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11 Attorneys for Mendoza Plaintiffs

12
13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF ARIZONA**

15 Roy and Josie Fisher, et al.,
 16 Plaintiffs,
 17 v.
 18 United States of America,
 19 Plaintiff-Intervenors,
 20 v.
 21 Anita Lohr, et al.,
 22 Defendants,
 23 Sidney L. Sutton, et al.,
 24 Defendant-Intervenors,

Case No. 4:74-CV-00090-DCB

**MENDOZA PLAINTIFFS’
 SUPPLEMENTARY RESPONSE TO
 TUSD NOTICE AND REPORT OF
 COMPLIANCE: TEACHER DIVERSITY
 PLAN, ATTRITION AND GYOP
 STUDIES AND OBJECTION TO THE
 DISTRICT’S REQUEST (DOC. 2159)
 THAT IT BE AWARDED UNITARY
 STATUS WITH RESPECT TO SECTIONS
 IV, A, F.1 AND I.3 OF THE USP**

Hon. David C. Bury

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1 Maria Mendoza, et al.,
2 Plaintiffs,
3 United States of America,
4 Plaintiff-Intervenor,
5 v.
6 Tucson United School District No. One, et
7 al.,
8 Defendants.

Case No. CV 74-204 TUC DCB

9
10 **Introduction**

11 Pursuant to this Court’s Order of September 6, 2018 (Doc. 2123) (“Sept. Order”),
12 Mendoza Plaintiffs submit this Supplementary Response to TUSD Notice and Report of
13 Compliance: Teacher Diversity Plan, Attrition, and GYOP Studies (Doc. 2159), and its
14 accompanying request that it be awarded unitary status with respect to Sections IV A, F.1
15 and 1.3 of the USP (relating to Administrative and Certificated Staff)¹.

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17 With respect to the “Tucson Unified School District Teacher Diversity Plan for SY
18 18-19: Results, Analysis and Conclusions” (Doc. 2159-1, Exhibit A) (“2018-19 TDP”), the
19 Court should order the District to file a revised teacher diversity plan under this Court’s
20 Sept. Order because the 2018-19 TDP materially conflicts with and abandons the measures
21 undergirding its existing Teacher Diversity Plan (Doc. 2159-1) (“TDP”) to mask the fact
22 that the District has made much less progress than what the 2018-19 TDP purports to
23 show. Further, given this limited progress and the fact that the 2018-19 TDP reflects a
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27 ¹ On reviewing the referenced sections of the USP, Mendoza Plaintiffs believe there may
28 have been a typographical error in the Court’s Order and therefore in the District’s request
since it is Section IV, E, 2 that relates to disparities in the assignment of administrative and
certificated staff.

1 *repeated* attempt to abandon agreed-upon TDP measures, this Court should not terminate
2 its oversight of the District in this area.

3 Additionally, given the District’s statement that it has not yet complied with that
4 portion of the Court’s Sept. Order that required it to extend the TDP to administrators as
5 well as teachers (2018-19 TDP at 7), this Court should retain jurisdiction until compliance
6 has been demonstrated.

7
8 With respect to the ordered attrition study: the “Attrition Study: Review and
9 Analysis of Attrition Data, Reasons for Separation and Conclusions” (Doc. 2159-1, Exhibit
10 B) (“Attrition Study”) materially conflicts with data in TUSD Annual Reports which,
11 contrary to the Attrition Study, suggest that the District has experienced a consistent
12 *increase* in its teacher attrition rate since the 2015-16 school year. Given the extent to
13 which the Attrition Study contradicts the District’s own earlier reports and the negative
14 trend revealed in the District’s Annual Reports, Mendoza Plaintiffs ask that this Court
15 retain jurisdiction until compliance has been demonstrated, and that the District be ordered
16 to implement the recommendations in the Attrition Study.

