

**TUCSON UNIFIED SCHOOL DISTRICT
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School District No. 1*

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,
Plaintiffs, 4:74-cv-00090-DCB
(Lead Case)

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

Maria Mendoza, et al.,
Plaintiffs, CV 74-204 TUC DCB
(Consolidated Case)

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

**NOTICE AND REPORT OF COMPLIANCE:
CENTRALIZED HIRING PROCESS AND CERTIFICATION
FOR PLACING NEW TEACHERS AT CERTAIN SCHOOLS**

1 The Court directed the District to prepare and file a notice and report of
 2 compliance with its directives related to centralizing the hiring process and certification
 3 for placing beginning teachers at Racially Concentrated or under-achieving schools.
 4 [ECF 2123 at 44-45, 150.] The District hereby provides notice that the District has
 5 implemented a centralized hiring process, and the process for certification when
 6 beginning teachers are placed at Racially Concentrated or underperforming schools, as
 7 described in Exhibit A.

8 However, the District is concerned that the Court's analysis of this issue may
 9 have been based on a misperception regarding the percentage of first year teachers
 10 actually serving in Racially Concentrated and underperforming schools in the District.
 11 The Court, citing the Special Master, appeared to rely on an assertion that first year
 12 teachers accounted for 75-78% of all teachers in in Racially Concentrated and
 13 underperforming schools. [ECF 2123, p. 43.] This is not correct.

14 In his Annual Report, the Special Master asserted that nearly three out of four
 15 first-year teachers were assigned to Racially Concentrated or underperforming schools.
 16 [ECF 2096, p. 18.] This is not the same as saying that 75% of teachers at racially
 17 concentrated schools are first-year teachers.¹ For the last four years, first-year teachers
 18 at the District were only **5% or less** of the overall classroom workforce:

School year	Total number of teachers	Number of 1 st year teachers	1 st year teachers as % of all teachers
2015-16	2321	127	5%
2016-17	2505	103	4%
2017-18	2581	137	5%
2018-19	2626	54	2%

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 23 In SY2018-19, there were only 54 first-year teachers spread across more than
 24 44,000 students enrolled, 2600 teachers overall, and over 80 schools in the District.

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¹ In his response to objections to his annual report, the Special Master rephrased his assertion in a manner that may have been misunderstood by the Court to mean that 75% of all teachers at racially concentrated and underperforming schools were first year teachers. *Compare* ECF 2111 at 14 *with* ECF 2123 at 43.

1 Indeed, the District has 28 Racially Concentrated schools, and **23 of those schools do**
2 **not have a single first-year teacher at the school.** Moreover, no Racially Concentrated
3 or underperforming school in the District has more than four first-year teachers, and
4 only two have four first-year teachers. There are only 29 schools at the District that have
5 any first-year teacher at all; **over 50 District schools do not have a single first-year**
6 **teacher.** Finally, the distribution of first-year teachers does not show any pattern or bias
7 against Racially Concentrated or underperforming schools.² While the District remains
8 committed to avoiding the assignment of first-year teachers to Racially Concentrated or
9 underperforming schools, it simply is not a major issue impacting the District, and
10 certainly not one which requires further supervision by the federal courts.

11 The District's efforts at recruiting are paying off: despite the critical overall
12 teaching shortage and declining enrollment, the number of teachers employed by the
13 District has significantly increased, and the number of unfilled teaching positions in the
14 District has dropped steadily over the past three years.

15 Nevertheless, the District continually works to find ways to reduce new teachers
16 at Racially Concentrated and underperforming schools, and to recruit experienced
17 teachers. The District's central HR staff is actively attempting to redirect first-year
18 applicants away from open positions at Racially Concentrated and underperforming
19 schools toward open positions at other schools. Beginning in July of 2018, the District
20 began offering credit for more years of teaching experience, in placing experienced
21 teachers joining the district in salary steps based on experience: formerly, the maximum
22 credit available for experienced teachers was 10 years; the District has now increased it
23 to 15 years.

24 The District respectfully submits that it has complied with the Court's order
25 through the implementation of the hiring and certification process submitted herewith,
26

27 _____
28 ² The distribution of first-year teachers among the 30 schools that have one
appears in Exhibit B.

1 and requests that the Court grant partial unitary status in this area of District operations
2 (USP IV.E).³

3 RESPECTFULLY SUBMITTED this 6th day of December, 2018.

4 **STEPTOE & JOHNSON LLP**

5 By /s/ P. Bruce Converse
6 P. Bruce Converse
7 Timothy W. Overton

8 **TUCSON UNIFIED SCHOOL DISTRICT**
9 **LEGAL DEPARTMENT**

10 Robert S. Ross
11 Samuel E. Brown

12 Attorneys for Tucson Unified School District
13 No. 1

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26 ³ The District submits this notice and report without waiver of its objections that
27 there is no basis in fact or law for continued federal court supervision of the District in
28 this or any other area, including the requirement of preparing the attached plan, given
the findings of Judge Frey in 1978, subsequent rulings of this Court, and the record
herein. The District recognizes that the Court has overruled these objections, and that
they are the subject of a pending appeal before the 9th Circuit.

CERTIFICATE OF SERVICE

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The foregoing document was filed with the Court electronically through the CM/ECF system this 6th day of December, 2018, causing all parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ Diane Linn
Employee of Steptoe & Johnson LLP