

**Eichner 05/14/15 email stipulation regarding TUSD 05/08/15 Dietz NARA**

From: Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>  
To: Brown, Samuel <Samuel.Brown@tusd1.org>; 'Thompson, Lois D.' <lthompson@proskauer.com>; Willis D. Hawley <wdh@umd.edu>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Rubin Salter Jr. <rsjr3@aol.com>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>  
Cc: Tolleson, Julie <Julie.Tolleson@tusd1.org>; Brammer <Brammer@rllaz.com>; TUSD <TUSD@rllaz.com>; Desegregation <deseg@tusd1.org>  
Sent: Thu, May 14, 2015 10:12 am  
Subject: RE: Proposed Schedule re Dietz NARA

All-

DOJ has no objection to the proposed dates or to filing the objections/reply with the Court.

Jim

## **Rodriguez 05/13/15 email reply regarding TUSD Dietz NARA**

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From: Juan Rodriguez <jrodriguez@MALDEF.org>  
To: Willis D. Hawley <wdh@umd.edu>; Patricia V. Waterkotte <pwaterkotte@rllaz.com>; Brown, Samuel <Samuel.Brown@tusd1.org>; Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter Jr. <rsjr3@aol.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>  
Cc: Tolleson, Julie <Julie.Tolleson@tusd1.org>; Taylor, Martha <Martha.Taylor@tusd1.org>; William Brammer <WBrammer@rllaz.com>; TUSD <TUSD@rllaz.com>  
Sent: Wed, May 13, 2015 11:12 am  
Subject: RE: Dietz

Dear Special Master Hawley,

Mendoza Plaintiffs write in response to the District's May 8 email below. Mendoza Plaintiffs clarify that with respect to NARAs, they believe it to be reasonable for the District to do things like determine costs associated with proposed changes at its schools, and even attempt to get bids from contractors as it simultaneously seeks approval from the Court. However, the District has gone far beyond that with respect to the Dietz NARA. At its April 14, 2015 meeting, the Governing Board granted approval for the District to "proceed with contracts ... to relocate ... portable classrooms to Dietz" (April 14, 2015 Governing Board Agenda, action item #33, attached to the District's NARA filing as Exhibit 2.) This occurred weeks before the District provided Plaintiffs and the Special Master with any notice of the proposed changes at Dietz, and without so much as an acknowledgement, as far as we know, at the Governing Board meeting or in the agenda that Court approval is required. Such an acknowledgement would at least have signaled to the public that the Governing Board decision is subject to Court approval.

Moreover, contrary to the District's assertion, its own documents reveal that it did not work on "parallel tracks" or "simultaneously" seek Court approval while preparing for, but not implementing, the proposed changes. The District indicated that it first received the request for portables from Dietz's principal in mid-January. (May 1, 2015 Dietz NARA Memo (dated April 30, 2015), attached to the District's NARA filing as Exhibit 3, at 1, n.1.) Then, in February and March, central and site staff came together to develop and complete a plan for the proposed changes at Dietz. (District's NARA filing at 2.) In March, it also sought a proposal from contractors, and, as referenced above, sought and obtained Governing Board approval for the contracts on April 14, 2015. (*Id.* at 2-3.) It was only then, "[a]fter the Governing Board approved the contract, [that] staff immediately began developing the Desegregation Impact Analysis (DIA) and other information to present to the Special Master and Plaintiffs." (*Id.* at 3.) Providing the Plaintiffs and Special Master with the Dietz NARA months after the central staff began developing the Dietz plan, and weeks after the Governing Board approved a specific contract for the Dietz portables is not "simultane[ity]" or "parallel tracks."

Mendoza Plaintiffs agree with the Special Master that under the District's approach, "the Board does not have the benefit of any perspective that the plaintiffs and the SM might offer" and that "[t]he purposes of review under NARA include providing the District with input with respect to its decisions, not simply to allow a veto." (Special Master Hawley's May 8, 2015 email re: Dietz.) Mendoza Plaintiffs are now even more concerned with the lack of information provided to the Governing Board, as the District admits that it was only "[a]fter the Governing Board approved the contract, [that staff] began developing the [DIA.]" (District's NARA filing at 3.) Thus, it appears that the District has acted on the Dietz NARA without any regard to or interest in the desegregation impact of its decision. Highlighting the lack of interest in such information, even if only for informational purposes, is the fact that the Dietz contract was approved as part of a consent agenda, along with 39 other items, suggesting little time was spent discussing the NARA. If the District desires to integrate its schools in good-faith, it is of utmost importance that, as the Court recently stated specifically about NARAs, it follow "the USP requirement [to] comprehensively consider the proposal, pursuant to applicable USP criteria, in an effort to increase the integration of TUSD schools." (Court's May 12, 2015 Order at 5.) For these reasons, Mendoza Plaintiffs maintain their request that the Special Master report the District's noncompliance with the USP to the Court and that he request the Court to take appropriate action.