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19 Finally, with respect to Grow Your Own Programs (“GYOP”), the “GYOP: Review
20 of Current Programs, Analysis, and Conclusions” (Doc. 2159-1, Exhibit C) (“GYOP
21 Review”) highlights that in the 2017-18 school year, the Leadership Prep Academy
22 (“LPA”) had its lowest number of Latino and African American participants, and highest
23 number of white participants, than in any other reported year notwithstanding that the LPA
24 is expressly intended to carry out the purposes of USP Section IV, I, 3 and serve as a
25 mechanism to “increase the number of African American and Latino principals, assistant
26 principals, and District Office administrators.” Given this experience, the Mendoza
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1 Plaintiffs request that the District be ordered to provide a written explanation of how
2 recruiting for the 2017-18 school year was carried out and how such a result occurred and
3 that it be required to re-evaluate and restructure its Latino and African American
4 recruitment efforts for the LPA going forward, including by providing financial support to
5 enable participation by African American and Latino employees as expressly contemplated
6 by USP Section IV, I, 3.
7

8 **The 2018-19 TDP Abandons the Agreed-Upon Measures in the Existing TDP**
9 **to Inaccurately Report Far Greater Progress in Implementing the TDP Than is**
10 **Correct**
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12 *The 2018-19 TDP Abandons the Agreed Upon TDP Measure that Looks at White*
13 *and Latino Teaching Staff Following the Same But Unsuccessful Attempt to Abandon the*
14 *Measure in 2016.*
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16 As detailed below, what the District reports in the 2018-19 TDP reflects a repeated
17 TUSD attempt to depart from measures that the Special Master and District previously
18 developed, and on which the parties expressly agreed in order to achieve the intent of the
19 teacher diversity provisions of the USP (and that, following TUSD's initial 2016 attempts
20 to depart from such measures, the District re-affirmed a commitment to). Specifically, in
21 the 2018-19 TDP, the District reneges on the parties' agreement that diversity under the
22 TDP would be measured by looking at white and Latino teaching staff (rather than only
23 Latino and African American staff) as it would more meaningfully fulfill the intent of the
24 USP given the low number of African American teachers in TUSD. (See Mendoza
25 Plaintiffs' Comments Regarding the Special Master's Memo re: Report on Teacher
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1 Diversity Plan and Information Request (“Mendoza Plaintiffs’ August 22, 2016
2 Comments”) attached hereto as Exhibit 1.)

3
4 USP Section IV, E, 2 requires the District to “identify significant disparities (*i.e.*
5 more than a 15% variance) between the percentage of *African American or Latino certified*
6 *staff or administrators* at an individual school and district-wide percentages for schools at
7 the comparable grade level (Elementary School, Middle School, K-8, High School)... and
8 address, to the extent relevant and practicable, its hiring and assignment practices,
9 including enforcing hiring policies and providing additional targeted training to staff
10 members involved in hiring and assignment.” (USP Section IV, E, 2; emphasis added.)

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13 Following this Court’s March 28, 2016 Order that the District develop a plan to
14 address USP Section IV, E, 2 (Doc. 1914), the Special Master, on May 17, 2016, provided
15 the parties with his memo re: Request for Agreement Among the Parties Regarding
16 Guidelines for Achieving School Site Teacher Diversity (“TDP Agreement Memo”)
17 (attached as Exhibit 2) detailing guidelines that he had been discussing with the District to
18 guide the District’s remedial efforts under the Court’s Order. The express purpose of the
19 proposed TDP Agreement was “to achieve the objectives of the USP more productively.”
20 (TDP Agreement Memo at 2-3.) On May 11, 2016, the Mendoza Plaintiffs agreed to the
21 guidelines as did the District (*see* Doc. 2159-1 (“the District has adopted [the Special
22 Master’s] proposal for this plan”). The TDP Agreement Memo unambiguously stated that
23 the guidelines for achieving and measuring teacher diversity “consider only the numbers
24 and percentages of *Anglo and Latino Teachers*” because such measures would “achieve the
25 objectives of the USP more productively than would rigid adherence to the 15% rule. I
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1 ask[] for your approval of these guidelines.” (TDP Agreement Memo at 2-3.)

