

1 LOIS D. THOMPSON, Cal. Bar No. 093245 (Admitted Pro Hac Vice)  
lthompson@proskauer.com  
2 JENNIFER L. ROCHE, Cal. Bar No. 254538 (Admitted Pro Hac Vice)  
jroche@proskauer.com  
3 PROSKAUER ROSE LLP  
2049 Century Park East, 32nd Floor  
4 Los Angeles, California 90067-3206  
Telephone: (310) 557-2900  
5 Facsimile: (310) 557-2193

6 JUAN RODRIGUEZ, Cal. Bar No. 282081 (Admitted Pro Hac Vice)  
jrodriguez@maldef.org  
7 THOMAS A. SAENZ, Cal. Bar No. 159430 (Admitted Pro Hac Vice)  
tsaenz@maldef.org  
8 MEXICAN AMERICAN LEGAL DEFENSE AND  
EDUCATIONAL FUND (MALDEF)  
9 634 S. Spring St.  
11th Floor  
10 Telephone: (213) 629-2512 ext. 121  
Facsimile: (213) 629-0266

11 Attorneys for Mendoza Plaintiffs  
12

13 UNITED STATES DISTRICT COURT  
14 FOR THE DISTRICT OF ARIZONA  
15

16 Roy and Josie Fisher, et al.,

17 Plaintiffs,

18 v.

19 United States of America,

20 Plaintiff-Intervenors,

21 v.

22 Anita Lohr, et al.,

23 Defendants,

24 Sidney L. Sutton, et al.,

25 Defendant-Intervenors,  
26  
27  
28

Case No. 4:74-CV-00090-DCB

**MENDOZA PLAINTIFFS' COMMENTS  
AND OBJECTIONS TO THE  
INDIVIDUAL MAGNET SCHOOL  
IMPROVEMENT PLANS IN THE TUSD  
COMPREHENSIVE MAGNET PLAN**

Hon. David C. Bury

1 Maria Mendoza, et al.,  
 2  
 3 Plaintiffs,  
 4  
 5 United States of America,  
 6  
 7 Plaintiff-Intervenor,  
 8  
 9 v.  
 10  
 11 Tucson United School District No. One, et al.,  
 12  
 13 Defendants.  
 14

Case No. CV 74-204 TUC DCB

15 **INTRODUCTION**

16 *The Plans Now Before This Court*

17 When Tucson Unified School District, No. 1 (“TUSD”) filed the “final” Governing  
 18 Board-approved Revised Comprehensive Magnet Plan (“CMP”) on June 11, 2015, it failed  
 19 to include any of the required individual magnet school improvement plans. Those plans  
 20 were separately filed on June 19, 2015. By stipulation of the parties so ordered by this  
 21 Court on June 26, 2015, plaintiffs were afforded until June 30, 2015 to provide comments  
 22 concerning those individual magnet school improvement plans. (Doc. No. 1818 at 2:7-8.)  
 23 That same stipulation and order gave the District until June 26 to respond to plaintiffs’  
 24 objections to the CMP as filed on June 11. Attached to the response TUSD filed on June  
 25 26 is a *further* Revised Comprehensive Magnet Plan. (*See, e.g.*, Doc. No. 1819-1, filed  
 26 6/26/15.)<sup>1</sup> Because that further Revised Comprehensive Magnet Plan addresses certain

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27 <sup>1</sup> This further Revised Comprehensive Magnet Plan has not been considered by the TUSD  
 28 Governing Board. (Response to Mendoza Plaintiffs’ Objections to TUSD’s Final Revised  
 Comprehensive Magnet Plan (“Response to Mendoza CMP Objection”)(Doc. No. 1819) at  
 2:8-9.) It nonetheless is the version of the CMP the District now is asking this Court to  
 approve. (*Id.* at 2:14-15.) Mendoza Plaintiffs leave to the District the task of explaining

1 previously asserted general objections to the individual magnet school improvement plans  
2 as well as objections and comment directed to the main body of the CMP, Mendoza  
3 Plaintiffs will refer to that further Revised Comprehensive Magnet Plan in the discussion  
4 that follows. They will refer to that document as the 6/26/15 CMP.  
5