Thanks, [...] Juan Rodriguez | Staff Attorney

**Brown 05/11/15 email stipulation regarding TUSD 05/08/15 Dietz NARA**

From: Brown, Samuel <Samuel.Brown@tusd1.org>  
To: 'Thompson, Lois D.' <lthompson@proskauer.com>; Willis D. Hawley <wdh@umd.edu>; Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Rubin Salter Jr. <rsjr3@aol.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>  
Cc: Tolleson, Julie <Julie.Tolleson@tusd1.org>; Brammer <Brammer@rllaz.com>; TUSD <TUSD@rllaz.com>; Desegregation <deseg@tusd1.org>  
Sent: Mon, May 11, 2015 2:16 pm  
Subject: RE: Proposed Schedule re Dietz NARA

Lois, thank you. We have no objections to filing the objections/reply with the Court. Sam

**Thompson 05/11/15 email stipulation regarding TUSD 05/08/15 Dietz NARA**

From: Thompson, Lois D. [mailto:lthompson@proskauer.com]  
Sent: Monday, May 11, 2015 1:57 PM  
To: Brown, Samuel; Willis D. Hawley; Anurima Bhargava; James Eichner; Juan Rodriguez; Rubin Salter Jr.; Zoe Savitsky  
Cc: Tolleson, Julie; Brammer@rllaz.com; TUSD; Desegregation  
Subject: RE: Proposed Schedule re Dietz NARA

Sam and others,

We have reviewed Judge Bury's August 22, 2012 Order concerning the NARA process. It expressly contemplates agreements of the parties to reduce the days for briefing a NARA and we therefore can and do agree to the dates you have proposed. However, that Order also expressly references the filing of objections and any response thereto with the Court and does not seem to contemplate that the parties and the Special Master will on their own change that process; nor do we see any reason requiring that such change be made in this instance. Accordingly, it is our expectation that objections and any response thereto by the District will be filed with the Court on the schedule you have proposed.

Lois D. Thompson  
Partner

Proskauer  
2049 Century Park East  
Suite 3200  
Los Angeles, CA 90067-3206  
d 310.284.5614  
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lthompson@proskauer.com

## **Brown 05/11/15 email proposal regarding TUSD 05/08/15 Dietz NARA**

From: Brown, Samuel [mailto:Samuel.Brown@tusd1.org]  
Sent: Monday, May 11, 2015 1:30 PM  
To: Willis D. Hawley; Anurima Bhargava; James Eichner; Juan Rodriguez; Thompson, Lois D.; Rubin Salter Jr.; Zoe Savitsky  
Cc: Tolleson, Julie; Brammer@rllaz.com; TUSD; Desegregation  
Subject: Proposed Schedule re Dietz NARA

Counsel: On May 1, we proposed a briefing schedule re the Dietz NARA in the event that we could not come to an agreement by stipulation. As we were unable to come to an agreement, we filed the NARA last Friday per the proposed schedule. Dr. Hawley indicated that he had no objection to the proposed schedule, and no other party objected. We are now seeking confirmation that we are following the proposed schedule to ensure that we are all on the same page:

- TUSD filed the NARA (including DIA) with the Court by May 8.
- Plaintiffs will provide comments to TUSD and the Special Master by May 15.
- TUSD will provide a response to the Plaintiffs and Special Master by May 22.
- The Special Master will provide a recommendation to the Court by June 1 with a request for an expedited ruling within thirty days.