2 Significantly, the TDP Agreement Memo further detailed that the target schools under the
3 TDP would be reduced to 26 [from 37] schools under a number of criteria, including those
4 schools that “ha[ve] significant differences in the number of Anglo and Latino teachers.
5 Changes shall be made in these faculties so they, at a minimum, will be in compliance with
6 the provisions of the USP.”² (TDP Agreement Memo at 2-3.)

8 In August 2016, months following TUSD Board adoption of the TDP, the Special
9 Master reported that the District was claiming 17 –it would later reduce that number to 16 -
10 schools subject to the TDP had achieved diversity by unilaterally reverting back to the
11 original language of the USP rather than the agreed-upon measures of the TDP.

13 Significantly, by contrast, the Special Master found that “*had the District used the criteria*
14 *in its own TDP*, it would have successfully integrated [only] *ten* of the 26 targeted
15 schools.” (Clarification at 1; emphasis added.) Because the District plainly had sought the
16 best of two worlds (that is, to have a reduced number of schools on which to focus its
17 attention as a consequence of the agreement on how racial disparity would be measured
18 under the TDP Agreement Memo and TDP, but then claiming success on a different
19 measure that, if applied to all TUSD schools, would have required it to be focusing on a
20 much larger number of schools (37 schools)), Mendoza Plaintiffs requested that the
21 Special Master take action to bring the District’s actions to the attention of the Court. (*See*
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26 ² At the time the Special Master made his proposal to reduce the number of schools at
27 which the District’s diversification efforts would be directed, there were 37 District
28 schools that failed to comply with a strict application of the USP Section IV, E, 2 standard.
(*See* Special Master’s August 19, 2016 memo re: Clarification of Teacher Diversity
Situation (“Clarification”) attached as Exhibit 3.)

1 Mendoza Plaintiffs’ August 22, 2016 Comments.)³ Mendoza Plaintiffs did not pursue their
2 request after they were informed that the “District has agreed to use the (*sic*) TDP as it was
3 approved by the plaintiffs.” (See Special Master’s September 6, 2016 email re: Report to
4 the Court on TDP, attached hereto as Exhibit 4.)

5
6 In the 2018-19 TDP, the District again attempts to be held accountable for only the
7 schools identified in the TDP while at the same time abandoning the TDP measure itself --
8 and reverting to the original language of the USP, that is, a measure that looks only at
9 “African American or Latino teaching staffs.” (2018-19 TDP, at Section B
10 “Implementation and results for SY16-17”.) The Mendoza Plaintiffs therefore
11 respectfully request that this Court reject the District’s new attempt to unilaterally alter the
12 measures undergirding the TDP and order it to file a revised version of the 2018-19 TDP
13 that uses the agreed-upon TDP measure, that is, the application of the 15% standard on
14 white and Latino teaching staff (and provide corrected data for 2018-19).

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17 **This District Has Made Significantly Less Progress in Diversifying School Staff**
18 **Than is Claimed in the 2018-19 TDP**

19 As a result of the District’s improper abandonment of the TDP measure to assess
20 success in implementing the TDP, the 2018-19 TDP reports much greater progress in
21 diversifying school site staff than actually is the case. The District’s claimed progress as
22 compared to its actual progress in implementing the TDP is as follows⁴:

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25 ³ Mendoza Plaintiffs’ respectfully invite the Court to review Mendoza Plaintiffs’ August
26 22, 2016 Comments (Exhibit 1) if it would like a more detailed explanation of the
development of the TDP and the District’s attempt to unilaterally move away from the
measures undergirding the TDP.

27 ⁴ The “Actual TDP Progress” data for the “Beginning of 2016-17” is pulled from a TUSD
28 report dated 8/12/2016 attached hereto as Exhibit 5. The “Actual TDP Progress” data for
all other columns are pulled from the data comprising Exhibit 2 of the 2018-19 TDP.

