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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,  Plaintiffs,  vs.  Tucson Unified School District No. 1, et al.,  Defendants.
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4:74-cv-00090-DCB  
(Lead Case)

Maria Mendoza, et al.,  Plaintiffs,  vs.  Tucson Unified School District No. 1, et al.,  Defendants.
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CV 74-204 TUC DCB  
(Consolidated Case)

**DISTRICT REPLY TO OBJECTIONS TO ITS  
NOTICE AND REPORT OF COMPLIANCE:  
CENTRALIZED HIRING PROCESS AND CERTIFICATION  
FOR PLACING NEW TEACHERS AT CERTAIN SCHOOLS**

1 The Mendoza Plaintiffs tacitly concede facts that make it clear that the hiring of  
 2 first-year teachers at the District simply is not a major problem requiring continued  
 3 supervision:

- 4 • For the last four years, first-year teachers at the District were only **5% *or***  
 5 ***less*** of the overall classroom workforce, and this year are only 2% of that  
 6 workforce.
- 7 • In SY2018-19, there were only 54 first-year teachers spread across more  
 8 than 44,000 students enrolled, 2600 teachers overall, and over 80 schools  
 9 in the District.
- 10 • The District has 28 Racially Concentrated schools, and **23 *of those***  
 11 ***schools do not have a single first-year teacher at the school.***
- 12 • No Racially Concentrated or underperforming school in the District has  
 13 more than four first-year teachers, and only two of the larger schools have  
 14 four first-year teachers.
- 15 • There are only 29 schools at the District that have any first-year teacher at  
 16 all; ***over 50 District schools do not have a single first-year teacher.***
- 17 • Most importantly, the distribution of first-year teachers does not show any  
 18 pattern or bias against Racially Concentrated or underperforming schools.  
 19 By definition, the number of Racially Concentrated schools added to the  
 20 number of underperforming schools will necessarily include substantially  
 21 **more than half** the District's schools, and the proportion of first-year  
 22 teachers assigned to those schools (30 out of 54 this year) is consistent  
 23 with an unbiased distribution.

24 Nonetheless, the District remains committed to avoiding the assignment of first-year  
 25 teachers to Racially Concentrated or underperforming schools. To that end, the District  
 26 follows the centralized hiring process set out in Exhibit A to its Report and Notice of  
 27 Compliance re Centralized Hiring (ECF 2155-1). Moreover, the District **has already**  
 28

1 **been following** the first seven steps in that process for at least one full school-year-  
2 hiring cycle already.

3 The last step in the process set out in Exhibit A concerns the certification when  
4 circumstances do require a new teacher at a Racially Concentrated or underperforming  
5 school. In the current school year, there are **only 10 first year teachers at all 28**  
6 **Racially Concentrated schools across the District;** there are **only 20 first year**  
7 **teachers at all other underperforming schools across the District.**<sup>1</sup> In almost every  
8 case, there were no applicants for these positions with more experience.<sup>2</sup> Nonetheless,  
9 the District will document the reasons in writing for the relatively few instances where it  
10 has no other reasonable alternative to hiring a first-year teacher for a position at a  
11 Racially Concentrated or underperforming school in the District.

12 The District has adequate and proper procedures to support first-year teachers.  
13 Every first-year teacher in the District is assigned a teacher mentor to provide extra  
14 support; in addition, the common planning period in the seven-period day gives new  
15 teachers daily structured interaction with more experienced teachers at the school.  
16 District continues to expand the use of the seven-period day, and to increase the  
17 emphasis on Professional Learning Communities, which again afford valuable support  
18 to first-year teachers.

19 Accordingly, the District again respectfully submits that it has complied with the  
20 order regarding a centralized hiring process, and requests that the Court grant partial  
21 unitary status in this area of District operations (USP IV.E).

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22  
23 <sup>1</sup> See ECF 2155-2.

24 <sup>2</sup> The Mendoza Plaintiffs' entire objection centers around the contention that the  
25 District failed to do a study of alternative strategies for reducing the number of first-year  
26 teachers at Racially Concentrated or underperforming schools. But there is no need for  
27 a study: (a) there are already only a very small number of first-year teachers at these  
28 schools, (b) there is no correlation or pattern of assigning first year teachers to those  
schools, and (c) in most cases, there are no other qualified applicants for the vacant  
position with more experience. The District believes that both the Special Master and  
the Court believed the issue to be more acute than it actually is; to the extent that the  
order requires a study, the District requests that the requirement be waived.

1 RESPECTFULLY SUBMITTED this 22<sup>nd</sup> day of January, 2019.

2 **STEPTOE & JOHNSON LLP**

3  
4 By /s/ P. Bruce Converse  
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Timothy W. Overton

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**CERTIFICATE OF SERVICE**

The foregoing document was filed with the Court electronically through the CM/ECF system this 22<sup>nd</sup> day of January, 2019, 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