As stated in the TUSD Response" at page 2: "As clearly delineated in the original analysis, the objective is to attract and retain mostly Anglo students..." Mendoza Plaintiffs question the use of any District funds to create what its own literature now states are special educational opportunities targeted "to...mostly Anglo students."

The District could not be clearer in advising that there is “little data to project the impact of the plan on Sabino High School” and utilizes the terms “anticipation” and “potential” which are terms grounded in speculation and not in statistically sound methodology. (This is confirmed in the wording of both Exhibit 1 and Exhibit 2 as well as in the TUSD Response.)

### **The Creation of Options for One Class of Parents Only**

The TUSD Response to the Special Master states:

“The Plan is designed to attract students to TUSD who typically chose to leave TUSD schools, especially during the middle-school grades. The Plan uses three approaches to help attract and retain students that are otherwise choosing other options, thereby frustrating TUSD’s desegregation efforts:

- “1. Minimize transitions so parents need only make a single choice (only a 6<sup>th</sup> to 7<sup>th</sup> grade transition versus the normal 5<sup>th</sup> to 6<sup>th</sup> followed by an 8<sup>th</sup> to 9<sup>th</sup>);
2. Provide options for parents that they are already choosing to use at other grade levels (they already choose Fruchthendler and Sabino.); and
3. Provide options for parents that are relatively accessible, especially as they may already have other children in these schools (Sabino and Fruchthendler are close to the areas that we propose to draw students from).

“As clearly delineated in the original analysis, **the objective is to attract and retain mostly Anglo students who typically leave TUSD schools**; it does not endorse or encourage the movement of Anglo students from other TUSD schools.<sup>2</sup> TUSD has analyzed the Plan’s potential impacts on the racial composition at both schools. The projected racial composition at each school is so similar to their existing composition that the changes will be virtually non-existent.” (TUSD Memo at 2; emphasis added.)

The Mendoza Plaintiffs question why there is such intense focus on the provision of options for predominately white parents.

Currently, the District is losing **more** non-white students than white students. In examining the number of students enrolled as of the 40<sup>th</sup> day of the 2013-14 school year through May 8<sup>th</sup>, 2014, a total of 604 Hispanic students were lost in contrast to 157 white students. (See below chart.) The Mendoza Plaintiffs have requested additional information in this regard to determine the

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<sup>2</sup> See discussion of mailing to families in the Collier attendance zone which suggests that this statement of not encouraging movement of Anglo students from other TUSD schools may not be accurate.

reason for the loss (drop-out, move, etc.), however, the data itself is telling and discloses the largest number and percentage of students lost from the District are Hispanic.

TUSD 40<sup>th</sup> day enrollment

White	Af. AM.	Hispanic	Nat.Am.	Asian Am.	Multiracial	Total
11,202	2,749	31,356	1,940	1089	1,512	49,848
22.5%	5.5%	62.9%	3.9%	2.2%	3.0%	

TUSD May 8, 2014 enrollment

White	Af. AM.	Hispanic	Nat.Am.	Asian Am	Multiracial	Total
11,045	2,784	30,752	1,906	1,100	1,489	49,076
22.5%	5.7%	62.7%	3.9%	2.2%	3.0%	

Difference between 40<sup>th</sup> and May 8, 2014 enrollment

-157	+35	-604	-34	+11	-23	-772
-.0140%	+.0127%	-.0192%	-.0175%	+.0101%	-.0152%	of 40 <sup>th</sup> day enrollment
20.33%		78.24%	4.40%		2.9%	of total 772 fewer students

Source for charts: TUSD website enrollment numbers.

**The Arguments Presented by Fruchthendler for its Newly Proposed Configuration Contradict any Logic in Moving 7<sup>th</sup> and 8<sup>th</sup> Graders to Sabino High School and Raise the Question of Why All Middle Schools Are Not Being Reconfigured to Return 6<sup>th</sup> Grades to the Elementary Level; No Research on 7<sup>th</sup>-12<sup>th</sup> Grade School Reconfiguration**

The Fruchthendler website at: <http://edweb.tusd.k12.az.us/Fruchthendler/> provides a link as follows:

6th Grade at Fruchthendler in the Fall of 2015. Click [here](#) for the letter which includes information about academic value and pre-registration form.

A copy of the referenced letter is attached as Exhibit 3. The letter includes the following:

**“The following is a brief summary of research of *“Factors Favoring Sixth Grade in Elementary School”*”:**

- Keeping the sixth graders in elementary school gives them another year to mature before they are exposed to older adolescents.
- In elementary schools, student environment is more nurturing with fewer stressors than a middle school.
- There is more opportunity for cross-age activities such as tutoring and older role model programs like “kindergarten buddies.” Parents are more involved in a school in which their children are more likely to be in the same building.
- In elementary schools, sixth graders spend most of the day with the same teacher and classmates in the same classroom. There is less freedom because the students are carefully monitored. In contrast, middle school children have several teachers for different subjects and move from classroom to classroom throughout the day.
- Sixth graders in elementary school test higher than those in middle school. The Duke study also considered test scores. The researchers found that sixth graders in elementary school scored higher than their peers in middle school on standardized end of grade tests. A recent study in the Philadelphia school system concurred with the Duke study.
- Researchers found that sixth-grade students in both elementary and combination K-12 schools outperformed sixth graders in middle schools or junior high schools and considered the number of transitions a significant factor.
- Sixth graders performed better on standardized tests when they were in K-6 configurations, as opposed to 6-8 middle school configurations. The researchers also determined that a K-6 configuration led to greater school accountability for sixth grade performance than that occurring in a 6-8th grade configuration.