Diverse Schools Under the TDP

	Beginning of 2016-17	End of 2016-17	End of 2017-18	Beginning of 2018-19
TDP Progress as described in 2018-19 TDP (Doc. 2159-1)	No Data Reported	16 of 26 (61.5%)	16 of 26 (61.5%)	18 of 26 (69.2%)
Actual TDP Progress⁵	10 of 26 (38.5%)	14 of 26 (53.8%)	13 of 26 (50%)	Reported Data Erroneous ⁶

As the data above indicates, at the end of the 2017-18 school year, the District had diversified one half of the target schools (13 schools), even though this Court had ordered that the District implement its plan to “eliminate *all* significant disparities” by that time. (March 28, 2016 Order (Doc. 1914) (“March 2016 Order”) at 2:22-23.) Significantly, the District’s diversification of one half of the target schools is exactly what the TDP expressly describes as the “initial objective” that TUSD was to have achieved by the “**beginning of the 2016-17 school year**” (TDP at 1; emphasis added), as required by the March 2016 Order (at 2:6-8). Tellingly, the District’s 2018-19 TDP does not refer to the deadlines by which the March 2016 Order contemplated that “half” and “all” of the target sites’ staff would be diversified, the TDP “initial objective”, or TUSD’s own data dated 8/12/2016

⁵ Mendoza Plaintiffs note that the Special Master’s 2016-17 Annual Report (Doc. 2096) discussion on TUSD’s progress in implementing the TDP aligns with the data reported here as “Actual TDP Progress.” (Doc. 2096 at 16:11-15: “At the beginning of the 16-17 school year less than half of the 26 school teaching staffs met the diversity criteria. After the hiring process in the spring and summer of 2017, 12 schools did not have sufficiently diverse teaching staffs. The District has more work to do to meet this provision of the USP.”)

⁶ Mendoza Plaintiffs could not ascertain what the District’s progress under the TDP was from the data on teacher diversity titled “Race/Ethnicity of Classroom Teachers at Target School Sites – SY 2018-19 (as of 11.6.18)” (included in the 2018-19 TDP, Exhibit 2). The numbers and percentages of teachers at the elementary level by race/ethnicity are plainly erroneous as they do not add up to what is said to be the “total” number of teachers, or, with respect to the percentages, to 100%.

1 (the approximate deadline for meeting that “initial objective”) (Exhibit 5), while at the
2 same time claiming “that the TDP had met its goals for 16-17.” (2018-19 TDP at Section
3 B.)

4 Plainly, nothing about staff diversification at half of the target schools in 2017-18
5 when the March 2016 Order contemplated that “all” such schools would then be
6 diversified suggests that the District should be granted unitary status in this area. Further,
7 Mendoza Plaintiffs respectfully submit that what appear to be repeated TUSD attempts to
8 abandon the TDP measures upon which the parties and Special Master agreed “to achieve
9 the objectives of the USP more productively” (TDP Agreement Memo at 2-3) suggest
10 there exists a lack of good faith such that the District is not ready to be relieved of Court
11 oversight in this (or any) ⁷ area.

14 The Mendoza Plaintiffs therefore respectfully request that this Court reject the
15 District’s new attempt to unilaterally alter the measures undergirding the TDP and order it
16 to file a revised version of the 2018-19 TDP that uses the agreed-upon TDP measure, that
17 is, the application of the 15% standard on white and Latino teaching staff (and provide
18 corrected data for 2018-19).

20 **TUSD Annual Reports Detail Higher Attrition Rates at TUSD Than is**
21 **Reported in the TUSD Attrition Study**

23 In the Attrition Study, the District asserts that there is nothing problematic about
24 TUSD attrition, that its attrition rate is “substantially below” state and national average

25 ⁷ In expressly addressing the District’s recent submission with respect to portions of
26 Section IV of the USP, Mendoza Plaintiffs do not intend to waive, and hereby retain, their
27 claim that the District has not yet attained unitary status with respect to any portion of the
28 USP.

