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5	UNITED STATES D	ISTRICT COURT
6	DISTRICT OF	
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8	Roy and Josie Fisher, et al.,	
9	Plaintiffs,	
10	V.	
11	United States of America,	
12	Plaintiff-Intervenor,	
13	v.	CV 74-90 TUC DCB (Lead Case)
14	Anita Lohr, et al.,	(Lead Case)
15	Defendants,	
16	and	
17	Sidney L. Sutton, et al.,	
18	Defendants-Intervenors,	
19	Derendants intervenors,	-
20	Maria Mendoza, et al.,	
21	Plaintiffs,	
22	United States of America,	
23	Plaintiff-Intervenor,	CV 74-204 TUC DCB (Consolidated Case)
24	V.	
25	Tucson Unified School District No. One, et al.,	
26	Defendants.	
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## REPORT AND RECOMMENDATION REGARDINGCONTESTED BUDGET REALLOCATION

The District has proposed to reallocate unspent 910G funds from the current budget to several activities and projects (*see* Exhibit A). Most of these unspent funds result from the District's inability to fill vacant positions.

The Department of Justice expressed no objection to any of the District's proposals. The
Plaintiffs and the Special Master have no objections to using unspent 910G funds to pay down the
negative budget contingency. The Plaintiffs and the Special Master have no objection to using
these funds to provide summer training for teachers with the stipulation that 910G funds only be
spent for teachers in racially concentrated, low performing, and magnet schools. This
"constraint" covers 90% of the schools affected by the proposed training. The District agrees to
use M&O funds to cover the training of teachers in the remaining schools.

The Mendoza and Fisher Plaintiffs object to spending 910 G funds for any facility upgrades on the grounds that this would involve supplanting and be an inappropriate use of 910G funds. The Special Master joins the Fisher and Mendoza Plaintiffs' opposition to the proposed facility upgrades for any schools other than Carrillo. Because Carrillo is a high performing magnet school that is making gains towards becoming integrated, it is important that serious deficiencies in facilities (*e.g.*, a leaking roof) be repaired in order not to deter families from choosing Carrillo, which would impede the integration of that school.

In response to the Mendoza and Fisher Plaintiffs' objection, the District has withdrawn its facilities request except for Carillo. Pursuant to the processes for mid-year reallocation agreed to by the parties and approved by the Court, when there is disagreement among the parties involving the reallocation of substantial funds, the Special Master is to make a recommendation to the Court. For the reason set forth above, the Special Master recommends that the Court approve the

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1	1 District's use of unspent 910G funds from the cur	rrent budget for the improvement of physical
2	<sup>2</sup> facilities at Carillo.	
3	3	
4	4 Rest	pectfully submitted,
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6	6	/8/
7	7	/s/ Willis D. Hawley Special Master
8	8 Dated: April 6, 2017	~F
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1	CERTIFICATE OF SERVICE		
2	CENTIFICATE OF SERVICE		
2	I hereby certify that on, April 6, 2017, I electronically submitted the foregoing <b>REPORT</b>		
4	AND RECOMMENDATION REGARDING CONTESTED BUDGET REALLOCATION for filing and		
5	transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:		
6 7	J. William Brammer, Jr. wbrammer@rllaz.com		
8	P. Bruce Converse <u>bconverse@steptoe.com</u> ,		
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10	<u>olizardi@rllaz.com</u>		
12	Michael J. Rusing mrusing@rllaz.com		
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15	Rubin Salter, Jr. <u>rsjr@aol.com</u>		
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24			
25	Andrew H. Marks for Dr. Willis D. Hewley		
26	Dr. Willis D. Hawley, Special Master		
27			
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