

**Salter 06/18/15 email reply to Brown 06/18/15 email response to Fisher 05/29/15 CMP RFI**

From: Rubin Salter, Jr. <rsjr3@aol.com>  
To: Martha.Taylor <Martha.Taylor@tusd1.org>; julie.tolleson <julie.tolleson@tusd1.org>; Samuel.Brown <Samuel.Brown@tusd1.org>  
Cc: lthompson <lthompson@proskauer.com>; jrodriguez <jrodriguez@maldef.org>; james.eichner <james.eichner@usdoj.gov>; zoe.savitsky <zoe.savitsky@usdoj.gov>; anurima.bhargava <anurima.bhargava@usdoj.gov>; brammer <brammer@rllaz.com>; pvictory <pvictory@rllaz.com>; tusd <tusd@rllaz.com>; wdh <wdh@umd.edu>; deseg <deseg@tusd1.org>  
Sent: Thu, Jun 18, 2015 4:46 pm  
Subject: Re: CMP RFI

Counsel:

In reference to your 06/18/15 email response to the first request made in the Fisher Plaintiffs' 05/29/15 CMP RFI:

You are correct, after the Fisher Plaintiffs submitted their CMP RFI on 05/29/15, the District did eliminate the label "problematic" from the language of the final, revised CMP (entered into record on 06/11/15 as document number 1808-3). The elimination of the label did not, however, extend to the elimination of the (now unlabelled) category of magnet schools. As you are certainly aware, the category remains and includes the same schools grouped according to the same criteria. The suggestion that the District is somehow incapable of responding to the Fisher Plaintiffs' request for information regarding this category of schools is frankly discouraging.

By copy of this email, please consider the Fisher Plaintiffs' 05/29/15 CMP RFI formally amended to request information regarding "the extant category of magnet schools formerly labelled problematic." The requested information remains relevant and necessary to the evaluation of the CMP. The Fisher Plaintiffs reiterate their expectation that the District will respond to the first half of their 05/29/15 CMP RFI in advance of the deadline for filing responses to the SM's forthcoming CMP R&R (see Salter 06/11/15 email regarding stipulation to CMP briefing schedule where it states that "[t]he Fisher Plaintiffs are willing to stipulate to the expedited CMP briefing schedule [...] in the interest of moving ahead with the filing and implementation of the CMP, and in the understanding that the District's forthcoming response to the Fisher RFI will occur, if not by 06/12/15, then certainly in advance of the deadline for responding to the SM's CMP R&R" with emphasis added).

In reference to your 06/18/15 email response to the second request made in the Fisher Plaintiffs' 05/29/15 CMP RFI:

The CMP filed 05/15/15 as document number 1803 provides at page 10 that:

The District created an exclusionary option for schools that are highly performing but have little chance of integrating. The District selected Ochoa for this exclusionary option. This option, called Lighthouse, involves creating a lab school environment where highly successful teachers share their expertise and classrooms as models. As a Lighthouse School, Ochoa would no longer be a magnet school and would accept only open enrollment and neighborhood students. The school would continue to receive magnet funding for three years beginning in 2015-16.

If, as you state in your email response to the Fisher 05/29/15 CMP RFI, "the District is not going to proceed with the 'exclusionary option' with Ochoa Elementary," then that decision is not evident in the language of the CMP on record with the Court as document number 1808-3, which document provides at page 5 that:

The District created an exclusionary option for schools that are highly performing but have little chance of integrating. The District selected Ochoa for this exclusionary option. This option, called Lighthouse, involves creating a lab school environment where highly successful teachers share their expertise and classrooms as models. As a Lighthouse School, Ochoa would no longer be a magnet school and would accept only open enrollment and neighborhood students. The school would continue to receive magnet funding for three years beginning in 2015-16 (at page 5 of document number 1808-3).

If you are suggesting that the District intends to revise the language of the Plan, it should amend its filing accordingly. Absent such amendment, the Fisher Plaintiffs must assume, in drafting their response to the CMP, that the wording of the filing on record accurately reflects the District's plans for its magnet schools.

Whatever the District's plans for Ochoa, the Fisher Plaintiffs must assume that the "exclusionary option" remains an option the District may choose to exercise at some later date and that the Fisher Plaintiffs' request for information regarding "schools that would meet the criteria for the 'exclusionary option'" remains, therefore, relevant and necessary to the evaluation of the CMP. On that basis, and by copy of this email, the Fisher Plaintiffs formally reiterate their expectation that the District will respond to the second half of their 05/29/15 CMP RFI in advance of the deadline for filing responses to the SM's forthcoming CMP R&R.

Respectfully,

Rubin Salter, Jr.

**Brown 06/18/15 email response to Fisher 05/29/15 CMP RFI**

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From: Brown, Samuel <Samuel.Brown@tusd1.org>  
To: Rubin Salter Jr. <rsjr3@aol.com>  
Cc: Taylor, Martha <Martha.Taylor@tusd1.org>  
Sent: Thu, Jun 18, 2015 11:32 am  
Subject: FW: CMP RFI

Mr. Salter: On May 29, 2015 we received an RFI from the Fishers, attached to the comments to the CMP. As you know, the comments were due on May 29, 2015. We have reviewed your request and provide the following response:

RFI #1: the term "Problematic" is not used in the CMP. We therefore cannot respond to your request for data related to "Problematic" magnet schools.

