

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Tuesday, February 14, 2017 7:44 AM
To: wdh@umd.edu; Brown, Samuel (Samuel.Brown@tusd1.org); Jaeger, Todd (Todd.Jaeger@tusd1.org); martha.taylor@tusd1.org; bconverse@steptoe.com; 'toverton@steptoe.com'; rsjr3@aol.com; Eichner, James (CRT) (James.Eichner@usdoj.gov); shaheena.simons@usdoj.gov; Chanock, Alexander (CRT) (Alexander.Chanock@usdoj.gov); Juan Rodriguez
Subject: Mendoza Plaintiffs' reply to TUSD responses to comments on the magnet school transition plans
Attachments: Mendoza Plaintiffs_ Reply to TUSD Responses re Transition Plans -- Final.pdf

Dr. Hawley and Counsel,

Attached please find the Mendoza Plaintiffs' reply to the TUSD responses to the plaintiffs' and Special Master's comments on the transition plans for magnet schools.

Under the procedure agreed to by the parties, Mendoza Plaintiffs have the right to seek an R&R relating to their transition plan recommendations and objections if the District declines to accept them. However, they are very concerned that the District's failure to have completed the transition plans on the schedule set forth in the Court's Order dated November 19, 2015 (Doc. No. 187) and the subsequent delays in their preparation (with the result that they were not shared with the parties until mid January 2017) creates a situation in which the delay attendant on even an expedited R&R process will do a disservice to the students and schools who need to know the specifics of the plans. Mendoza Plaintiffs also are mindful of the Court's recent statement that it is "important for the District to act on its own accord and be accordingly held accountable." (Order dated December 27, 2016, Doc. 1981, at 9:16-17.) Therefore, in the attached reply, Mendoza Plaintiffs have set forth both the ways in which they believe the plans are not yet USP and Court-order compliant and their recommendations for ways in which the plans could more readily accomplish their goals of enhancing the academic achievement of the plaintiff classes, and they urge the District to adopt those recommendations and make the changes necessary to address the objections. However, out of concern for where we find ourselves on the calendar in relation to what must be done to effectively move the six transition schools and their students forward, Mendoza Plaintiffs will not seek an R&R should the District decline to do so. They do of course reserve their right to argue to the Court at the appropriate time that the District should be held accountable for its failure to accept those recommendations and address the objections.

Nothing set forth above is intended to change or waive the positions the Mendoza Plaintiffs recently have expressed (in particular in their February 2, 2017 objection to the Special Master's January 26, 2017 proposal re: implementing the Court's direction limiting review and comment) concerning the plaintiffs' rights pursuant to USP Section I,D,1 to review and

comment (and where appropriate seek an R&R relating to) proposed District plans, policies, and procedures.

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.

