

**From:** [Brown, Samuel](#)  
**To:** "[Thompson, Lois D.](#)"; [Rubin Salter Jr.](#)  
**Cc:** [Brammer@rllaz.com](#); [wdh@umd.edu](#); [Tolleson, Julie](#); [Juan Rodriguez](#); [shaheena.simons@usdoj.gov](#); [Eichner, James \(CRT\) \(James.Eichner@usdoj.gov\)](#); [Savitsky, Zoe \(CRT\) \(Zoe.Savitsky@usdoj.gov\)](#); [TUSD \(TUSD@rllaz.com\)](#); [Desegregation](#); [Willis D. Hawley](#); [Sanchez, HT](#)  
**Subject:** RE: TUSD NARA re: Grade Reconfigurations  
**Date:** Wednesday, November 25, 2015 11:19:43 AM

---

Lois/Rubin: for the sake of clarity and a common understanding of what has been promised going forward, and to be certain that the District has indeed committed to the conditions/recommendations that staff and the SAC presented along with the grade configuration proposals, the District has (through the Governing Board's vote, and through its email of Nov 24), and does now again (through this communication), commit to undertaking the commitments listed below subject to Court approval of the proposals to which they relate:

The Borman Proposal includes the District's commitment to implement AVID at Roberts-Naylor.

The Drachman Proposal includes the District's commitment to run an express bus to Drachman.

The Collier/Fruchthendler Proposals include the District's commitment to run express buses to Collier and/or to Fruchthendler (depending on "verified ridership")

The Sabino Proposal includes the District's commitment to undertake the following measures:

1. Running express buses (depending on "verified ridership") to Magee and Sabino
2. Conducting targeted marketing to students in RC school areas for Magee MS and Sabino 7-12
3. Implementing Pre-AP/Dual-Credit programs at Magee and marketing those program(s) to enhance recruitment.
4. Funding current staffing levels at Magee for 2-3 years.
5. Phasing the Sabino option in with a 7th grade starting in SY 2017-18.

Please don't hesitate to contact us with any questions or concerns. Thanks, Sam

-----Original Message-----

**From:** Thompson, Lois D. [<mailto:lthompson@proskauer.com>]  
**Sent:** Tuesday, November 24, 2015 12:32 PM  
**To:** Brown, Samuel  
**Cc:** [Brammer@rllaz.com](#); [wdh@umd.edu](#); [Tolleson, Julie](#); [Juan Rodriguez \(jrodriguez@MALDEF.org\)](#); [rsjr3@aol.com](#); [shaheena.simons@usdoj.gov](#); [Eichner, James \(CRT\) \(James.Eichner@usdoj.gov\)](#); [Savitsky, Zoe \(CRT\) \(Zoe.Savitsky@usdoj.gov\)](#); [TUSD \(TUSD@rllaz.com\)](#); [Desegregation](#)  
**Subject:** Re: TUSD NARA re: Grade Reconfigurations

Sam

The difficulty I am having is that so far as I can tell from the Board vote and so far as is stated in the red letter statements of the Board action on the annotated agenda that is attached to Mr. Nodine's declaration, all that the Governing Board appears to have voted on was to change grade configurations and there was no vote to approve those grade configurations AND also adopt the recommendations of staff with respect to the grade configurations. I understand what was recommended but the vote and the report of the vote do not appear to incorporate those recommendations.

Lois

Sent from my iPhone

> On Nov 24, 2015, at 9:38 AM, "Brown, Samuel" <[Samuel.Brown@tusd1.org](mailto:Samuel.Brown@tusd1.org)> wrote:

>

> Lois/Rubin: thank you for your emails. Lois, though it is unclear what you mean my "addressing the omission" we do our best here to provide clarification - as we do not believe adoption of these

commitments was "omitted" from the materials presented to the Governing Board and filed with the Court.

>

> The purpose of the board agenda item on Nov 10 was to "...present recommendations for grade configuration changes to the Governing Board..." See Nodine Ex 8-F page 2 (1869-9 at 75). On page 76, you will see that "Ex A - Summaries and Recommendations" (filed with the Court as Nodine Ex 8-E) was presented to the Board for approval, and each recommendation included specific commitments as integral components of the proposal through the use of the language "Recommend approval with...". The Board had the authority to, but did not, elect to remove any of the specific commitments which were part and parcel of the recommendations themselves. Obviously, the commitments are conditioned upon approval of the relevant proposal.

