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

**MENDOZA PLAINTIFFS’
SUPPLEMENTARY RESPONSE TO
TUSD NOTICE AND REPORT OF
COMPLIANCE: PROFESSIONAL
LEARNING PLAN FOR TEACHER
PROFICIENCY IN USING
TECHNOLOGY AND OBJECTION TO
THE DISTRICT’S REQUEST (DOC.
2152) THAT IT BE AWARDED
UNITARY STATUS WITH RESPECT TO
SECTION IX, B OF THE USP**

Hon. David C. Bury

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: Professional Learning Plan for Teacher Proficiency in Using Technology
14 (“Tech PLP Report” and “Tech PLP”, respectively) and TUSD’s accompanying request
15 that it be awarded unitary status with respect to Section IX, B of the USP. The Court
16 should direct the District to revise the Tech PLP because it does not ensure that teachers
17 are actually using technology to facilitate student learning and does not include essential
18 aspects of the District’s newly adopted Professional Development Rubric, specifically
19 components to provide structured practice and feedback on the learned skills. Further,
20 notwithstanding the ongoing reliance on Teacher Technology Liaisons to provide training
21 and support, the Tech PLP appears to include no provisions relating to the supervision of
22 the persons in these roles or any assessment (and feedback) relating to their performance.
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1 **The Tech PLP is Not Adequate to Ensure that Teachers are Using Technology**
2 **to Facilitate Student Learning**

3 Mendoza Plaintiffs have reviewed the Tech PLP Report and accompanying exhibits
4 and believe that the Tech PLP fails to meet the key test for professional learning under the
5 USP as enunciated by the Special Master and embraced by the Court: “whether the District
6 has implemented a Professional Learning Plan with the ultimate measure of effectiveness
7 being whether or not teachers and administrators are *using* the USP strategy...which is the
8 subject of the Professional Learning Plan.” (Sept. Order, Doc. 2123, at 144:25-145:2;
9 emphasis added.) In this instance, as the Court said in its Order directing preparation of a
10 Professional Learning Plan for teacher proficiency in using technology, the purpose is “to
11 facilitate student learning.” (*Id.* at 151:17-19.)¹

12 That the District has yet to demonstrate that its teachers are actually using
13 technology to facilitate student learning is most evident in its discussion of the assessment
14 of the need for professional instruction that it currently has in place. That discussion
15 appears in the Tech PLP under the heading “Assessment of Need for Professional
16 Instruction and Annual Planning”. (Doc. 2152-1 at 3 of 36.) In summary, the District says
17 it uses an evaluation instrument, completed by its teachers, to assess each teacher’s
18 “proficiency with TUSD instructional technology” and that it “uses the evaluation results
19 to guide and assess its instructional efforts.” (*Id.*) A copy of what TUSD says is the
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27 ¹ In this regard it also is noteworthy that in the decretal paragraphs of the Order, the Court
28 expressly directed the District to file a “Professional Learning Plan *for teacher proficiency in using technology to facilitate student learning.*” (Doc. 2123 at 151:17-19; emphasis added.)

1 current instrument is attached to the Tech PLP Report as Exhibit 2.² Mendoza Plaintiffs
 2 have reviewed Exhibit 2 and see nothing in it that addresses whether teachers are actually
 3 using the referenced technology to facilitate student learning and much that relates,
 4 instead, either to basic knowledge of what a particular software package is designed to do
 5 or to District policies relating to the use of technology.³ Absent are the sorts of questions
 6 that could determine whether and to what extent -- and how effectively -- teachers are
 7 using technology to facilitate learning in their classrooms⁴.

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 9 Not only has the District failed to determine whether its training results in the use of
 10 technology by its teachers to facilitate student learning, a review of Exhibit 2 suggests that
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 13 ² Exhibit 3 which purports to be an example of a document that is used to “assess relative
 14 performance individually and by school and aggregated district wide” based on the results
 15 of the individual teacher surveys (Tech PLP Report at 3 and 14 of 36) is virtually
 16 impossible to decipher both on line and when printed out. However, it is not likely to
 17 affect the point the Mendoza Plaintiffs are making above since the information it contains
 18 apparently is limited to what is provided through the evaluation instrument (Exhibit 2) that
 19 can be read.