Let us know, thanks in advance...Sam

Samuel Emiliano Brown  
Legal Counsel  
Tucson Unified School District  
520.225.6067  
520.226.6058 (fax)  
samuel.brown@tusd1.org

## **Waterkotte 05/08/15 email regarding TUSD Dietz NARA**

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From: Patricia V. Waterkotte [mailto:pwaterkotte@rllaz.com]  
Sent: Friday, May 08, 2015 3:44 PM  
To: Juan Rodriguez; Brown, Samuel; Willis D. Hawley; Anurima Bhargava; James Eichner; Lois Thompson; Rubin Salter Jr.; Zoe Savitsky  
Cc: Tolleson, Julie; Taylor, Martha; William Brammer; TUSD  
Subject: RE: Dietz

Counsel/Dr. Hawley:

As it has done in the past, the District can approve contracts, obtain licenses, seek court approval, etc. simultaneously. This has been no different with the NARAs. See the attached last four NARAs filed with the Court. Each indicates the board had approved the proposal before the NARAs were filed. Clearly these actions were not implemented until Court approval was given – indeed, it was sought in every instance, and no board action stated that Court approval would be sought before implementing the action - and this one is no different.

The District agrees that it should not implement an action without required Court approval. But the idea that the District should not take any affirmative steps towards an action until the Court approves the action is unreasonable and impractical. And taking steps towards an action does not create a “fait accompli.” A fait accompli means the parties would have no option but to accept the action – which is clearly not the case here. The parties have been presented with an option to agree to the action, or to go through the formal NARA process. A proposed timeline for briefing with the Court has even been developed and presented to the parties.

Suppose the District did not take any steps and instead “worked with the SMP” for several months on every potential proposal. Then, after spending dozens of hours and multiple weeks obtaining approval from the SMP, the District put out a request for proposals only to find out a needed license cannot be obtained, or there are no reasonable bids from contractors to do the work, or the board did not support the proposal. It is entirely reasonable for the District to work on parallel tracks: seek to obtain contracts, obtain necessary licensing, and obtain court approval simultaneously. That such prudent, reasonable action can be misconstrued as an act of bad faith strains credulity.

Mendozas now ask for a report to the Court because they “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”. To which USP or Court-Ordered procedures do the Mendozas refer? There is no USP or Court Order directing the District not to obtain board-approval until the Court approves a NARA. To the contrary, re I(D)(1) items, the USP and related court orders expressly require the District to obtain superintendent or board approval of action plans on day 61 of the stipulated process, even before the plaintiffs file a request for an R&R, before an R&R is submitted, and long before the Court rules on the R&R. See ECF 1581 at 3. This situation is not a I(D)(1) situation, of course, but this assertion that the District is acting in bad faith before the Court approves of an action (merely by taking steps toward the action, not actually implementing it) is not supported by the orders in this case or the USP.

With this clarification, we hope the Mendozas will reconsider their request to the Special Master that this be brought to the Court’s attention so that we may avoid unnecessary and costly briefing.

Thanks,

Patricia

Patricia Victory Waterkotte, Esq.

## **Hawley 05/08/15 email response regarding TUSD Dietz NARA**

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From: Willis D. Hawley [mailto:wdh@umd.edu]

Sent: Friday, May 08, 2015 1:17 PM

To: Patricia V. Waterkotte; Juan Rodriguez; Brown, Samuel; Anurima Bhargava; James Eichner; Lois Thompson; Rubin Salter Jr.; Zoe Savitsky

Cc: Tolleson, Julie; Taylor, Martha; William Brammer; TUSD

Subject: RE: Dietz

The fact that the Board takes action signals to the community its intent to go forward and presents the plaintiffs and me with a practical fait accompli—that is, we are in the position of overturning a Board action. Moreover, the Board does not have the benefit of any perspective that the plaintiffs and the SM might offer. The purposes of review under NARA include providing the District with input with respect to its decisions, not simply to allow for a veto. The District includes the Board.

It would seem that the Board would not want to have its actions denied by the Court unless the intention is to build a case that the plaintiffs and the SM are usurping its functions and prerogatives. As to practicality, the only delay that is likely would be a few days should the matter go to the Court.

The fact that the Board acted before the matter in the past was submitted seems irrelevant. In the Dietz case, the District learned in a few days that there would be objections.

Bill Hawley

**Salter 05/07/15 email regarding Fisher comments on TUSD Dietz NARA**

From: Rubin Salter, Jr. <rsjr3@aol.com>

To: wdh <wdh@umd.edu>; julie.tolleson <julie.tolleson@tusd1.org>; samuel.brown <samuel.brown@tusd1.org>;  
tusd <tusd@rllaz.com>; zoe.savitsky <zoe.savitsky@usdoj.gov>; james.eichner <james.eichner@usdoj.gov>;  
anurima.bhargava <anurima.bhargava@usdoj.gov>; lthompson <lthompson@proskauer.com>; jrodriguez  
<jrodriguez@maldef.org>

Cc: rsjr3 <rsjr3@aol.com>; gloria.c.copeland <gloria.c.copeland@hotmail.com>; kellangfo <kellangfo@aol.com>;  
lhrichardson2000 <lhrichardson2000@yahoo.com>

Sent: Thu, May 7, 2015 4:15 pm

Subject: Fisher Plaintiffs' comments re: Placement of Portables at Dietz K-8 School

Special Master Hawley and Counsel:

Attached, please find the Fisher Plaintiffs' Comments re: Placement of Portables at Dietz K-8 School.