6 *The Status of the Individual Magnet School Improvement Plans*

7 In its June 26 filing, the District asserts that “there were no substantive  
8 programmatic changes [from the plans filed on May 15, 2015 as part of Doc. No. 1803]”  
9 and states that submission of those individual plans in final form did not occur at the time  
10 of the filing of the Revised CMP on June 11, 2015 (“6/11/15 CMP”) because “they needed  
11 to have the accurate cost estimates vetted for each plan as part of the 910(G) budgeting  
12 process.” (Doc. No. 1819 at 7:13-16.)  
13

14 That statement raises multiple issues: (1) it indicates that the District has failed to  
15 address the comprehensive review of those plans that the Mendoza Plaintiffs provided to  
16 the District on May 29 in an effort to bring those plans into compliance with the USP and  
17 this Court’s orders relating to the CMP; (2) it suggests that undertakings that the District  
18 has included in the 6/26/15 CMP allegedly in response to plaintiff and Special Master  
19 comment have not actually found their way into the improvement plans that each magnet  
20 school is committed to implement (something a review of the most recently filed plans  
21 confirms); and (3) it ignores the fact that whether as part of the so-called budget vetting  
22 process or otherwise, there have indeed been substantive changes to some of the plans.  
23 Finally, as discussed further below, the budget “vetting” process has resulted in significant  
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27 how a version of the CMP that has not been approved by the Governing Board can be  
28 presented to this Court.

1 disparities among schools, and left three in particular – Holladay, Robison, and Ochoa  
2 (now that it is again a magnet school and no longer a “lighthouse”) with insufficient funds  
3 and inadequate plans to attempt to meet the USP’s requirements with respect to  
4 achievement and integration.

5  
6 **ARGUMENT**

7 Because TUSD Has Failed to Address Most of the Mendoza Plaintiffs’ Previously  
8 Asserted Objections to the Individual Magnet School Improvement Plans, They Are  
9 Constrained to Repeat Those Objections Here

10 Mendoza Plaintiffs directed much of their discussion of the CMP in the objections  
11 they filed on June 18, 2015 (Doc. No. 1813) to the individual magnet school improvement  
12 plans because they should have been part of the filed CMP and are central to the District’s  
13 actual implementation of that CMP. (Their discussion therefore focused on the  
14 improvement plans that were part of the District’s May 15 filing as they were the only such  
15 plans then available to the plaintiffs and the Court.) Rather than burden the Court with the  
16 need to review that earlier filing, Mendoza Plaintiffs will repeat their arguments here,  
17 modified only to the extent warranted based on changes to those plans and new  
18 undertakings set out in the 6/26/15 CMP.

19  
20  
21 *Effect of 6/26/15 CMP on Certain Mendoza Plaintiff Objections*

22 At the outset, Mendoza Plaintiffs note that the District has removed the  
23 “exclusionary option” it had created for schools that it asserted were “highly performing  
24 but have little chance of integrating” and, as a consequence, also eliminated the  
25 designation (and funding) of Ochoa as a “lighthouse school.” (6/26/15 CMP at 4.)  
26 Mendoza Plaintiffs therefore withdraw their objections to these aspects of the 6/11/15  
27  
28

1 CMP– but have comments and objections to the newly created Ochoa magnet school  
2 improvement plan as discussed further below.

3           Mendoza Plaintiffs acknowledge the representation in the 6/26/15 CMP,  
4 presumably added in response to their objections and those of the Special Master, that  
5 “[w]hen Teaching Assistants are used, they will be supporting the learning of students who  
6 are not struggling so that certified personnel can work intensively with students who most  
7 need their expertise.” (6/26/15 CMP at 8.) However, it does not appear that all the  
8 individual magnet school improvement plans have been revised to reflect this  
9 undertaking.<sup>2</sup> Moreover, there is no mention of how the assignment of Teaching  
10 Assistants will be monitored by the District.

13           While the 6/26/15 CMP purports to address the issue raised by the Mendoza  
14 Plaintiffs concerning inequities that would result were free transportation not provided for  
15 magnet school students who otherwise qualified for such transportation to permit them to  
16 participate in the after-school and Saturday “interventions”<sup>3</sup> contemplated by many of the  
17 magnet school improvement plans (*see* 6/26/15 CMP at 8-9), that new revision, even  
18 allowing for the correction of a typo that states both that transportation “may” be included  
19 and “will” be included, does not fully address Mendoza Plaintiffs’ objection. Mendoza  
20  
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22 <sup>2</sup> For example the Davis plan provides for an after-school program expressly targeted to  
23 those in the “bottom 25%” that includes three teacher assistants as well as certified  
24 teachers. (Doc. 1816 at 52.) By definition, therefore, these teacher assistants will be  
working with students who most need the expertise of certified personnel.