- Having schools with longer grade spans allow for more collaboration among teachers across grade levels as well as better alignment of curriculum across grades.
- Research reveals that school-to-school transitions negatively impact academic achievement. The fewer transitions, the better chance a student has of completing high school. If there is a transition into a new school for high school instruction, grade 7 is preferable to transitioning in later years.
- Sixth graders in middle school have more behavioral problems than their peers in elementary school. In a highly regarded 2007 study of public school students in North Carolina, a group at Duke University's Terry Sanford Institute of Public Policy looked at behavior to evaluate whether sixth graders were better off in elementary school or middle school. After appropriate adjustments for socioeconomic and demographic factors, the study showed that sixth graders attending elementary school were less likely to have discipline problems than their middle school counterparts.
- The researchers found that students who attended middle school in sixth grade were twice as likely to be disciplined relative to their counterparts in elementary school. The authors note that their results complement the recent findings by other researchers that school systems that move sixth graders from elementary to middle school experience a 1-3 percent decline in on-time graduation rates. As such, the authors explained, "Based on our results, we suggest that there is a strong argument for separating sixth graders from older adolescents."

As some of these points are addressed, the same language can be posed for 7<sup>th</sup> and 8<sup>th</sup> graders.

- Keeping the 7<sup>th</sup> and 8<sup>th</sup> graders in middle school gives them another year or two to mature before they are exposed to older adolescents.
- In middle schools, student environment is more nurturing with fewer stressors than a high school.

**TUSD's other "Factors Favoring Sixth Grade in Elementary School" raise the question as to why TUSD would address problems as noted in its research, at an east side predominately white school and not, at the same time, address these problems in schools which are predominately comprised of minority students (Hispanic students).**

**Once again, one class of students (white) is being favored over Hispanic and African American students through TUSD's Fruchthendler/Sabino Grade Reconfiguration Plan.**

The absence of evidence to support the District's plan for its inclusion of 7<sup>th</sup> and 8<sup>th</sup> grade within Sabino high school is alarming. Why offer research for the Fruchthendler reconfiguration and offer **nothing** for the Sabino reconfiguration? Many have expressed concerns over the social and the physical intermingling of students ranging from 7<sup>th</sup> to 12<sup>th</sup> grade on the same campus and despite the District's position that it is segregating the 7<sup>th</sup> and 8<sup>th</sup> graders in a different facility, the practicality of doing so might be impossible. From the allocated budget, it does not



appear that the two schools within the school will have distinct nurses or distinct libraries. Therefore, there is bound to be student interaction. Additionally, athletic events are bound to draw 7th-8<sup>th</sup> graders if in fact the students identify as Sabino students<sup>3</sup>.

**Post Card to Targeted Neighborhoods Announcing a Newly Designed Honors Pipeline Program in TUSD; Survey and Parent Meetings AFTER the Decision Has Been Made by the TUSD Governing Board**

A targeted mailing took place during the week of March 30<sup>th</sup>, 2015, which is attached as Exhibit 4. The post card asks targeted parents if they are interested in sending their child/ren to **“a newly designed honors pipeline program in TUSD,** culminating with having the child/ren attend a 2013 National Blue Ribbon High School.” It also invites parents to participate in a community-based survey that will help TUSD officials “create a program that will meet your needs and your student’s interests.” The survey link is at: <https://www.surveymonkey.com/s/Fruchthendler-Sabino>

The post card also invites recipients to attend open house meetings at Sabino on April 8<sup>th</sup> at 5:00 PM, April 14 at 5:00 PM, and April 30<sup>th</sup> at 5:00 PM. This type of targeted recruitment has not taken place for any of the magnet schools.

The post card announces “a newly designed honors pipeline,” which is a complete surprise to the Mendoza Plaintiffs. The plan that went before the TUSD Governing Board and the information which has been provided to the Plaintiffs and Special Master has never mentioned “a newly designed honors pipeline”. There is no comparable pipeline anywhere else within TUSD, which results in “a newly designed honors pipeline” being offered predominately to white students in upper middle class to high socio-economic families who reside in the northeast part of the District.

The Mendoza Plaintiffs now believe that the originally stated objectives for the proposed Fruchthendler/Sabino grade reconfiguration have been a mask for what now has been revealed as the true objective as stated on the post card -- the recruitment and retention of white students **for a newly designed honors pipeline,**<sup>4</sup> the result of which is clear: further segregated Advanced Learning programs; offerings created for one class of students (white) to the exclusion of Hispanic and African American students (as well as Native American).

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<sup>3</sup> Mendoza Plaintiffs note that the District has failed to answer most of the questions it posed in this regard in their initial objection.

<sup>4</sup> It also appears that the District is attempting to create a new advanced learning experience outside the USP and therefore one in which it will not have to set goals for the participation of Latino and African American students or be held accountable if relatively more white than Latino and African American students participate in the program.