Respectfully,  
Rubin

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Rubin Salter, Jr.  
Attorney  
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## **Rodriguez 05/06/15 email regarding Mendoza comments on Dietz NARA**

From: Juan Rodriguez <jrodriguez@MALDEF.org>  
To: Brown, Samuel <Samuel.Brown@tusd1.org>; Willis D. Hawley <wdh@umd.edu>; Anurima Bhargava <anurima.bhargava@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter Jr. <rsjr3@aol.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>  
Cc: Tolleson, Julie <Julie.Tolleson@tusd1.org>; Taylor, Martha <Martha.Taylor@tusd1.org>; Brammer <Brammer@rllaz.com>; TUSD <TUSD@rllaz.com>  
Sent: Wed, May 6, 2015 6:06 pm  
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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**Eichner 05/06/15 email reply regarding stipulation to TUSD Dietz NARA**

From: Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>  
To: Brown, Samuel <Samuel.Brown@tusd1.org>; Willis D. Hawley <wdh@umd.edu>; Bhargava, Anurima (CRT) (CRT) <Anurima.Bhargava@usdoj.gov>; Juan Rodriguez <jrodriguez@maldef.org>; Lois Thompson <lthompson@proskauer.com>; Rubin Salter Jr. <rsjr3@aol.com>; Savitsky, Zoe (CRT) (CRT) <Zoe.Savitsky@usdoj.gov>; Eichner, James (CRT) (CRT) <James.Eichner@usdoj.gov>  
Cc: Tolleson, Julie <Julie.Tolleson@tusd1.org>; Taylor, Martha <Martha.Taylor@tusd1.org>; Brammer <Brammer@rllaz.com>; TUSD <TUSD@rllaz.com>  
Sent: Wed, May 6, 2015 1:19 pm  
Subject: RE: Dietz

DOJ has no objection to the District's proposal regarding Dietz. We reserve the right to revisit if another parties raises questions or an objection.

Jim  
Eichner

**Hawley 05/06/15 email reply regarding stipulation to TUSD Dietz NARA**

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From: Willis D. Hawley <wdh@umd.edu>  
To: Brown, Samuel <Samuel.Brown@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 Jr. <rsjr3@aol.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>  
Cc: Tolleson, Julie <Julie.Tolleson@tusd1.org>; Taylor, Martha <Martha.Taylor@tusd1.org>; Brammer <Brammer@rllaz.com>; TUSD <TUSD@rllaz.com>  
Sent: Wed, May 6, 2015 8:46 am  
Subject: RE: Dietz

I have no objection. If the plaintiffs provide additional information raising objections I would want reconsider. Bill Hawley

**Brown 05/05/15 email reply regarding stipulation to TUSD Dietz NARA**

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@rllaz.com; TUSD  
Subject: Dietz

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

Samuel Emiliano Brown  
Tucson Unified School District  
520.225.6067  
520.226.6058 (fax)  
samuel.brown@tusd1.org

**Hawley 05/03/15 email response regarding stipulation to TUSD Dietz NARA**

From: Willis D. Hawley <wdh@umd.edu>  
To: William Brammer <WBrammer@rllaz.com>  
Cc: Rubin Salter Jr. (Rsjr3@aol.com) <Rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Lois Thompson (Lthompson@proskauer.com) <Lthompson@proskauer.com>; Anurima Bhargava (Anurima.Bhargava@usdoj.gov) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov) (CRT) (Zoe.Savitsky@usdoj.gov) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>; Julie Tolleson (Julie.Tolleson@tusd1.org) <Julie.Tolleson@tusd1.org>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; Nodine, Bryant (Bryant.Nodine@tusd1.org) (Bryant.Nodine@tusd1.org) <Bryant.Nodine@tusd1.org>; Gallegos, Ana (Ana.Gallegos@tusd1.org) (Ana.Gallegos@tusd1.org) <Ana.Gallegos@tusd1.org>; TUSD <TUSD@rllaz.com>  
Sent: Sun, May 3, 2015 8:45 am  
Subject: Re: Request for consideration to approve addition of portable buildings to Dietz school campus  
I have some questions.