25 <sup>3</sup> Mendoza Plaintiffs hasten to add that they remain concerned about programs that single  
26 out low achieving Latino and African American students to participate in deficit model  
27 approaches to closing the achievement gap like the after-school and Saturday  
28 “interventions” that comprise so many of the magnet schools’ improvement plans. But, so  
long as such approaches are integral to these plans, the cost and/or availability of  
transportation cannot be permitted to deprive such students of the ability to participate in  
them.

1 Plaintiffs remain concerned because the 6/26/15 CMP also says that some schools will  
2 charge an unspecified “minimal” fee and further states that free transportation at five  
3 schools is dependent on the receipt of a grant, the application for which remains  
4 outstanding. (6/26/15 CMP at 8.) Accordingly, Mendoza Plaintiffs renew their request (at  
5 Doc. 1813 at 11:6-9) that this Court order the District to revise its magnet school  
6 improvement plans to provide free transportation for those students who otherwise qualify  
7 for transportation under the USP so that they may participate in interventions, tutoring, and  
8 other Saturday and after-school programs that comprise their schools’ magnet  
9 improvement plans, and that the costs of such transportation be included in the District’s  
10 budget for the 2015-16 school year.  
11

13 *On-Going Problems with the Improvement Plans*

14 *Inadequate Goals, Inconsistencies in Goal Setting*

15  
16 In their June 18 submission, Mendoza Plaintiffs noted that some schools had failed  
17 to set adequate achievement goals and that there were serious disparities among schools,  
18 leading to the possibility that schools with low goals would “succeed” as magnet schools  
19 while more ambitious schools would be penalized for failing to meet their more  
20 demanding targets. An example of inadequate goal setting was Cholla, whose failure to set  
21 an adequate goal Mendoza Plaintiffs expressly referenced in their filing of June 18. (Doc.  
22 1813 at 11:16-18, referencing the fact that while Cholla scored 125 AIMS points in 2013-  
23 14, it had set goals of 120 points for each of 2013-14 and 2015-16.) Unfortunately, that  
24 has not changed in the most recently filed, “final” plan.<sup>4</sup> (See Doc. 1816 at 166.)  
25  
26

27  
28 <sup>4</sup> Notwithstanding the District’s assertion that the only changes between the May and June improvement plans were “budgetary” and that no substantive changes were made (Doc. 1819 at 7:13-16), it appears that Borton materially altered its goal, undertaking to progress

1 Similarly, Tucson High received 135 points on AIMS in 2013-14, but its academic  
2 achievement goals for the 2014-15 and 2015-16 years as expressed in its most recently  
3 filed plan are to reach 120 and 130 points, respectively. (*Id.* at 198.)<sup>5</sup> Of particular note,  
4 given that it was just prepared to reflect Ochoa’s return to magnet school from  
5 “lighthouse” school status, and therefore presumably known to the District’s central  
6 administration even as it was negotiating further changes in the CMP with the Special  
7 Master, the Ochoa plan contemplates AIMS points in 2014-15 and 2015-16 *below* what it  
8 actually achieved in 2013-14. (See Doc. 1816 at 77, showing a decline from 123 to 120  
9 points.) Yet, the District claims to have committed to the Special Master that magnet  
10 school achievement “goals must be at least as high as current school measures of  
11 performance.” (See Doc. 1819 at 4:1-4.)

