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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,
Plaintiffs

CV 74-90 TUC DCB
(Lead Case)

v.
United States of America,
Plaintiff-Intervenor,

PROPOSED ORDER
CV 74-204 TUC DCB
(Consolidated Case)

v.
Anita Lohr, et al.,
Defendants,

and
Sidney L. Sutton, et al.,
Defendants-Intervenors,

Maria Mendoza, et al.
Plaintiffs,

United States of America,
Plaintiff-Intervenor,

v.
Tucson Unified School District No. One, et al.
Defendants.

1 The Mendoza Plaintiffs and the School District having filed a Stipulation Regarding
2 Magnet School Enrollment Data and Magnet School Supplemented Improvement Plans
3 (“Stipulation”), the Department of Justice supporting the agreement to provide the District
4 with more time for the implementation of its magnet schools and programs, but taking no
5 position on the specific conditions therein negotiated between TUSD and the Mendoza
6 Plaintiffs, the Special Master having filed a Report in which he approves of the Stipulation
7 and recommends that the Court enter this Order, and good cause appearing,

8 IT IS HEREBY ORDERED as follows:

- 9 A. The District shall proceed to fill all vacancies at each of the magnet schools
10 (or programs) listed in Paragraph 6 of the Stipulation as follows: By
11 November 1, 2015, it will fill the teaching vacancies at Ochoa, Bonillas, and
12 Holladay elementary schools, Safford K-8, Utterback middle school, and
13 Cholla high school; by November 30, 2015 it will fill the teaching vacancies
14 at Robison elementary school and Pueblo high school. If the District is unable
15 to fill these positions with highly qualified persons by the dates noted above,
16 it may go beyond the target dates for filling open vacancies if it can
17 demonstrate to the Special Master that it has attempted to fill vacancies but
18 has been unable to do so and detail the issues it has encountered preventing it
19 from filling those vacancies;
- 20 B. The District shall take steps to ensure that the schools or programs identified
21 in Paragraph 6 of the Stipulation remain fully staffed (as to certificated staff,
22 administrators, and all teaching aides and other personnel identified in the
23 Improvement Plan as contributing to the school’s effort to improve
24 achievement and close the achievement gap between racial groups at the
25 school) prior to the start of the 2016-17 school year;
- 26 C. The District shall give its magnet schools and programs priority in the placing
27 of teachers and certificated staff, such as during the spring hiring process.
28 This priority shall include the opportunity for principals at these sites to have

1 access to applicant lists at least 14 days prior to applicant information being
2 made available to principals at non-magnet programs;

3 D. The District shall fund each magnet school or program at 1) the funding level
4 set in its May 15, 2015 Improvement Plan; *or* 2) the funding level set in its
5 June 15, 2015 Improvement Plan; *or* 3) the amount allocated in the July 2015
6 USP budget, *whichever is higher*. The District shall aggressively seek to
7 increase integration at all of its magnet schools and programs and shall work
8 with the principals, magnet coordinators, and all other appropriate personnel
9 to increase the integration of their entering classes;

10 E. By March 1, 2016, the District shall develop and propose initiatives to
11 increase the number of students attending integrated schools within the
12 District;

13 F. The District shall continue to target initiatives designed to close the
14 achievement gap between ethnic/racial groups at each of its schools, and shall
15 provide special support (as described in paragraph H) to assist the schools or
16 programs listed in Paragraph 6 of the Stipulation and any magnet school or
17 program reported as a “C” or “D” school or program in its Improvement Plan
18 in meeting the academic achievement benchmarks listed in their respective
19 Improvement Plans, with priority given to D schools;

20 G. Implementation Committee member Dr. Becky Montano, with the assistance
21 of the Special Master and other members of the Implementation Committee as
22 appropriate, shall monitor the District’s compliance with this Order by
23 visiting each of the Schools and Programs mentioned in Paragraph 6 as
24 frequently, in the professional judgement of the monitors, as needed. If, in
25 the judgment of the monitors, specific issues are identified that merit
26 immediate attention, such findings shall be reported to the District and the
27 Plaintiffs by the Special Master, who will, at a minimum, provide a progress
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report to the District, and the Plaintiffs no less frequently than quarterly, beginning with the fourth calendar quarter of 2015;

- H. Fulfillment of the terms of the Stipulation shall be a priority for the reallocation of any budgeted, but unspent, funds available pursuant to A.R.S. § 15-910(G). Such expenses may include recruiting/transfer/retention stipends for teachers, marketing and recruitment expenses beyond those detailed and funded through the magnet schools' existing Improvement Plans, and targeted academic interventions for students in addition to those detailed and funded through their existing Improvement Plans; and
- I. Nothing in this Stipulation or the Order implementing it shall be interpreted as altering the provisions of the Court's January 16, 2015 Order.