

From: Juan Rodriguez
To: "[Brown, Samuel](#)"; "[Willis D. Hawley](#)"; "[Anurima Bhargava](#)"; "[James Eichner](#)"; "[Lois Thompson](#)"; "[Rubin Salter Jr.](#)"; "[Zoe Savitsky](#)"
Cc: "[Tolleson, Julie](#)"; "[Taylor, Martha](#)"; "[Brammer@rllaz.com](#)"; "[TUSD](#)"
Subject: RE: Dietz
Date: Thursday, May 07, 2015 4:48:10 PM
Attachments: [4-14-15 Dietz Agenda Item.pdf](#)
[04-14-15 Board Agenda.pdf](#)

Dear Special Master Hawley,

I am following up on my email of yesterday below, after Mendoza Plaintiffs learned that TUSD's Governing Board approved of District contracts for the relocation of portables to Dietz in mid-April.

In Mendoza Plaintiffs' April 7 objection to the proposed configuration changes at Sabino and Fruchthendler, they noted that "[t]ime 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[,]” as they similarly did in their filed objection. Notwithstanding this, and that the Plaintiffs and Special Master have repeatedly asked that the District include Plaintiffs in the development of plans and initiatives early on, we now find that the District has begun implementation of the proposed relocation of portables to Dietz K-8 without following the procedures of the USP and Court Order Appointing the Special Master.

Attached is the TUSD document detailing the “Portable Relocation to Dietz K8 School” action item, and the Agenda indicating that on April 14, 2015, over two weeks before the Plaintiffs and Special Master were presented with the May 1, 2015 Dietz NARA, the Governing Board approved the District's entering into contracts with Kittle Design and Construction for the relocation of the portables to Dietz. Notably, and in contradiction to the April 14th approval, the District asserted on May 1 that “this matter just began bubbling up from the school site, so it has been brought to your attention as soon as the District had the information it believed you would want” in the hope of avoiding something like the Sabino/Fruchthendler “dustup.” Highlighting the District's lack of good faith in following the required procedures is the fact that Mendoza Plaintiffs pointed out the Sabino/Fruchthendler “*fait accompli*” a mere week before the Governing Board approved the Dietz portables, and that the attached April 14th agenda item states that the Dietz plan had already “been developed and approved by the school administrators[,]” therefore suggesting that the NARA request could have been presented to the Plaintiffs and Special Master well before April 14.

Mendoza Plaintiffs do not believe the District will follow proper procedures as required by the USP and Order appointing the Special Master unless its failure to do so is brought to the attention of the Court. Mendoza Plaintiffs therefore request that the Special Master report this instance of noncompliance to the Court under USP Section X,E,6 when he files his report concerning the Dietz NARA with the Court and that he request the Court to take appropriate action.

Thank you,

Juan Rodriguez | Staff Attorney

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From: Juan Rodriguez

Sent: Wednesday, May 06, 2015 5:49 PM

To: 'Brown, Samuel'; Willis D. Hawley; Anurima Bhargava; James Eichner; Lois Thompson; Rubin Salter Jr.; Zoe Savitsky

Cc: Tolleson, Julie; Taylor, Martha; Brammer@rllaz.com; TUSD

Subject: RE: Dietz

Dear Sam,

Mendoza Plaintiffs have reviewed the District's NARA regarding two portables sought to be added to Dietz K-8, and its responses to the Special Master's requests for information, and have serious concerns as detailed below.

First, Mendoza Plaintiffs are concerned with what appears to be implementation of major changes at schools originating at the school site level without the District's careful consideration of the District-wide consequence of those changes, and in particular, the fact that comparable benefit is not being afforded schools with larger concentrations of Latino students. At page three of its NARA, the District indicates that "[u]nder new leadership at Dietz, the K-8 has converted from its original model (self-contained 6-8th grade), to a more-traditional middle school in which students rotate from room to room for core subjects and electives." The District indicated that the CORE enrichment classes that would be provided in the portable classrooms at Dietz would "address[] an important need for 5th graders because the 5th grade to 6th grade transition is the most difficult transition during the K-12 years."

As was stated in their Fruchthendler/Sabino NARA objection, Mendoza Plaintiffs are concerned that given the benefits the District cited for the proposed Fruchthendler configuration change, that it has not sought similar configuration changes at its westside elementary schools. Similarly, Mendoza Plaintiffs are now also concerned that the CORE enrichment classes that would be provided in portables at Dietz are not being provided in a way equitable to its Latino students. The District indicates that CORE classes are provided at three westside schools and would be provided at three eastside schools (including Dietz), notwithstanding that the number of middle and K-8 schools in the westside, which is predominately Latino, far outnumber those on the eastside.

Mendoza Plaintiffs request that the District address the apparent unequal access to CORE enrichment classes and the relative benefits to students in the K-8 schools of the self-contained vs. the more traditional middle school model, assuming for these purposes that notwithstanding the change advocated at Fruchthendler, it does not move more of its 6th grades into a K-6 rather than a K-8 setting. They further suggest that the District closely analyze major site-level driven changes at its schools, particularly when budgetary implications are involved as appears to be the case with the Dietz move away from a self-contained sixth through eighth grade model, to ensure that the District is taking a consistent approach in making site-level decisions and that it not find itself unable to provide comparable enrichment classes in those more heavily Latino schools because of budgetary constraints that apparently are not interfering with the current Dietz proposal.

We also seek clarification on another point. The move away from the "self-contained" model for sixth to eighth graders that has necessitated the request for CORE enrichment classes for 6th graders directly contradicts the approach the District took with Fruchthendler Elementary School, that is, seeking its reconfiguration to add 6th grade in part so as to delay the transition of its students into a traditional middle school. Mendoza Plaintiffs have trouble making sense of the District's contradictory approaches for addressing the transition of 5th graders into 6th grade in these two east side school scenarios.

Mendoza Plaintiffs are constrained to not agree with the proposed addition of two portables at Dietz K-8 without some kind of District plan to address the unequal access to CORE enrichment classes that would be perpetuated by the addition of the portables. Finally, Mendoza Plaintiffs also seek to understand whether the District is saying that there are a disproportionately large number of Exceptional Education students at Dietz (and, if so, whether it understands why that is the case) and whether there are any issues of disproportionate representation of Latino and African American students in that cohort. Further, they ask whether there are any questions of stigma or diminished status in the decision to place Exceptional Education staff in portables and to conduct testing in that location.

Thanks,

Juan Rodriguez | Staff Attorney

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From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]

Sent: Tuesday, May 05, 2015 5:04 PM

To: Willis D. Hawley; Anurima Bhargava; James Eichner; Juan Rodriguez; Lois Thompson; Rubin Salter Jr.; Zoe Savitsky

Cc: Tolleson, Julie; Taylor, Martha; Brammer@rlaz.com; TUSD

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Dr. Hawley/Counsel: please see attached our responses to the questions posed re the Dietz portables. We would like to get a stipulation from all parties to move forward with this action, please indicate your position by COB tomorrow. Thank you, Sam

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