14 *Excessive Reliance on Deficit Model Strategies and Continued Failure to*  
15 *Embrace Magnet School Themes*

16 As the United States recently reminded the parties, this Court has “direct[ed] the  
17 District to **ensure** that the CMP ‘create[s] academic incentives for students to attend  
18 schools strategically located outside their demographically concentrated neighborhoods to  
19 maximize integration.’” (The United States’ Comments Regarding the Tucson Unified  
20

21  
22 from a “C” school that scored 105 points on AIMS in 2013-14 to an “A” school scoring a  
23 minimum of 140 points in 2016-17 (Doc. 1816 at 18) as contrasted with its May 2015  
24 improvement plan in which it had undertaken only to achieve a minimum of 120 points  
25 and a rating of “B” by 2016-17. (Doc. 1803 at 149.) To this more ambitious approach,  
26 Mendoza Plaintiffs say, “Hooray!” but the Borton plan also raises the question of how  
goals in the improvement plans were set and how performance is to be judged when, for  
example, a school like Bonillas continues to say that success will be rather more modest –  
moving from a grade of “C” and a score of 115 in 2013-14 to a minimum of 120 points  
and a grade of “B” in 2016-17. (Doc. 1816 at 9.)

27 <sup>5</sup> Mendoza Plaintiffs also cited two other examples of schools that had set goals that were  
28 inadequate. Of these, Roskrug’s goals remain unchanged (and *below* actually achieved  
performance (Doc. 1816 at 132), while Booth-Fickett’s now have been revised. (*Id.* at 99.)

1 School District No. One's Comprehensive Magnet Plan ("U.S. CMP Comments") at 3:17-  
2 19, quoting this Court's Order of February 15, 2013 (Doc. No. 1447); emphasis added).  
3 Central to such academic incentives in magnet schools are themes, and programs created  
4 around such themes, that serve as a draw *and* that lead to high student achievement. (*See*  
5 the description of magnet schools printed from the Magnet Schools of America web site  
6 attached hereto as Exhibit A and found at [www.magnet.edu/about/what-are-magnet-](http://www.magnet.edu/about/what-are-magnet-schools)  
7 schools.) It is for this reason that Mendoza Plaintiffs have consistently focused on the  
8 failure of the individual magnet school improvement plans to build on their schools'  
9 themes in fashioning plans to increase integration and enhance academic achievement and  
10 why (in addition to efficacy and the embrace of asset based strategies in the USP<sup>6</sup>) they  
11 have stressed the importance of asset based strategies in magnet school plans that are  
12 expected to simultaneously increase achievement AND attract an increasingly diverse  
13 student body. While a few of the magnet schools have identified the richness of their  
14 themes as vehicles for improving overall achievement, closing the achievement gap, and  
15 enhancing the performance of the "bottom 25%", most have a generic, "one size fits all"  
16 deficit model approach.<sup>7</sup> This Court should require those schools that have not done so to  
17 revise their plans to incorporate theme-based strategies to enhance achievement.<sup>8</sup>

22 \_\_\_\_\_  
23 <sup>6</sup> TUSD is wrong when it asserts that there is no USP requirement for asset model  
24 strategies. (TUSD Response to Mendoza CMP Objection, Doc. 1819 at 2:18-19.) The  
25 focus on access and support for participation in Advanced Learning Experiences and the  
26 requirements for culturally relevant and multicultural courses that are central to the USP  
27 are such strategies.

28 <sup>7</sup> Compare the statement in the Drachman plan ("Purchase hands-on Montessori Learning  
materials to differentiate and individualize the instruction for all students. Specific  
populations will be targeted by designing learning experiences to reduce the achievement  
gap and to target the lowest 25%" (Doc. 1816 at 59)) with that in the Robison plan, devoid  
of any reference to its status as an International Baccalaureate-themed school, ("21<sup>st</sup>  
Century [grant] before and after school tutoring and enrichment" (Doc. 1816 at 87).)  
Unfortunately, the more robust, promising plans are those of the magnet schools that

1           Such an order is particularly necessary because it appears that between May and  
2 June, the District’s central administration has actually required certain magnet schools to  
3 *abandon* such approaches. This is most glaring in the case of Holladay.

4           Holladay is a “D” school. Its theme is fine and performing arts. (Doc. 1816 at 61,  
5 65.) As of May, 2015, its improvement plan, in a section addressing its effort to increase  
6 student achievement, close the achievement gap for Hispanic and African American  
7 students, and enhance the performance of those in the bottom 25%, included the hiring of  
8 expert consultants in “Arts integration to support the implementation of strategies and  
9 development of curriculum” (at a total cost for the year of \$14,400). (Doc. 1803 at 199.)  
10 But, without further explanation, the District’s central administration removed that  
11 component of its plan. By email dated June 25, 2015, TUSD administrator Martha Taylor  
12 provided plaintiffs and the Special Master with a memorandum that purported to explain  
13 changes between May and June 2015 in the magnet school improvement plans and a chart  
14 setting forth those changes. These documents are attached collectively as Exhibit B.  
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18           The memorandum asserts that changes were made to standardize components and  
19 adjust others to “align with district direction.” No explanation is given for the referenced  
20 cut in the Holladay plan in Exhibit B beyond the (incorrect) statement that the planned  
21

