

STEPTOE & JOHNSON LLP
201 East Washington Street, Suite 1600
Phoenix, Arizona 85004-2382
Telephone: (602) 257-5200
Facsimile: (602) 257-5299
P. Bruce Converse (005868)
Timothy W. Overton (025669)

bconverse@steptoe.com
toverton@steptoe.com

TUCSON UNIFIED SCHOOL DISTRICT
LEGAL DEPARTMENT
1010 E. Tenth Street
Tucson, Arizona 85719
Telephone: (520) 225-6040
Robert S. Ross (023430)
Samuel E. Brown (027474)

Robert.Ross@tusd1.org
Samuel.Brown@tusd1.org

Attorneys for Tucson Unified School District No. 1

UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,

Plaintiffs,

vs.

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

Defendants.

4:74-cv-00090-DCB
(Lead Case)

Maria Mendoza, et al.,

Plaintiffs,

vs.

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

Defendants.

CV 74-204 TUC DCB
(Consolidated Case)

**DISTRICT REPLY TO OBJECTIONS TO ITS
NOTICE AND REPORT OF COMPLIANCE:
INCLUSIVE SCHOOL ENVIRONMENTS AND CULTURES OF CIVILITY**

1 The Court directed the District to prepare and file a notice and report of
2 compliance with its directives maintaining inclusive school environments fostering
3 cultures of civility, and a professional learning plan relating to these areas. [ECF 2123 at
4 123–24, 151.] The District filed its notice of compliance setting out the activities
5 undertaken by the District, and the professional learning plan, on December 6, 2018.
6 [ECF 2156, 2156-1, and 2156-2.]

7 The Special Master and the Court had directed the District to undertake a study of
8 general inclusiveness and bullying. [ECF 2096, at 55; ECF 2123 at 123–24.] The
9 District undertook the study; a copy of the report on the study was attached to the
10 District’s filing (ECF 2156-1). As set out in the report, the study found that students felt
11 broad and high levels of student inclusiveness throughout the District. Perhaps more
12 importantly, the level of inclusivity felt by students did not differ markedly between
13 racial and ethnic groups. Based on the report, the District concluded that there is not a
14 broad or systemic problem with its existing strategies and approaches to inclusive school
15 environments and fostering cultures of civility.

16 The Mendoza Plaintiffs object because they claim the District did not study or
17 propose new strategies for increasing inclusiveness. However, the Special Master’s
18 completion plan required identification and implementation of additional strategies only
19 “[i]f the data suggests that the levels of inclusiveness need to be improved and/or these
20 perceptions vary by race.” [ECF 2096, at 55.] As noted above, the data do not meet
21 these criteria,¹ and the District is continuing to implement its current strategies, which
22 include continuous monitoring, regular professional learning and individual trouble
23 spots with focused additional support and training, all as set out in the professional
24 learning plan (ECF 2156-2).

25
26 ¹ Contrary to the Mendoza Plaintiffs’ claim, there are no “relatively high”
27 instances of bullying shown by the study. There are only some schools that show
28 somewhat more than others, as would always be the case when surveying students at
over 80 schools. The overall levels of bullying are not high.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPECTFULLY SUBMITTED this 22nd day of January, 2019.

STEPTOE & JOHNSON LLP

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

**TUCSON UNIFIED SCHOOL DISTRICT
LEGAL DEPARTMENT**

Robert S. Ross
Samuel E. Brown

Attorneys for Tucson Unified School District
No. 1

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The foregoing document was filed with the Court electronically through the CM/ECF system this 22nd 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