### **The Use of TUSD Funding to Support One Under-Enrolled High School and to Build an Honors Track/Pathway Targeted to White Students**

In examining the data relating to several schools, Sabino HS is one of several under-utilized high schools -- it is at 54.4% utilization. Santa Rita is at 44.8% utilization; Palo Verde is at 46%; Catalina is at 68.1%. On the extreme opposite, Cholla High School is at 101.8% utilization; Rincon is at 105.1%; Tucson High is at 111.2% utilization; and Sahuaro is at 94.1 utilization. (Source: TUSD Facility Planning Database March 21, 2014- Attached as Exhibit 5.) Clearly, the use of TUSD funding to either support increasing enrollment or to assist with "over-underutilization" would be welcome by any of the listed high schools. The same is true at the elementary level and middle school level. Did these schools know that they could initiate a site-based plan to address their issues, such as in the case of Fruchthendler and Sabino? The answer is likely that they did not.

Moreover, other schools do appear to have submitted plans to include a 6<sup>th</sup> grade offering at their school (Collier), or to add a middle school component to their site (Drachman). Apparently, their proposals were denied.<sup>5</sup>

What is clear is that there is unwavering support for the Fruchthendler/Sabino Reconfiguration/Honors Program Pipeline and such support will be to the detriment of other groups (Hispanics and African American) and schools.

### **Pre-empting Approval From the Court**

Time and time again, TUSD has not waited for approval from the Court before moving forward with an initiative that in fact requires the Court's concurrence and that raises serious issues as to its good faith commitment to removing the vestiges of its past discrimination. It has done so yet again with the current

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<sup>5</sup> Mendoza Plaintiffs note that their inquiry concerning the apparent difference in District response to a proposal from the principal of Fruchthendler vs. proposals from the principals of Collier and Dunham in their initial objection also was not answered by the District in the TUSD Response.

Mendoza Plaintiffs also are informed that the post card inviting participation in the "honors pipeline" was sent to parents in the Collier attendance zone. This raises concerns about whether parents will move their children to Fruchthendler, further reducing attendance at Collier and potentially drawing away its white students. Notwithstanding the inclusion of the Collier attendance zone in the post card mailing, Collier has not been included in the desegregation impact analysis prepared by the District. Nor does it appear that the District's presentation of the benefits of placing sixth graders in an elementary school rather than in a middle school or the newly announced honors pipeline were considered by the District when it prepared its DIA and made its assumptions about how many students would leave TUSD schools for Fruchthendler to attend 6<sup>th</sup> grade.

“proposal.” As is clear from the District materials cited above, TUSD is actively recruiting for 6<sup>th</sup> grade students at Fruchthendler and for 7<sup>th</sup> and 8<sup>th</sup> grade students at Sabino. It also is now advertising for a program- **a newly created honors pipeline-** which will disproportionately benefit the District’s white students.

The Mendoza Plaintiffs respectfully request that the Special Master recommend that the Fruchthendler/Sabino plan be rejected by the Court and that the District be directed to focus the creation of elementary schools that include 6<sup>th</sup> grades and honors pipelines on locations in the District that will benefit its Latino and African American students as well as its white students.

# **EXHIBIT 1**



MEETING OF: January 27, 2015

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TITLE: Consideration of K-6 Component at Fruchthendler Elementary School and a 7th - 8th Grade Component at Sabino High School

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ITEM #: 3

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Information: X

Study:

Action:

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**PURPOSE:**

To provide the Governing Board with information pertaining to the possible development of a K-6 component at Fruchthendler Elementary School and a 7th-8th grade component at Sabino High School and to receive feedback from board members related to this proposal.

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**DESCRIPTION AND JUSTIFICATION:**

Summary of considerations:

1. An estimated 40 students would be added to Fruchthendler. This is based on Fruchthendler receiving 70% of the 6th graders in the current Fruchthendler K-5 Area.
2. As many as 120 students could be added to Sabino. This is based, in part, on the projected 7th and 8th graders in the entire Sabino HS Area, but the bulk of these students are expected to be those attending 6th grade at Fruchthendler.
3. Fruchthendler and Sabino have capacity to accept these additional students.
4. The Fruchthendler K-5 Area is wholly within the Sabino HS Area. The Sabino HS Area also includes the Collier K-5 Area and portions of Bloom, Hudlow, Whitmore; at the middle school level, it includes a large portion of Magee and, to a much lesser extent, Booth-Fickett.
5. These changes would, primarily, reduce the enrollment of Magee Middle School.
6. The above estimates are based on current TUSD students. Because K-8 capture rates (TUSD students/total school age population) are less than 60% in the subject areas, there may be a potential to attract students who do not currently attend TUSD schools.
7. There is very little current attendance data on which to base the above estimates.

H.T. Sanchez, Bryant Nodine, Mary Anderson and Matt Munger will be present to respond to questions.