22  
23  
24 already are higher achieving academically. Drachman is an “A” school that achieved 165  
25 AIMS points in the 2013-14 academic year. (Doc. 1816 at 56.) Robison is a “D” school  
26 with 80 AIMS points in 2013-14. (Doc. 1816 at 84.) It appears that the District’s central  
27 administration did very little to help the more challenged schools improve their plans.

28 <sup>8</sup> Notably, Tucson, Palo Verde, and Pueblo High Schools each contain roughly the same  
budgetary allocations for recruitment efforts. (Doc. 1816 at 175-75, 183-84, 195-97.)  
Cholla High School’s plan, however, contains an additional allocation for an “IB  
Coordinator” to aid in recruitment efforts, (*id.* at 162), which raises the issue of whether  
other schools also are able to integrate their theme into recruitment strategies.

1 undertaking represented “duplicity” in professional development funding to support the  
2 “PLC” structure.

3 In fact, it appears that the District has determined to malnourish certain of its  
4 magnet schools rather than provide them the resources they need to serve their current  
5 students and to succeed.  
6

7 *Certain Magnet Schools Are Significantly Underfunded and Appear to Have*  
8 *Been Denied Needed Resources by the District’s Central Administration*

9 Holladay’s improvement plan budget was reduced by more than \$158,000 between  
10 May and June, from \$446,233 to \$288,221 – by far the largest reduction imposed on any  
11 magnet elementary school.<sup>9</sup> This “D” school, striving to increase the achievement of its  
12 students, not only saw its plan to use the services of an expert to help it integrate its arts  
13 theme into its curriculum eliminated; it also was forced to accept teacher assistants instead  
14 of instructional specialists to assist its teachers in their efforts to enhance achievement –  
15 and then additionally suffered a reduction in the total number of such aides. (*See Exhibit*  
16 *B, chart, under Holladay.*) Although the Holladay plan still says that it plans to implement  
17 Academic Parent Teacher Teams and a parent education and outreach program (to include  
18 home visits) (Doc. 1816 at 71) and details a number of related activities to be performed in  
19 connection with that effort (*see, e.g., id.* at 62), the District has eliminated the funding for  
20 the APTT coordinator/liason needed to facilitate and accomplish those activities. (*Exhibit*  
21 *B, chart, under Holladay.*)  
22  
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26 <sup>9</sup> For ease of reference, Mendoza Plaintiffs have created a chart showing each magnet  
27 school plan budget, changes in those budgets between May and June, and other pertinent  
28 information for each school. That chart is attached as Exhibit C. The data for the chart is  
derived from the District’s May and June filings (Docs. 1803 and 1816) and page 5 of the  
6/26/15 CMP.

1           The magnet elementary school experiencing the next largest cut between May and  
2 June was Ochoa – ironically being budgeted less money as a magnet school charged with  
3 working to become integrated than it was to have received as a non-magnet “lighthouse  
4 school.” (In the case of Ochoa, the cut was over \$53,000.) Perhaps because there was so  
5 little time to develop its plan, it is very “thin”. The plan makes no reference to its unique  
6 Reggio inspired theme notwithstanding that the Reggio philosophy calls for a distinct  
7 pedagogical approach (*see, e.g.*, [www.education.com/reference/article/Ref-Reggio-](http://www.education.com/reference/article/Ref-Reggio-Emilia)  
8 [Emilia](http://www.education.com/reference/article/Ref-Reggio-Emilia)). Instead its achievement plan consists entirely of five general strategies (have a  
9 master schedule to allow teachers to meet in PLCs, utilize teacher assistants, have students  
10 participate in 30 minute enrichment sessions daily, have teachers participate in learner-  
11 centered professional development, and use 21<sup>st</sup> Century afterschool programs to reduce  
12 the achievement gap) (Doc. 1816 at 79-80) that recur in most of the supposedly individual  
13 magnet school improvement plans.  
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17           Mendoza Plaintiffs have consistently questioned the adequacy of the funding for  
18 Robison, a “D” school that also must seek to become integrated<sup>10</sup>. Rather than address that  
19 concern (echoed by the Special Master), the District has *cut* the Robison budget in the plan  
20 now before the Court. (*Id.* at 87.)<sup>11</sup> In addition, Robison’s improvement plan contains  
21

