

**TUCSON UNIFIED SCHOOL DISTRICT**

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

Roy and Josie Fisher, et al.,  
Plaintiffs,

v.

Tucson Unified School  
District No. 1, et al.,  
Defendants.

4:74-cv-00090-DCB  
(Lead Case)

Maria Mendoza, et al.  
Plaintiffs,

v.

Tucson Unified School  
District No. 1, et al.,  
Defendants.

CV 74-204 TUC DCB  
(Consolidated Case)

**TUSD'S RESPONSE  
TO SPECIAL MASTER'S REPORT AND RECOMMENDATION  
REGARDING TRANSITION PLANS [ECF 1987 and 1988]**

On January 17, 2017, the District submitted its transition plans for the six schools that are losing magnet status<sup>1</sup>. The same week, the Special Master submitted the briefing schedule related to submission of the Transition Plans:

- Special Master and Plaintiffs respond to transition plans by January 31<sup>st</sup>
- District responds by February 7<sup>th</sup>
- Plaintiffs respond to District Response by February 14<sup>th</sup>
- Special Master files the Report and Recommendation (R&R) by February 21<sup>st</sup>
- Parties may file objections no later than March 7<sup>th</sup>
- No replies

Between January 31, 2017 and February 2, 2017, the Mendoza plaintiffs, the Fisher plaintiffs, and the Special Master submitted comments and responses to the six plans. On February 7, 2017, the District responded to the submitted comments and responses.<sup>2</sup> On February 9<sup>th</sup> and 14<sup>th</sup> the Special Master and the Mendoza Plaintiffs, respectively, submitted additional responses. On February 21, 2017, the Special Master filed the R&R [ECF 1987] which he supplemented on February 23, 2017 [ECF 1988].

The R&R includes six recommendations; the R&R Supplement addresses two additional issues. The District responds to each recommendation and issue below:

- 1. New Programs Should Be Research-Based.** The District will follow the recommended criteria for introducing new programs in the transitioning schools.
- 2. The Introduction of Dual Language Programs Should Be Deferred.** The District will not implement dual language programs at Pueblo or at Ochoa in the 2017-18 school year.

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<sup>1</sup> The Transition Plans filed on January 17, 2017 did not include budgets. A separate filing outlines the budget timeline and indicates that the transition plan budgets are due on March 10, 2017 with the Draft 2 USP Budget [see ECF 1985-1 at 2, bullet six].

<sup>2</sup> The R&R inaccurately refers to the Special Master and Plaintiff comments as “objections.” The Special Master requested, and the Plaintiffs and Special Master submitted, comments and responses not objections.

**3. Plans Should Identify Positions that Will Not Be Needed After Initial Implementation.** The District will modify the Transition Plans to clarify that the Transition Coordinators are one-year positions that will not be needed after initial implementation. To the extent that any other positions and expenditures are currently forecast to be phased out by the 2019-20 school year, if any, the District will identify those positions and expenditures.

**4. A Timeline for Essential Steps in Implementing the Transition Plans.** The District will provide a timeline for essential steps in implementing the Transition Plans within 15 business days of the Court approval of the six plans.

**5. Monitoring.** The District does not object to working with the Special Master to prepare one or more reports to the plaintiffs and the Court prior to the beginning of the 2017-18 school year.

**6. Integration.** The District agrees with the Special Master that “The Court should not require the District to amend the transition plans to include investments in integration.”<sup>3</sup> However, the District strongly disagrees with the Special Master’s mischaracterization that the District “has not been successful in its efforts to promote integration.” As reported in the 2015-16 Annual Report, the District reduced racial concentration and improved integration at seven of its racially concentrated magnet schools in 2015-16 [see Table 2.1, ECF 1958-1]. Two of the seven lost magnet status. Of the remaining five, four are within three percentage points of being

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<sup>3</sup> As described in the District’s response to the Mendoza Plaintiffs: “The District has assigned this task, appropriately, to the Coordinated Student Assignment Committee (CSA)(made up of the Director of Student Assignment, the student assignment project manager, the Magnet Director, and leadership and staff from Language Acquisition, ALE, Transportation, Communications, Deseg/Legal, and Planning). The CSA will develop comprehensive strategies to improve integration at the six schools in a thoughtful and coordinated manner. The CSA is mindful that its efforts to recruit students to these six schools who would reduce racial concentration (non-Latino students) could potentially have negative impacts on District efforts to recruit these same non-Latino students to the remaining magnet schools that, under the USP, are under a specific obligation to meet the definition of an integrated school. Nonetheless, the District is making a good faith effort to comply with this provision of the Order” [ECF 1987-6 at 5].

integrated: Bonillas ES (71.3% Hispanic); Drachman K-8 (71.1% Hispanic); Mansfeld MS (72.8% Hispanic); and Tucson HS (72.5% Hispanic).

**7. Narrowing the Achievement Gap.** The District agrees with the Special Master that the “fact that the District did not use [the terms “narrow the achievement gap”] in this discussion does not mean that it has failed to focus attention on enhancing the achievement of the lowest performing students.” In fact, each Transition Plan includes data reflecting the lowest performing groups by race, ethnicity, grade, and subject matter (the Pueblo plan will be updated to include more detailed information in this regard), and analysis regarding which groups need the most assistance and in which areas.

Respectfully submitted on March 7, 2017.

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**Certificate of Service**

**ORIGINAL** of the foregoing filed via the CM/ECF Electronic Notification System and transmittal of a Notice of Electronic Filing provided to all parties that have filed a notice of appearance in the District Court Case.

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