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**BOARD POLICY CONSIDERATIONS:**

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**LEGAL CONSIDERATIONS:**

For all Intergovernmental Agreements (IGAs), Initiator of Agenda Item provides the name of the agency responsible for recording the Agreement after approval:

For amendments to current IGAs, Initiator provides original IGA recording number:

\_\_\_\_\_  
Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

\_\_\_\_\_ District Budget  
\_\_\_\_\_ State/Federal Funds  
\_\_\_\_\_ Other  
Budget Cost      Budget Code

Budget Certification (for use by Office of Financial Services only):

Date  
I certify that funds for this expenditure in the amount of \$ are available and may be:  
Authorized from current year budget  
Authorized with School Board approval  
Code:    Fund:

INITIATOR(S):

H. T. Sanchez, Ed.D., Superintendent

1-20-15

Name

Title

Date

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

ATTACHMENTS:

Click to download

No Attachments Available

TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM  
CONTINUATION SHEET

## **EXHIBIT 2**



MEETING OF: February 10, 2015

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TITLE: Consideration of K-6 Component at Fruchthendler Elementary School and a 7th - 8th Grade Component at Sabino High School

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ITEM #: 14

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Information:

Study: X

Action: X

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PURPOSE:

To provide additional information, as requested by the Governing Board, pertaining to the possible development of a K-6 component at Fruchthendler Elementary School and a 7th-8th grade component at Sabino High School, so the Board may consider this as a school-choice option for parents.

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DESCRIPTION AND JUSTIFICATION:

Summary of considerations:

1. This option would be by choice versus by assignment.
2. An estimated 40-50 students would be added to Fruchthendler. There is a potential to add an additional 60 students per grade by attracting TUSD students in the Fruchthendler Area who do not currently attend TUSD schools.
3. There is little data with which to make projections for Sabino. It is expected that virtually all of the Fruchthendler 6th graders would transition to Sabino and there is a potential to add an additional 150 students per grade by attracting TUSD students in the Sabino Area who do not currently attend TUSD schools.
4. Fruchthendler and Sabino have capacity to accept these additional students.
5. The enrollment impacts on Magee are expected to be minimal. There are currently about 30 students from the Fruchthendler Area at Magee Middle School. It is expected that some of the Fruchthendler students (about 10 each year) will continue to matriculate to Magee and some 7th graders from Magee will select the Sabino option.
6. Recruitment efforts will be aimed at attracting students who do not attend TUSD schools rather than transferring students between TUSD schools.
7. The impacts on racial-ethnic composition will be minimal because all of the affected populations have similar compositions.

H.T. Sanchez, Bryant Nodine, Mary Anderson and Matt Munger will be present to respond to questions.

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BOARD POLICY CONSIDERATIONS:

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LEGAL CONSIDERATIONS:

For all Intergovernmental Agreements (IGAs), Initiator of Agenda Item provides the name of the agency responsible for recording the Agreement after approval:

For amendments to current IGAs, Initiator provides original IGA recording number:

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Legal Advisor Signature (if applicable)

BUDGET CONSIDERATIONS:

\_\_\_\_\_ District Budget  
 \_\_\_\_\_ State/Federal Funds  
 \_\_\_\_\_ Other \_\_\_\_\_  
Budget Cost      Budget Code

Budget Certification (for use by Office of Financial Services only):

Date \_\_\_\_\_  
 I certify that funds for this expenditure in the amount of \$ are available and may be:  
 Authorized from current year budget  
 Authorized with School Board approval  
 Code:      Fund:

INITIATOR(S):

<b>Bryant Nodine, Acting Director of Planning and Student Assignment</b>	<b>2/3/15</b>
Name	Date
Title	

DOCUMENTS ATTACHED/ ON FILE IN BOARD OFFICE:

<b>ATTACHMENTS:</b>
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No Attachments Available

TUCSON UNIFIED SCHOOL DISTRICT

BOARD AGENDA ITEM  
CONTINUATION SHEET

# **EXHIBIT 3**



Fruchthendler Elementary  
7470 E. Cloud Road  
Tucson, AZ 85750  
731-4400; Fax 731-4401

### **Sixth grade at Fruchthendler**

**2015-2016**

Dear Fruchthendler Families,

Over the past couple of months the TUSD Governing Board was presented data, research and parent testimonials regarding adding 6<sup>th</sup> grade to Fruchthendler and 7<sup>th</sup> & 8<sup>th</sup> to Sabino High School. On Tuesday evening the Governing Board chose to listen to our community by voting to approve our plan which provides you another choice! As mentioned during prior meetings this is a grass roots effort to Preserve Excellence! Fruchthendler once taught the sixth graders while Sabino served the 7-12<sup>th</sup> graders in our community.

With the Governing Board approval to add Sixth grade to Fruchthendler we are ready to work together with you, our community, to streamline our plan to ensure all students receive an enriching and cognitively demanding curriculum in a safe and nurturing environment. The following is the beginning of what we have proposed. The next step is to find out how many of you plan to attend 6<sup>th</sup> grade at Fruchthendler and begin setting up focus groups so that these students have a say in what extracurricular clubs, electives and events take place for their 6<sup>th</sup> grade year! They will be the first class (in decades) therefore we want them to be a part of the planning!