1 attrition rates, and says that it will continue its efforts to reduce attrition (Attrition Study at
2 2-3). It requests that this Court grant partial unitary status in this area (Doc. 2159).
3 Further, the District claims that its attrition rate “has been trending consistently down over
4 the last three years.” (Attrition Study at 2.) However, the Attrition Study data covering
5 2015-16 to 2017-18 (at 2) conflict with multiple TUSD Annual Reports filed with this
6 Court, and with the summer 2018 “special study” “the District’s A&E undertook” “in
7 response to a recommendation from the Special Master” (*id.* at 3) attached as Exhibit 1 to
8 the Attrition Study (“Summer 2018 Study”). Those reports demonstrate that the District’s
9 attrition rate actually has been consistently trending **upward** since 2015-16 and that by the
10 end of the 2017-18 school year, TUSD’s attrition rate was at the national average (and not
11 “substantially below” it).
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14 The TUSD attrition rates reported in the Attrition Study as compared to TUSD
15 Annual Reports (and the Summer 2018 Study) are as follows:
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	Attrition Study rates (and number of separations)	TUSD Annual Report/ Summer 2018 Study rates (and number of separations)⁸	Source for “TUSD Annual Report/Summer 2018 Study rates”
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4			
5	2015-16	14.0%	14.9%
6		(324)	(346) ⁹
7			2015-16 Annual Report (Doc. 1958-1) at IV-82
8	2016-17	13.2%	15.0%
9		(331)	(376)
10			2016-17 Annual Report (Doc.) at IV-34; 2017-18 Annual Report (Doc.) at IV-14; Summer 2018 Study (“about 15% teacher attrition” for 2016-17)
11	2017-18	12.7%	16.0%
12		(327)	(414)
13			2017-18 Annual Report (Doc.) at IV-14

12 Plainly, the District’s Annual Reports and Summer 2018 Study tell a different story
13 than the Attrition Study, that is, that since the 2015-16 school year, TUSD attrition has
14 increased (particularly in 2017-18), and that at the end of 2017-18, the District’s attrition
15 rate was at what the District reports to be the national attrition rate of between 16-17%
16 (Attrition Study at 2) – notwithstanding that unlike the rest of the nation it was under an
17 express Court order (the USP) to adopt measures to increase the retention of African
18 American and Latino administrators and certificated staff (USP Section IV, F, 1.)

21 While the TUSD Annual Report rate for 2017-18 appears to be at the national
22 average and below what the District reports to be the Arizona statewide average attrition
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24 ⁸ For this column of data, Mendoza Plaintiffs used the number of separations as reported in
25 TUSD Annual Reports and the total number of certificated staff as reported in the Attrition
26 Study.

27 ⁹ Mendoza Plaintiffs arrived at this figure by reducing the fourteen administrators
28 “included” in reported separations in 2015-16 given that the Attrition Study focus is on
“site teachers.” Mendoza Plaintiffs note that the 2016-17 and 2017-18 figures concerned
only “certificated” staff.

1 rate, the bigger point here is that the District has not made the “substantial” progress it
2 claims, and has in fact been experiencing *increasing* attrition through the years that the
3 USP has been in place. Moreover, that increasing attrition (even if it is not “particularly
4 high overall” (Special Master’s 2016-17 Annual Report (Doc. 2096) (“2016-17 SMAR”)
5 at 16:20-21)) should be addressed not only for the sake of reducing attrition or disparities
6 within it –what appears to be the predominant perceived purpose of reducing attrition
7 reflected in the Attrition Study- but also because it will result in fewer hard to fill
8 vacancies and a lesser reliance on new teachers which will help with student performance.
9 (Sept. Order at 17:12-16 (the purpose of the attrition study and efforts this Court ordered
10 “will reduce teacher turnover and the number of new teachers, thereby improving both
11 teacher performance and corresponding student performance.” (Citing 2016-17 SMAR at
12 17).)