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22 <sup>10</sup> For example, in their May 29 comments ( a copy of which is attached at Exhibit D),  
23 Mendoza Plaintiffs said (at 2-3): “The 2011 Magnet School Study also indicated that  
24 Robison’s International Baccalaureate program has the ‘potential to become [a] very  
25 successful magnet’ but that ‘[t]he District needs to commit to the program[] and begin to  
26 plan for district funding to maintain ongoing training and subscription fees after the grant  
27 funding ends.’... Mendoza Plaintiffs are therefore very concerned that Robison’s  
28 improvement plan budget is a mere \$191,311.40, very low when compared to all other  
magnet school improvement plan budgets. Compounding their concern is the fact that  
Robison’s magnet theme is essentially a full-time advanced learning experience, which  
presumably involves a great deal of theme implementation effort....”

<sup>11</sup> Exhibit B therefore is wrong when it states in the chart after Robison “no changes.”

1 almost no recruitment strategies to help it become integrated, notwithstanding that it is a  
2 heavily Latino racially-concentrated school, and almost exclusively proposes deficit model  
3 instruction to aid its low-achieving students. (*See Id.* at 82-87.)

4 Utterback, a racially concentrated “D” middle school that must integrate, also is  
5 inadequately funded. The inadequacy of funds allocated to Utterback is highlighted by the  
6 fact that approximately half of the proposed funds to help Utterback avoid magnet status  
7 withdrawal are apparently to be used to pay substitute teachers to take over teachers’  
8 classes while they attend PLCs. (Doc. 1816 at 151-159.)

9  
10  
11 *The Proposed Transition of Tully into a GATE “Themed” Magnet Is  
12 Inconsistent with the USP and the Purpose of Magnet Schools*

13 Mendoza Plaintiffs have carefully reviewed the revamped Tully plan (Doc. 1816 at  
14 89-95), which purports to flesh out the school’s proposed change from a STEM-themed  
15 magnet to a school whose magnet theme is “gifted and talented” and are unable to support  
16 such a change. As the Mendoza Plaintiffs observed in their May 29 comments, citing this  
17 Court’s January 16, 2015 Order (“CMP Order”): “ ‘Traditionally, magnet schools are  
18 distinct from other public schools because they offer a specialized academic focus, theme  
19 or pedagogy known as the magnet program.’ (CMP Order at 3:20-21, (citing the 2011  
20 Magnet School Study).) The GATE program exists at schools, magnet and non-magnet,  
21 throughout the District as an advanced learning experience. [Lineweaver Elementary  
22 School, for example, has had a strong GATE self-contained program for years.] It  
23 therefore is not distinct from other TUSD schools and is not appropriate as a magnet  
24 school theme.” (Exhibit D at 7.)  
25  
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28



1 specific strategies to improve the academic achievement of ELL students. (Exhibit D at 8.)  
2 That request, which would bring the plans into conformity with the CMP and which is  
3 essential to achieve the goals of the USP, has yet to be met. Accordingly, Mendoza  
4 Plaintiffs ask this Court to direct that it be done.

5  
6 *The School Plans Do Not Conform to the Revision to the CMP Stating*  
7 *that the Achievement Gap Is to be Measured Using the Scores of the*  
8 *Ethnic Group with the Highest Level of Attainment*

9 Both the Mendoza Plaintiffs and the Special Master informed the District that there  
10 exists an inconsistency between the CMP and the improvement plans. The academic  
11 achievement assessment includes consideration of a reduction of achievement gaps  
12 between the achievement of “the highest ethnic groups compared to other ethnic groups  
13 within the school” (6/26/15 CMP at 10). But improvement plans contain data reports that  
14 specifically contemplate a reduction of achievement gaps between white students and  
15 Latino and African American students even when the white students are not the “highest  
16 ethnic group.”<sup>12</sup> This inconsistency must be addressed if the CMP is to be fully  
17 implemented.  
18