>

> Please see the list below outlining the specific commitments which were included in the materials presented to the Governing Board as part of the each recommendation for approval through the use of the language applied to each commitment, "Recommend approval with..." (see yellow highlights in Nodine Dec Ex 8-E, attached):

>

>

> 1. AVID at Roberts-Naylor. See 1869-9 at 65

>

> 2. Express bus to Drachman. See 1869-9 at 66

>

> 3. Express buses to Collier, Fruchthendler, Magee and Sabino (depending on "verified ridership"). See 1869-9 at 69, 70, 71 #2

>

> 4. Marketing Magee MS and Sabino 7-12 to students in RC school areas. See 1869-9 at 71 #s 1-2.

>

> 5. Pre-AP/dual-credit programs at Magee; marketing to enhance recruitment. See 1869-9 at 72 #3

>

> 6. Fund current staffing levels at Magee for 2-3 years. See 1869-9 at 72 #4

>

> 7. Phase the Sabino option in with a 7th grade starting in SY 2017-18. See 1869-9 at 72 #5

>

>

>

> 8. Evaluate the Cavett-Catalina option "...evaluate the [Cavett-Catalina option] and present it for consideration, by all parties, in the second semester of SY15-16." \*Though not part of a proposal, this is a publicly-stated commitment reiterated in our publicly-filed NARA. See 1869-9 at 73

>

> We hope this helps clarify any misunderstanding about the import of the Governing Board's vote. Sam

>

> From: Thompson, Lois D. [<mailto:lthompson@proskauer.com>]

> Sent: Monday, November 23, 2015 11:45 AM

> To: Brammer@rlaz.com

> Cc: wdh@umd.edu; Tolleson, Julie; Juan Rodriguez

> (jrodriguez@MALDEF.org); rsjr3@aol.com; shaheena.simons@usdoj.gov;

> Eichner, James (CRT) (James.Eichner@usdoj.gov); Savitsky, Zoe (CRT)

> (Zoe.Savitsky@usdoj.gov); TUSD (TUSD@rlaz.com); Desegregation

> Subject: TUSD NARA re: Grade Reconfigurations

>

> Dear Bill,

>

> We now have had an opportunity to review the District's most recent NARA filing and to listen to the Board vote on the proposed grade reconfigurations.

>

> The District's filing states that the grade reconfigurations are accompanied by District commitments to take certain other actions. For example, that " a scenario within the proposal [to add grades to

Borman] [is] to add the Advancement Via Individual Determination (AVID) program to improve the attractiveness of nearby Roberts-Naylor K-8 School...." (NARA Request at page 10). But none of the proposed "scenarios" or "recommendations" were included in the Board vote. Rather, as reflected in Nodine Exhibit 8-F (the Governing Board November 10, 2015 agenda with approved actions in red) and the audio of the Governing Board meeting, notwithstanding that there was Board discussion of some of the recommendations, the only actions that were voted on and approved by the Governing Board were the proposed changes in grade reconfiguration standing on their own.

>

> We are concerned that there is no document that sets forth in a single place all of the commitments the District says accompany the proposed grade reconfigurations and no evidence that the Governing Board actually adopted those commitments as an integral part of the grade reconfiguration approvals. For the sake of clarity and a common understanding of what has been promised going forward and to be certain that the District has indeed committed to the conditions/recommendations that staff and the SAC presented along with the grade configuration proposals, we ask that this omission be addressed.

>

> Lois

>

>

>

> \*\*\*\*\*

> \*\*\*\*\*

> \*\*\*\*\* This message and its attachments are sent from a law firm

> and may contain information that is confidential and protected by privilege from disclosure.

> If you are not the intended recipient, you are prohibited from printing, copying, forwarding or saving them.

> Please delete the message and attachments without printing, copying, forwarding or saving them, and notify the sender immediately.

> \*\*\*\*\*

> \*\*\*\*\*

> \*\*\*\*\* <Nodine Dec. Ex 8-E [1869-9 64-73].pdf>