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16 Given the consistent increase in the TUSD attrition rate since 2015-16, Mendoza
17 Plaintiffs respectfully request that this Court retain jurisdiction over this area of the USP.
18 Further, they request that this Court order the District to implement the recommendations
19 of the “District HR Staff” (Attrition Study at 3-4) as well as the recommendations of the
20 Summer 2018 Study (at 8-9) (given that some of those recommendations either are not, or
21 are not clearly, part of the Attrition Study recommendations).

22
23 **GYOP: The Substantial Decrease in Latino and African American**
24 **Participants in the Leadership Prep Academy in 2017-18 Warrants Explanation and**
25 **Re-Evaluation of Recruitment Efforts as Well as District Consideration of**
26 **Alternative Methods to Identify and Develop Prospective Administrative Leaders**
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1 **From Among the African American and Latino Staff Members Currently in its**
2 **Employ**

3 Under the USP, the “grow your own” program is expressly identified as a potential
4 method to “increase the number of African American and Latino principals, assistant
5 principals, and District Office administrators”. (USP Section IV, I, 3.) In the GYOP
6 Review, the data concerning the race/ethnicity of LPA participants reveals that while the
7 District has expanded the number of participants in 2017-18 to 36 from the 22 that
8 participated in the 2014-15 school year (with fluctuations in the number and racial/ethnic
9 composition of participants in the intervening years), it experienced a significant *drop* in
10 Latino and African American participants in the 2017-18 school year even as the number
11 of white participants more than doubled (going from 9 in 2016-17 to 22 in 2017-18).
12 (GYOP Review, Doc. 2159-3, at 3.) Indeed, notwithstanding that the major purpose of
13 the program is to prepare Latino and African American staff for leadership positions
14 within TUSD, in 2017-18, only a total of 27.8% of participants were either Latino or
15 African American, while white staff comprised 61.1% of participants – the lowest
16 Latino/African American and highest white participation rates of all reported years. (*Id.*)
17 Given this reported experience, the Mendoza Plaintiffs believe that a District assessment
18 and explanation of what occurred with respect to recruiting for the 2017-18 year is
19 warranted and that the District reassess and revise both its recruitment effort and the extent
20 to which financial support should be made available to African American and Latino
21 participants. Mendoza Plaintiffs respectfully suggest that what they are requesting was
22 already to have occurred. Notably, the Special Master included in his Completion Plan
23 for Grow Your Own Programs that the District should conduct an “assessment of the
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1 District's own recruitment efforts, especially as they relate to Latino and/or African
2 American staff participation.” (2016-17 SMAR at 19:24-25.) Thereafter, the Court quoted
3 the above language from the Special Master and then observed: “The Special Master
4 recommends that the District prepare a report describing its review and analysis.... There
5 are no objections, and the Court adopts it.” (Sept. Order, Doc. 2123, at 41: 13-16.)
6

7 The District's assertions, at the end of the GYOP Report, that the Court's direction
8 in its Sept. Order that it consider the viability of a pilot GYO program for African
9 American administrators “came too late to implement for SY 18-19” is disingenuous given
10 the 2017-18 enrollment in the LPA, of which the District has to have been aware: **one**
11 African American in a class of 36. (GYOP Report, Doc. 2159-2, at 3.) Mendoza Plaintiffs
12 respectfully suggest that given the 2017-18 LPA enrollment data, it should not have taken
13 a court order to cause the District to reassess the LPA program and begin to consider the
14 use of financial supports to facilitate participation. (Given the drop in Latino enrollment
15 between 2016-17 and 2017-18 (GYOP Report, Doc. 2159-2, at 3), Mendoza Plaintiffs
16 respectfully suggest that the District's reassessment of the LPA program and consideration
17 of financial supports should extend to its Latino participants (and potential participants) as
18 well.)
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22 **The District Has Failed to Comply with the Court's Order Relating to GYOP**