Please clarify why The February 2013 court order does not apply in this case.

If enrollment is not projected the change in future years, why was there an increase in open enrollment that was not anticipated?in other words, why is there so much interest in one of the districts C schools?

Why are all sixth-graders at Dietz in need of "enrichment" classes? What courses will students not take part in as a result of what these classes are all about? What are CORE classes about?

If this matter cannot be resolved, I have no objection to the proposed timeline.

Thanks.

BH

**Brammer 05/01/15 email request regarding stipulation to TUSD Dietz NARA**

From: William Brammer <WBrammer@rllaz.com>  
To: Willis D. Hawley (wdh@umd.edu) <wdh@umd.edu>; Rubin Salter Jr. (Rsjr3@aol.com) <Rsjr3@aol.com>; Juan Rodriguez <jrodriguez@MALDEF.org>; Lois Thompson (Lthompson@proskauer.com) <Lthompson@proskauer.com>; Anurima Bhargava (Anurima.Bhargava@usdoj.gov) <Anurima.Bhargava@usdoj.gov>; Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov) (CRT) (Zoe.Savitsky@usdoj.gov) <Zoe.Savitsky@usdoj.gov>; James.Eichner <James.Eichner@usdoj.gov>  
Cc: Julie Tolleson (Julie.Tolleson@tusd1.org) <Julie.Tolleson@tusd1.org>; Desegregation (deseg@tusd1.org) <deseg@tusd1.org>; Nodine, Bryant (Bryant.Nodine@tusd1.org) (Bryant.Nodine@tusd1.org) <Bryant.Nodine@tusd1.org>; Gallegos, Ana (Ana.Gallegos@tusd1.org) (Ana.Gallegos@tusd1.org) <Ana.Gallegos@tusd1.org>; TUSD <TUSD@rllaz.com>  
Sent: Fri, May 1, 2015 4:23 pm  
Subject: Request for consideration to approve addition of portable buildings to Dietz school campus

Dr. Hawley and counsel:

Please find attached a memo from TUSD directed to you all, attached to which is a DIA. The memo requests your consideration and approval of the district's request to add two portable buildings to the Dietz campus. As can be seen from the request, the buildings would be used for many purposes, including instruction.

This request is made with the hope we can avoid the dustup we currently are experiencing over the Fruchtendler/Sabino situation. Your approval of this proposal is solicited to the goal of all parties with the Special Master's approval stipulating that the court could enter an order approving the proposal.

If you feel you cannot approve and so stipulate, the district respectfully requests you tell us as why soon as possible so perhaps any concern you might have can be satisfied. We are hoping there will not be any concerns with this straightforward request.

As you can see from the attached, 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 order to consider the request. The district recognizes the need to involve you all as early in the process as possible, and this is that time.

We would like to conclude this process soon, so if the district needs to file a NARA with the court to obtain approval it can occur as quickly as possible. The district would need to have the matter resolved in time to transport and place the buildings before the beginning of school at the end of July. I would guess the court should have this matter presented to it by the middle of this month in order to have the time to consider and rule before we run out of time for the district to do whatever it must to secure placement of the buildings.

Thank you very much for your consideration of this request, and we hopefully look forward to your vote of approval. Have a terrific weekend and thanks!

Bill

J. William Brammer, Jr.  
Rusing Lopez & Lizardi, P.L.L.C.  
6363 North Swan Road, Suite 151  
Tucson, Arizona 85718  
Tel: 520.792.4800  
Fax: 520.529.4262  
Brammer@rllaz.com  
www.rllaz.com

**Richardson 04/21/15 email regarding funding of portables at Dietz K-8**

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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: Tue, Apr 21, 2015 6:20 am  
Subject: Deseg Expenditure

Dear Mr. Salter:

IN the 2013-2014 school year, Dietz Elementary began it's transformation to Dietz K-8. This year the school has K-7 and next year they will add 8th graders. Consequently, the building needs more classroom space, and it has come to our attention that two new portables for next year are being paid for by deseg funds.

Of course, you are aware as well as I am that the purchase of portables at Dietz is not a deseg issue. In fact, Dietz is one of the few integrated schools in the District. This matter needs to be addressed immediately, because there is a meeting tomorrow to discuss the purchase.

Lorraine H. Richardson