19  
20 *Safford’s Improvement Plan No Longer Proposes Any Strategies to*  
21 *Deal with the Significant Behavioral Issues it is Experiencing, which*  
22 *will Greatly Hinder its Ability to Integrate*

23  
24 <sup>12</sup>With respect to the setting of goals (and putting aside the inconsistency with the  
25 undertaking set forth in the body of the CMP), Mendoza Plaintiffs note that the  
26 improvement plans for the Booth-Fickett and Safford K-8 schools include specific  
27 benchmarks for reducing achievement gaps in math and reading, (*see* Doc. 1816 at 100,  
28 144), which is an approach unique to those schools and one with which Mendoza Plaintiffs  
generally agree. However, those schools only set such achievement gap reduction goals  
for African American students, (*see id.*), failing to set similar goals for Latino students,  
notwithstanding that each school reports significant gaps in math and reading between  
Latino and white students (*see id.* at 99, 143).

1 At the March 26 and 27, 2015 meetings among the parties and Special Master in  
2 Tucson, Mendoza Plaintiffs raised the issue of Safford K-8's severe disciplinary issues,  
3 and subsequently requested that Implementation Committee member Dr. Joseph Peyton  
4 expedite his planned visit to Safford to follow up on the behavioral challenges that school  
5 was experiencing. (See L. Thompson April 1, 2015 email re: Discipline Issues at Safford  
6 Requiring Immediate Attention, and attachment (second draft of Safford improvement  
7 plan), attached hereto as Exhibit E.) Indeed, when Mendoza Plaintiffs reviewed the  
8 second drafts of magnet school improvement plans, the fact that only Safford's plan  
9 contained an entire section concerning "Behavior" with eleven strategies targeted at  
10 "reduc[ing] the number of office referrals, reduce the number [of] suspensions, and  
11 increase student engagement in the classroom," (*see id.*), confirmed to Mendoza Plaintiffs  
12 the severity of behavioral issues at that school.

13 As acknowledged in that Safford plan, severe disciplinary issues at a school impact  
14 "student engagement in the classroom," (*see id.*), and if unaddressed, may well prevent the  
15 school from increasing its students' academic achievement. Moreover, Safford, a racially  
16 concentrated school, will likely be unable to attract parents to send their children to attend  
17 and integrate Safford if they believe its grave disciplinary issues may affect student  
18 learning or safety. Notwithstanding the pressing nature of the issue and its significance on  
19 Safford's ability to integrate, each of the strategies aimed at improving behavioral issues  
20 once in Safford's plan have been eliminated.<sup>13</sup> (*See Doc. 1816 at 140-49.*) Safford's

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26 <sup>13</sup> While Mendoza Plaintiffs did not endorse the specific discipline-related strategies  
27 proposed in the second draft of the Safford improvement plan, they continue to believe, as  
28 the District apparently once did, that the issue must be addressed in Safford's plan if it is to  
improve its students' academic achievement and become integrated.

1 individual improvement plan now primarily consists of the five general strategies common  
2 across magnet school plans, without a single strategy to address the severe disciplinary  
3 issues at that school. (*See Id.*) Mendoza Plaintiffs therefore request that the Court order  
4 the District to revise Safford's improvement plan to include strategies aimed at reducing  
5 the significant behavioral issues at that school, which would help it recruit the diverse  
6 students it needs to integrate its school and avoid magnet status removal.  
7

8  
9 **CONCLUSION**

10  
11 Mendoza Plaintiffs request entry of an order requiring the District to revise the  
12 individual magnet school plans consistent with the objections and comments set forth  
13 above.

14 Dated: June 30, 2015

Respectfully submitted,

15  
16 PROSKAUER ROSE LLP  
17 LOIS D. THOMPSON  
18 JENNIFER L. ROCHE

19 MALDEF  
20 JUAN RODRIGUEZ  
21 THOMAS A. SAENZ

22 /s/ Lois D. Thompson  
23 LOIS D. THOMPSON  
24 PROSKAUER ROSE LLP

25 /s/ Juan Rodriguez  
26 JUAN RODRIGUEZ  
27 MEXICAN AMERICAN LEGAL  
28 DEFENSE AND EDUCATIONAL FUND

*Attorneys for Mendoza Plaintiffs*