RFI #2: no schools are using the "exclusionary option" – the District is not going to proceed with the "exclusionary option" with Ochoa Elementary

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

**Salter 06/11/15 email regarding stipulation to CMP briefing schedule**

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From: Rubin Salter, Jr. [mailto:rsjr3@aol.com]  
Sent: Thursday, June 11, 2015 12:32 PM  
To: Brown, Samuel; wdh@umd.edu; anurima.bhargava@usdoj.gov; james.eichner@usdoj.gov; jrodriguez@maldef.org; lthompson@proskauer.com; TUSD@rllaz.com; zoe.savitsky@usdoj.gov  
Cc: Taylor, Martha; Foster, Richard  
Subject: Re: CMP process

Sam:

The Fisher Plaintiffs are willing to stipulate to the expedited CMP briefing schedule as modified per Juan's recommendations. This stipulation is made in the interest of moving ahead with the filing and implementation of the CMP, and in the understanding that the District's forthcoming response to the Fisher RFI will occur, if not by 06/12/15, then certainly in advance of the deadline for responding to the SM's CMP R&R.

Sincerely,

Rubin

**Hawley 06/11/15 email regarding stipulation to CMP briefing schedule**

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From: Willis D. Hawley  
Sent: Thursday, June 11, 2015 9:57 AM  
To: Brown, Samuel; 'Rubin Salter, Jr.'; anurima.bhargava@usdoj.gov; james.eichner@usdoj.gov; jrodriguez@maldef.org; lthompson@proskauer.com; TUSD@rllaz.com; zoe.savitsky@usdoj.gov  
Cc: Taylor, Martha; Foster, Richard  
Subject: RE: CMP process

I thought I had endorsed this but if not, I do. BH

**Savitsky 06/10/15 email regarding stipulation to CMP briefing schedule**

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From: Savitsky, Zoe (CRT) [mailto:Zoe.Savitsky@usdoj.gov]  
Sent: Wednesday, June 10, 2015 6:16 PM  
To: Brown, Samuel; 'Juan Rodriguez'; Willis D. Hawley; Bhargava, Anurima (CRT); Eichner, James (CRT); Lois Thompson; Rubin Salter Jr.; TUSD  
Cc: Taylor, Martha;  
Foster, Richard  
Subject: RE: CMP process

DOJ also agrees to the revised CMP briefing schedule in your latest email.

**Rodriguez 06/10/15 email regarding stipulation to CMP briefing schedule**

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From: Juan Rodriguez [mailto:jrodriguez@MALDEF.org]  
Sent: Wednesday, June 10, 2015 6:09 PM  
To: Brown, Samuel; Willis D. Hawley; Anurima Bhargava; James Eichner; Lois Thompson; Rubin Salter Jr.; TUSD; Zoe Savitsky  
Cc: Taylor, Martha; Foster, Richard  
Subject: RE: CMP process

Thanks, Sam. Mendoza Plaintiffs agree to the revised CMP briefing schedule attached to your email below.

Juan  
Rodriguez | Staff Attorney

**Brown 06/10/15 email regarding stipulation to CMP briefing schedule**

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From: Brown, Samuel <Samuel.Brown@tusd1.org>  
To: Willis D. Hawley <wdh@umd.edu>; 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>; TUSD <TUSD@rllaz.com>; Zoe Savitsky <zoe.savitsky@usdoj.gov>  
Cc: Taylor, Martha <Martha.Taylor@tusd1.org>; Foster, Richard <Richard.Foster@tusd1.org>  
Sent: Wed, Jun 10, 2015 5:37 pm  
Subject: FW: CMP process

Dr Hawley/Counsel: We are preparing to file CMP approved by Governing Board at last night's meeting, and would like to reference (and notice for the Court) the agreed-upon briefing schedule. However, after Dr Hawley sent his memo on May 17, 2015, the Mendozas asked for two minor modifications (see below, and see attached tracked changes). TUSD agrees to the modifications, but it does not appear that anyone ever responded to Juan's email and the modifications were never memorialized.