- Limited space ~ only two small classes
- Two teachers, one who will teach Math and Science and the other who will teach Language Arts and Social Studies
- The curriculum will follow State mandated Arizona College & Career Readiness Standards (AKA Common Core) with an emphasis on advanced learning
- Teachers will provide differentiated instruction to meet the needs of all students with a focus to prepare them for honor's courses at Sabino
- The same start and end time (State mandated instructional minutes)
- Separate Lunch
- Electives (**such as but not limited to**):
  - Spanish
  - Korean
  - Computers
  - P.E.
  - O.M.A.
  - Orchestra
  - Band
- After School Sports (**such as but not limited to**):
  - Cross Country

- Track
- Clubs (**such as but not limited to**):
  - Yearbook
  - School Newspaper
  - Student Leadership
- Campus Partnership with Sabino (**such as but not limited to**):
  - Cross-age mentoring
  - Seasonal activities (such as Love of Reading)
  - S.T.E.M.
  - Year Book
  - Breakfast Club
  - Sporting Events
  - Talent Show
  - OMA Performances
- Parent Involvement (**such as but not limited to**):
  - Art program
  - Same activities and events that make Fruchthendler special, now just K-6
  - Parent volunteers welcome and encouraged to be a part of each day!

**7<sup>th</sup> & 8<sup>th</sup> grade tours/open houses (during the day to see it in action) coming soon at Sabino!**

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**My child \_\_\_\_\_ is interested in attending 6<sup>th</sup> grade at Fruchthendler for the 2015-16 school year.**

**I have recently open enrolled/pre-registered for my child to attend\_\_\_\_\_.**

**\_\_\_\_\_ My child is interested in joining the student focus group**

**\_\_\_\_\_ I'm interested in joining the parent focus group**

**Parent Name\_\_\_\_\_**

**Phone Number\_\_\_\_\_**

**Email Address\_\_\_\_\_**

**Parent Signature\_\_\_\_\_**

**The following is a brief summary of research of “*Factors Favoring Sixth Grade in Elementary School*”:**

- Keeping the sixth graders in elementary school gives them another year to mature before they are exposed to older adolescents.
- In elementary schools, student environment is more nurturing with fewer stressors than a middle school.
- There is more opportunity for cross-age activities such as tutoring and older role model programs like “kindergarten buddies.” Parents are more involved in a school in which their children are more likely to be in the same building.
- In elementary schools, sixth graders spend most of the day with the same teacher and classmates in the same classroom. There is less freedom because the students are carefully monitored. In contrast, middle school children have several teachers for different subjects and move from classroom to classroom throughout the day.
- Sixth graders in elementary school test higher than those in middle school. The Duke study also considered test scores. The researchers found that sixth graders in elementary school scored higher than their peers in middle school on standardized end of grade tests. A recent study in the Philadelphia school system concurred with the Duke study.
- Researchers found that sixth-grade students in both elementary and combination K-12 schools outperformed sixth graders in middle schools or junior high schools and considered the number of transitions a significant factor.
- Sixth graders performed better on standardized tests when they were in K-6 configurations, as opposed to 6-8 middle school configurations. The researchers also determined that a K-6 configuration led to greater school accountability for sixth grade performance than that occurring in a 6-8th grade configuration.
- Having schools with longer grade spans allow for more collaboration among teachers across grade levels as well as better alignment of curriculum across grades.
- Research reveals that school-to-school transitions negatively impact academic achievement. The fewer transitions, the better chance a student has of completing high school. If there is a transition into a new school for high school instruction, grade 7 is preferable to transitioning in later years.
- Sixth graders in middle school have more behavioral problems than their peers in elementary school. In a highly regarded 2007 study of public school students in North Carolina, a group at Duke University's Terry Sanford Institute of Public Policy looked at behavior to evaluate whether sixth graders were better off in elementary school or middle school. After appropriate adjustments for socioeconomic and demographic factors, the study showed that sixth graders attending elementary school were less likely to have discipline problems than their middle school counterparts.
- The researchers found that students who attended middle school in sixth grade were twice as likely to be disciplined relative to their counterparts in elementary school. The authors note that their results complement the recent findings by other researchers that school systems that move sixth graders from elementary to middle school experience a 1-3 percent decline in on-time graduation rates. As such, the authors explained, “Based on our results, we suggest that there is a strong argument for separating sixth graders from older adolescents.”

# **EXHIBIT 4**



# Fruchthendler-Sabino Honors Pipeline Community Survey Invitation



# TUSD

Interested in sending your child to a newly designed honors pipeline program in Tucson Unified School District, culminating in your child having the opportunity to attend a 2013 National Blue Ribbon High School?

You are invited to participate in a community-based survey that will help us create a program that will meet your needs and your student's interests. Please enter the following link in your web browser.

<https://www.surveymonkey.com/s/Fruchthendler-Sabino>

#### Fruchthendler Information

To schedule a personal tour of Fruchthendler, please call 731-4400

Fruchthendler: 7470 E. Cloud Rd., Tucson, AZ 85750

#### Sabino Information

Sabino will host the following open house meetings at Sabino on the following dates. At these meetings you will be able to hear more about the outstanding programs that will be offered at Sabino and take a tour of the facilities.

- April 8th at 5p.m.
- April 14th at 5p.m.
- April 15th at 5p.m.
- April 30th at 5p.m.