20 ³ All of the questions except information concerning the school(s) at which the teacher
 21 works and what grade s/he teaches are multiple choice. Three of the 32 remaining
 22 questions relate to COW procedures: #1 - the correct way to reserve a COW; #10 - how
 23 individual laptops are assigned to students and who logs students in; #33 - whether one
 24 can obtain online professional development on how to reserve a COW through TrueNorth
 25 Logic. Other questions relate to AzMerit: #8 – whether the Arizona Department of
 26 Education website contains Sample Tests for AzMerit; #16 – a question asking the teacher
 27 to mark the box that identifies what “AzMerit is”; #17 – a question asking whether in
 28 preparation for taking AzMerit online, students should practice keyboarding skills. Other
 questions include: #20 – asking if the teacher knows if Synergy can be accessed from
 home; #22 – asking whether when a student logs in to view his/her grades on Synergy, the
 student does so through Student Vue, Parent Vue, Teacher Vue, or VueMaster; #31-
 asking for a “true” or “false” response to the statement that “[t]he purpose of a Teacher
 Technology Liaison is to provide instructional technology support to individual and/or all
 groups of teachers at their assigned campus”; and #9 - asking teachers to choose one of
 the following four responses to complete the statement that “[b]y utilizing School City,
 teachers are able to”: (a) take fieldtrips, (b) identify and target student needs and create
 and administer online assessments; (c) take students’ temperature; or (d) not applicable.”

⁴ For example: Do you use Office 365 to visually record student work? If so, has the
 process worked smoothly? If not, what problems did you encounter? On what occasions
 have you used Office 365 to visually record student work? Please provide an example.
 Do you use an interactive white board? If so, for what lessons? Has the process worked
 smoothly? If not, what problems did you encounter? Etc.

1 TUSD is not now collecting the information it would need to be able to determine that the
2 expectations set forth in the Tech PLP have been met. That is: “ TUSD expects that
3 teachers will be proficient in the *use* of the following instructional technology: (A) Basic
4 Windows computer user operations...(B) Smartboard/whiteboard...(C) TUSD’s student
5 information system...(D) TUSD’s primary student assessment software...(E) Advanced
6 teaching tools....” (Tech PLP, Doc. 2152-1, at 2 of 36; emphasis added.)
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8 **The Tech PLP Omits a Key Component of Effective Professional Development:**
9 **Structured Practice and Feedback on the Trained Skills**

10 The Tech PLP fails to include a process for “regular evaluation of actual
11 performance...involving follow-up evaluation of improvement and support for further
12 learning.” (Special Master’s 2016-17 Annual Report (“SMAR”) at 83:20-25.) This seems
13 to be a role that could be undertaken by either or both of the Educational Technology
14 Integration Specialists or Teacher Technology Liaisons that are provided for by the Tech
15 PLP but neither is explicitly assigned that responsibility in the Plan.
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18 Until the District undertakes to assess teacher proficiency in using the forms of
19 technology listed in the Tech PLP to facilitate student learning, it should not be found to
20 have complied with the Court’s Sept. Order.
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22 **The Tech PLP Continues to Rely Heavily on Teacher Technology Liaisons but**
23 **Fails to Include Any Provisions to Assess or Oversee Their Performance**

24 The Tech PLP continues to rely on Teacher Technology Liaisons (“TTLs”) which it
25 describes as “teachers with a high proficiency in technology tools” to provide “technology
26 instruction and support” at individual school sites. (Tech PLP, Doc. 2152-1, at 2 of 36.)
27 The Tech PLP says that the TTLs receive “specialized training for instruction and
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1 coaching at their schools” (*id.*) and provides a list of the topics on which they are being
2 trained this year. (Doc. 2152-1, Exhibit 1.) However, the Tech PLP is silent on the topic of
3 who, if anyone, oversees the TTLs, ensures that they have the knowledge and ability to
4 provide needed instruction and support, and ensures that they are in fact sufficiently
5 available to fulfill their roles at their school sites. All that the Tech PLP says in this regard
6 is that Educational Technology Integration Specialists “coordinate and support the
7 activities of TTLs in their respective regions”. (*Id.*) Given the important role of the
8 TTLs, Mendoza Plaintiffs believe that the Tech PLP should directly address this oversight
9 issue.
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12 **Conclusion**

13 This Court should deny the District’s request for a finding that it has attained
14 unitary status with respect to USP Section IX, B⁵ and should require TUSD to revise the
15 Tech PLP to (1) provide for assessment of teacher proficiency in using technology to
16 facilitate student learning in place of the process it currently has in place and inclusive of a
17 process to provide on-going follow up and support, and (2) create a process to monitor,
18 assess, and oversee the TTLs.
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27 ⁵ In making this request, Mendoza Plaintiffs do not intend to waive, and hereby retain,
28 their claim that the District has not yet attained unitary status with respect to any portion of
the 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: PROFESSIONAL LEARNING PLAN FOR TEACHER PROFICIENCY IN USING TECHNOLOGY AND OBJECTION TO THE DISTRICT'S REQUEST (DOC. 2152) THAT IT BE AWARDED UNITARY STATUS WITH RESPECT TO SECTION IX, B OF THE USP** 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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Dated: January 7, 2019

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