Please see the attached "Stipulated CMP Briefing Schedule" which includes Juan's proposed modifications and let us know as soon as possible whether you agree to the schedule as revised per the Mendozas' suggestions. Once we have agreement, we will file the CMP with the court along with this document so that everyone, including the court, is on the same page about the briefing schedule. Sam

**Salter 05/29/15 email regarding Fisher objection to and comments on 05/15/15 CMP**

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From: Rubin Salter, Jr. <rsjr3@aol.com>  
To: Julie.Tolleson <Julie.Tolleson@tusd1.org>; Samuel.Brown <Samuel.Brown@tusd1.org>; Martha.Taylor <Martha.Taylor@tusd1.org>  
Cc: WBrammer <WBrammer@rllaz.com>; lthompson <lthompson@proskauer.com>; wdh <wdh@umd.edu>; Zoe.Savitsky <Zoe.Savitsky@usdoj.gov>; Anurima.Bhargava <Anurima.Bhargava@usdoj.gov>; james.eichner <james.eichner@usdoj.gov>; deseg <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>; jrodriguez <jrodriguez@MALDEF.org>  
Sent: Fri, May 29, 2015 7:37 pm  
Subject: Fisher Plaintiffs' Comments on CMP

Dear Special Master Hawley and counsel:

Please find attached the following three documents submitted to the District by the Fisher Plaintiffs in conjunction with their review of the CMP:

- The Fisher Plaintiffs' comments and objection to the 05/15/15 CMP (attached as 15.05.29.fisher.memorandum.cmp.pdf)
- The Fisher Plaintiffs' 06/13/14 analysis of disused TUSD school sites (attached as 14.06.13.fisher.further.cmp.proposal.pdf)
- The Fisher Plaintiffs' urgent request for information necessary to the evaluation of the CMP (attached as 15.05.29.fisher.rfi.cmp.docx)

**Rodriguez 05/29/15 email regarding Mendoza comments on 05/15/15 CMP**

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From: Juan Rodriguez <jrodriguez@MALDEF.org>  
To: Julie.Tolleson <Julie.Tolleson@tusd1.org>; Samuel.Brown <Samuel.Brown@tusd1.org>  
Cc: WBrammer <WBrammer@rllaz.com>; lthompson <lthompson@proskauer.com>; wdh <wdh@umd.edu>; rsjr3 <rsjr3@aol.com>; Zoe.Savitsky <Zoe.Savitsky@usdoj.gov>; Anurima.Bhargava <Anurima.Bhargava@usdoj.gov>; james.eichner <james.eichner@usdoj.gov>; deseg <deseg@tusd1.org>; TUSD <TUSD@rllaz.com>  
Sent: Fri, May 29, 2015 6:18 pm  
Subject: Mendoza Plaintiffs' Comments on CMP

Dear Counsel,

Please find attached Mendoza Plaintiffs' comments on the filed CMP.

Juan Rodriguez | Staff Attorney

**Rodriguez 05/18/15 email regarding CMP briefing schedule**

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From: Juan Rodriguez [mailto:jrodriguez@MALDEF.org]  
Sent: Monday, May 18, 2015 9:49 AM  
To: Willis D. Hawley; Taylor, Martha; rsjr3@aol.com; Thompson, Lois D.; Bhargava, Anurima (CRT); Zoe.Savitsky@usdoj.gov; Eichner, James (CRT) (James.Eichner@usdoj.gov); Desegregation; RLL; Tolleson, Julie; Foster, Richard; Callison, Victoria  
Cc: 'Rebecca Montano'  
Subject: RE: CMP process

Special Master and Counsel,

For clarity, I write to confirm that each of the five-day periods in the CMP schedule include only business days. Further, to avoid any confusion in the future, I also want to confirm that the parties each have seven business days after submission of your recommendation to the Court to file objections (with no additional time for electronic/mail filing), if any.

Thanks,

Juan Rodriguez | Staff Attorney

**Hawley 05/17/15 email regarding CMP briefing schedule**

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From: Willis D. Hawley [mailto:wdh@umd.edu]  
Sent: Sunday, May 17, 2015 12:33 PM  
To: Juan Rodriguez; Taylor, Martha; rsjr3@aol.com; Thompson, Lois D.; Bhargava, Anurima (CRT); Zoe.Savitsky@usdoj.gov; Eichner, James (CRT) (James.Eichner@usdoj.gov); Desegregation; RLL; Tolleson, Julie; Foster, Richard; Callison, Victoria  
Cc: 'Rebecca Montano'  
Subject: RE: CMP process

Here is the revised schedule that [I] think we all agree on. Bill

**Rodriguez 05/15/15 email regarding CMP briefing schedule**

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From: Juan Rodriguez [mailto:jrodriguez@MALDEF.org]  
Sent: Friday, May 15, 2015 3:08 PM  
To: Taylor, Martha; Willis D. Hawley; rsjr3@aol.com; Thompson, Lois D.; Bhargava, Anurima (CRT); Zoe.Savitsky@usdoj.gov; Eichner, James (CRT) (James.Eichner@usdoj.gov); Desegregation; RLL; Tolleson, Julie; Foster, Richard; Callison, Victoria  
Cc: 'Rebecca Montano'  
Subject: RE: CMP process

Dear Special Master and Counsel,

In light of the fact that the Governing Board will review any proposed CMP changes on June 9 instead of June 2, as indicated in the District's redlined changes to the CMP process document, (a change which Mendoza Plaintiffs are fine with), Mendoza Plaintiffs now request that the parties agree that the Special Master and Plaintiffs may have until Friday, May 29 to provide any comments and objections to the District's filing instead of Tuesday, May 26.

Thanks,

Juan Rodriguez | Staff Attorney