Sabino: 5000 N. Bowes Rd., Tucson, AZ 85749

# TUSD

Tucson Unified School District  
1010 E. 10th Street  
Tucson, AZ 85719

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# **EXHIBIT 5**

## TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF
							Operate	Utilize	Av. Seats	TempCap	Portables		
<b>ELEMENTARY SCHOOLS</b>													
120 Banks	D1	E	Open	10.3	3.33	2002	500	73.0%	135	0	0	\$715,770.50	\$2.61
125 Blenman	D2	E	Open	7	2.46	1968	640	77.5%	144	50	2	\$2,766,897.86	\$1.96
128 Bloom	D3	E	Open	9.3	3.11	1972	440	89.3%	47	50	2	\$1,761,179.17	\$2.64
131 Bonillas	D4	E	Open	11	2.07	1959	470	92.8%	34	75	3	\$476,159.08	\$2.55
140 Borman	D5	E	Open	10.3	2.97	1976	620	80.3%	122	0	0	\$1,098,094.82	\$2.40
143 Borton	D6	E	Open	7.7	2.94	1957	470	88.9%	52	0	0	\$1,785,261.07	\$2.69
161 Carrillo	D7	E	Open	3.5	2.92	1950	320	95.9%	13	0	0	\$95,396.15	\$1.49
167 Cavett	D8	E	Open	8.9	2.85	1966	530	57.0%	228	150	6	\$263,533.46	\$2.04
170 Collier	D9	E	Open	9.2	3.11	1973	360	58.9%	148	75	3	\$468,810.66	\$3.09
179 Cragin	D10	E	Open	9	2.46	1961	500	71.6%	142	150	6	\$321,807.36	\$1.68
185 Davidson	D11	E	Open	10	3.37	1972	440	76.8%	102	0	0	\$406,877.25	\$3.34
191 Davis	D12	E	Open	3.4	2.77	1961	320	108.4%	-27	50	2	\$237,582.56	\$2.36
203 Drachman	D7	E	Open	8.6	2.89	1996	420	72.4%	116	150	6	\$519,338.51	\$1.99
211 Dunham	D14	E	Open	9.9	2.41	1974	350	59.1%	143	75	3	\$6,920.97	\$2.86
215 Erickson	D15	E	Open	7.7	2.71	1969	620	96.3%	23	0	0	\$488,416.51	\$1.83
218 Ford	D16/31	E	Open	9.9	2.42	1974	430	92.1%	34	0	0	\$435,794.34	\$2.05
225 Fruchthendler	D17	E	Open	8.9	2.45	1973	420	90.2%	41	50	2	\$383,889.28	\$2.16
228 Gale	D18	E	Open	9.3	2.37	1970	390	105.9%	-23	0	0	\$811,986.43	\$3.64
231 Grijalva	D19	E	Open	9.9	3.03	1990	620	117.3%	-107	275	11	\$1,521,359.99	\$2.88
238 Henry	D21	E	Open	9.5	2.37	1971	390	101.3%	-5	50	2	\$912,997.69	\$2.45
239 Holladay	D22	E	Open	6	2.42	1966	350	74.6%	89	0	0	\$13,848.83	\$2.10
245 Howell	D23	E	Open	8.2	2.56	1954	400	89.5%	42	100	4	\$265,389.95	\$2.53
251 Hudlow	D24	E	Open	8.4	2.96	1964	370	81.6%	68	125	5	\$1,353,511.61	\$2.17
257 Hughes	D25	E	Open	3.6	2.95	1938	340	103.2%	-11	50	2	\$1,477,093.19	\$2.65
266 Johnson	D26	E	Open	9.4	3.07	1991	490	74.3%	126	50	2	\$570,780.83	\$1.82
275 Kellond	D27	E	Open	8.6	2.46	1960	640	90.3%	62	0	0	\$752,902.45	\$1.87
277 Lawrence	D28	E	Open	9.2	2.56	1995	420	96.7%	14	0	0	\$531,589.89	\$2.12
281 Lineweaver	D29	E	Open	7.6	2.24	1963	420	132.6%	-137	200	8	\$172,359.33	\$2.29
287 Lynn/Urquides	D30	E	Open	14.7	3.10	1967	700	88.6%	80	525	21	\$1,236,780.32	\$2.19
290 Maldonado	D32	E	Open	9.9	2.97	1988	640	65.6%	220	125	5	\$1,457,697.54	\$2.77
293 Manzo	D33	E	Open	5.4	2.54	1956	350	101.4%	-5	50	2	\$203,343.78	\$2.17
295 Marshall	D34	E	Open	9.6	3.05	1966	460	75.0%	115	0	0	\$1,025,575.69	\$1.77
308 Miller	D35	E	Open	10	2.56	1981	550	110.2%	-56	325	13	\$1,665,071.71	\$2.86
311 Mission View	D36	E	Open	4	2.92	1955	360	74.7%	91	200	8	\$559,289.42	\$1.92
317 Myers/Ganoung	D37	E	Open	10	2.31	1967	640	67.0%	211	150	6	\$548,009.10	\$1.93
323 Ochoa	D38	E	Open	5.1	3.03	1945	330	68.5%	104	50	2	\$813,060.84	\$2.01

## TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF	
							Operate	Utilize	Av. Seats	TempCap	Portables			
327 Oyama	D39	E	Open	10.1	3.29	2002	520	80.6%	101	100	4	\$634,080.70	\$2.20	
353 Robison	D42	E	Open	8.2	2.59	1956	400	90.5%	38	0	0	\$287,229.21	\$2.47	
395 Sewell	D44	E	Open	9.2	2.71	1959	330	94.5%	18	50	2	\$332,878.99	\$2.22	
410 Soleng Tom	D45	E	Open	9.9	2.90	1987	520	89.2%	56	75	3	\$1,194,829.17	\$2.15	
413 Steele	D46	E	Open	9.9	2.88	1961	490	73.9%	128	50	2	\$388,316.60	\$2.23	
417 Tolson	D47	E	Open	10	2.78	1976	520	70.6%	153	50	2	\$380,017.27	\$2.40	
419 Tully	D48	E	Open	11.8	2.85	1968	540	78.1%	118	100	4	\$686,507.32	\$2.18	
431 Van Buskirk	D49	E	Open	9.6	2.47	1962	500	77.0%	115	100	4	\$500,715.68	\$2.23	
435 Vesey	D50	E	Open	10	3.16	1979	580	105.3%	-31	500	20	\$2,219,832.32	\$2.30	
440 Warren	D51	E	Open	8.2	2.93	1978	380	69.7%	115	75	3	\$646,013.35	\$2.72	
443 Wheeler	D52	E	Open	8	2.67	1961	580	87.9%	70	0	0	\$24,253.09	\$2.02	
449 White	D53	E	Open	10.2	2.97	1977	650	109.2%	-60	350	14	\$3,051,464.37	\$1.98	
455 Whitmore	D54	E	Open	10.3	3.00	1965	490	73.5%	130	0	0	\$413,373.32	\$1.37	
461 Wright	D55	E	Open	8.5	2.88	1964	490	84.1%	78	175	7	\$684,908.00	\$2.28	
197 Dietz K-8	D13	EK8	Open	8.5	2.66	1965	520	80.6%	101	50	2	\$372,057.20	\$1.64	
233 Hollinger K-8	D20	EK8	Open	9.4	2.63	1966	810	67.5%	263	75	3	\$341,000.62	\$2.32	
351 Robins K-8	D41	EK8	Open	16.7	2.96	1995	680	84.9%	103	50	2	\$1,914,737.26	\$1.44	
371 Rose K-8	D43	EK8	Open	13.3	2.49	1993	770	101.3%	-10	25	1	\$416,936.37	\$1.98	
<b>ELEMENTARY TOTALS</b>				484.8				26,480		3,861	4,975	199	\$42,613,528.98	
<b>MIDDLE SCHOOLS</b>														
502 Dodge	NA	M	Open	10.2	2.90	1970	345	121.7%	-75	0	0	\$1,013,132.98	\$2.33	
505 Doolen	D1	M	Open	19.8	3.08	1972	1,140	69.8%	344	0	0	\$4,972,578.25	\$2.76	
511 Gridley	D2	M	Open	27.4	2.36	1977	790	92.7%	58	50	2	\$836,739.51	\$2.58	
515 Magee	D3	M	Open	18.5	2.61	1972	720	90.1%	71	150	6	\$1,198,796.58	\$1.77	
520 Mansfeld	D4/14	M	Open	6.6	2.37	1962	810	99.6%	3	0	0	\$3,224,778.77	\$1.55	
527 Pistor	D5	M	Open	17.4	2.49	1978	830	115.9%	-132	325	13	\$1,716,744.70	\$1.95	
537 Secrist	D6	M	Open	18.4	2.48	1973	650	98.2%	12	0	0	\$688,761.26	\$2.48	
550 Utterback	D7	M	Open	15.8	2.43	1976	880	78.8%	187	175	7	\$585,449.22	\$1.74	
555 Vail	D8	M	Open	18	2.39	1965	730	92.1%	58	200	8	\$795,353.90	\$2.57	
557 Valencia	D9	M	Open	30.7	3.11	1993	1,075	90.3%	104	0	0	\$4,909,505.13	\$3.34	
305 Miles - E. L. C. K-8	NA	MK8	Open	5.5	3.01	1946	370	86.2%	51	75	3	\$171,890.10	\$2.48	
329 Pueblo Gardens K-	D59/12	MK8	Open	9.8	2.41	1957	530	86.2%	73	125	5	\$1,665,968.82	\$2.40	
510 Booth-Fickett K-8	D56/10	MK8	Open	28.2	2.85	1970	1,210	106.2%	-75	75	3	\$748,490.42	\$1.87	
521 Morgan Maxwell K	D57	MK8	Open	18	2.53	1978	650	62.6%	243	25	1	\$369,530.17	\$2.04	
523 McCorkle K-8	D58/11	MK8	Open	10	3.70	2011	950	89.6%	99	0	0	\$23,308,805.17	\$1.75	
525 Roberts-Naylor K-8	D59/12	MK8	Open	18.7	2.55	1970	830	72.2%	231	0	0	\$1,116,733.36	\$1.88	