23 The Court was quite explicit about what the District was to include in its GYOP
24 study. But much of what the Court directed is missing from what the District has included
25 in its filing. In addition to the omitted assessment of recruitment efforts, the GYOP Study
26 does not address “proactive recruitment programs suggested by the Special Master, such as
27 those adopted by the military which seek out and groom individuals for leadership from
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1 entry level positions through assigned career paths leading to the District's top
2 administrative positions." (Sept. Order, Doc. 2123, at 42: 4-7.) Neither does it "provide
3 for incentives, including monetary bonuses and stipends, to be applied in the GYOP to the
4 maximum extent possible." (*Id.* at 42:7-10.) Instead, the GYOP Study recites financial
5 support that already is in place for certain of its programs but with respect to LPA says
6 only that it will "evaluate" "the possibility of extending incentives...such as hiring and
7 retention stipends similar to those used for the TDP, and support for getting an
8 administrator certification." (GYOP Study, Doc. 2159-3 at 21.) Finally, it has failed to
9 include strategies resulting from the GYOP study in the 2018-19 TDP, as a GYOP
10 Addendum. (Sept. Order, Doc. 2123, at 42: 8-10.) This is not a mere procedural nicety
11 given the vague wording of the strategies described in the GYOP Study. For example,
12 "The District is currently evaluat[ing] options to develop a culturally relevant curriculum
13 (CRC) pathway through university work....; the District is planning to collaborate with
14 NAU for a Master's program...the District will evaluate an expansion of the LPA
15 program...including the possibility of extending incentives...." (GYOP Study, Doc. 2159-
16 3, at 21.)

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21 Based on the above list and the preceding discussion, the District should be directed
22 to fully comply with the Sept. Order and the Special Master's GYOP Completion Plan.

23 **Conclusion**

24 For the reasons set forth above, the Court should deny the District's request for
25 partial unitary status with respect to Sections IV A, F.1, I.3 (and E.2) of the USP¹⁰ and
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28 ¹⁰ In expressly addressing the District's recent submission with respect to portions of
Section IV of the USP, Mendoza Plaintiffs do not intend to waive, and hereby retain, their

1 should direct the District to: (1) file a revised version of the 2018-19 TDP that uses the
2 agreed-upon TDP measure, that is, the application of the 15% standard on white and
3 Latino teaching staff (and provide corrected data for 2018-19); (2) implement the
4 recommendations of the “District HR Staff” (Attrition Study at 3-4) as well as the
5 recommendations of the Summer 2018 Study (at 8-9) (given that some of those
6 recommendations either are not, or are not clearly, part of the Attrition Study
7 recommendations); (3) fully and completely comply with its Sept. Order relating to the
8 GYOP, including, but not limited to, conducting an assessment of the recruitment efforts
9 for all GYOP programs, with particular attention to recruitment for LPA in 2017-18;
10 formulating and implementing new strategies to increase African American and Latino
11 participation in LPA including “proactive” recruitment strategies, providing financial
12 incentives to further encourage African American and Latino participation, and revising
13 and clarifying its GYOP strategies as an addendum to the TDP.
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27 claim that the District has not yet attained unitary status with respect to any portion of the
28 USP.

Dated: January 7, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on January 7, 2019, I electronically submitted the foregoing **MENDOZA PLAINTIFFS' SUPPLEMENTARY RESPONSE TO TUSD NOTICE AND REPORT OF COMPLIANCE: TEACHER DIVERSITY PLAN, ATTRITION AND GYOP STUDIES AND OBJECTION TO THE DISTRICT'S REQUEST (DOC. 2159) THAT IT BE AWARDED UNITARY STATUS WITH RESPECT TO SECTION IV A, F.1, AND I.3 OF THE USP (ADMINISTRATIVE AND CERTIFICATED STAFF)** to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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