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							Operate	Utilize	Av. Seats	TempCap	Portables		
535 Safford K-8	D60/13	MK8	Open	4.4	2.65	1956	980	88.7%	111	0	0	\$1,374,574.85	\$2.40
595 Roskruge K-8	D61	MK8	Open	4.4	2.48	1920	670	102.8%	-19	0	0	\$2,068,539.94	\$2.06
<b>MIDDLE SCHOOL TOTALS</b>				281.8			14,160		1,344	1,200	48	\$50,766,373.13	
<b>HIGH SCHOOLS</b>													
610 Catalina	D1	H	Open	35.8	2.73	1962	1,500	68.1%	479	0	0	\$5,653,031.24	\$1.66
615 Cholla	D2	H	Open	33.4	2.89	1964	1,650	101.8%	-30	125	5	\$10,058,465.94	\$1.99
620 Palo Verde	D3	H	Open	35.5	2.35	1961	2,070	46.0%	1,117	0	0	\$6,907,058.34	\$1.86
630 Pueblo	D4	H	Open	37.7	2.46	1966	1,900	79.5%	390	250	10	\$7,837,474.20	\$1.68
640 Rincon	D5	H	Open	35.1	2.56	1964	1,070	105.1%	-55	75	3	\$8,641,560.90	\$1.56
645 Sabino	D6	H	Open	37.2	2.56	1975	1,950	54.4%	890	0	0	\$12,554,380.67	\$1.69
650 Sahuaro	D7	H	Open	37.4	2.82	1969	1,950	94.1%	116	0	0	\$12,477,386.66	\$2.28
655 Santa Rita	D8	H	Open	44.8	2.60	1971	2,070	44.8%	1,143	0	0	\$8,198,419.60	\$1.82
660 Tucson	D9	H	Open	27	2.80	1958	2,900	111.2%	-326	0	0	\$13,861,036.47	\$1.80
675 University	NA	H	Open	35.1	2.56	1964	900	112.1%	-109	0	0		
<b>HIGH SCHOOL TOTALS</b>				359.0			17,960		3,615	450	18	\$86,188,814.02	
<b>ALTERNATIVE SCHOOLS</b>													
195 Meredith K-12	NA	A	Open	4	3.50	2008	0		-59	0	0	\$4,439,448.82	\$2.43
602 Direct Link II	NA	A	Open				0		-36	0	0	\$17,756.88	
674 Project MORE	NA	A	Open	2.2	2.79	1994	220		145	0	0	\$67,756.79	\$2.03
676 Teenage Parent Pr	NA	A	Open	1.7	2.77	1954	180		117	0	0	\$78,921.72	\$2.59

## TUCSON UNIFIED SCHOOL DISTRICT / FACILITY PLANNING DATABASE / MARCH 21, 2014

School Number / Name	District	Type	Status	Site Acres	Facility Condition	Avg. Year Blt.	Capacity					Bond \$ 08-13	Average Util. PSF
							Operate	Utilize	Av. Seats	TempCap	Portables		
<b>CLOSED SCHOOLS</b>													
149 Brichta	NA	E	Closed	11.7	2.05	1973	280	0.0%	290	125	5	\$438,912.36	\$1.87
173 Corbett	NA	E	Closed	6.9	2.38	1958	600	0.0%	650	0	0	\$220,787.76	\$2.11
209 Duffy	NA	E	Closed	11.7	2.70								
221 Fort Lowell	NA	E	Closed	8.5	2.30								
263 Jefferson Park	NA	E	Closed	2.9	2.60								
288 Lyons	NA	E	Closed	10	2.67	1975	340	0.0%	360	50	2	\$737,413.80	\$2.58
299 Menlo Park	NA	E	Closed	6.3	2.30	1959	350	0.0%	370	150	6	\$380,350.72	\$2.34
338 Reynolds	NA	E	Closed	9.4	2.50								
341 Richey	NA	E	Closed	7.8	2.80								
347 Roberts	NA	E	Closed	8.7	2.60								
359 Rogers	NA	E	Closed	12.4	2.60								
389 Schumaker	NA	E	Closed	9.5	2.43	1964	380	0.0%	410	0	0	\$341,951.68	\$2.39
433 Van Horne	NA	E	Closed	9	3.10								
467 Wrightstown	NA	E	Closed	9.2	2.20								
503 Carson	NA	M	Closed	17.7	2.70	1973	830	0.0%	830	0	0	\$286,760.72	\$2.15
513 Hohokam	NA	M	Closed	27.6	3.03	1990	700	0.0%	700	75	3	\$502,294.42	\$1.62
545 Fort Lowell-Town	NA	M	Closed	19.5	2.74	1965	650	0.0%	650	75	3	\$1,544,461.33	\$2.54
560 Wakefield	NA	M	Closed	9.3	2.87	1967	610	0.0%	610	0	0	\$580,170.08	\$1.84
680 Howenstine	NA	H	Closed	6.4	2.48	1975	130	0.0%	130	300	12	\$448,202.33	\$4.12
671 PASS Alternative	NA	A	Closed	0.3	2.70	1970	250	0.0%	250	0	0		\$0.74
672 PACE Alternative	NA	A	Closed	0.2	2.90	1987	0		0	0	0	\$48,773.36	\$1.24
681 Broadway Bridge	NA	A	Closed	0.4			0		0	0	0		\$0.40