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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,

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

**MENDOZA PLAINTIFFS’
SUPPLEMENTARY RESPONSE TO
TUSD NOTICE AND REPORT OF
COMPLIANCE: TEACHER DIVERSITY
PLAN AND GYO PROGRAMS AND
OBJECTION TO THE DISTRICT’S
REQUEST (DOC. 2221) THAT IT BE
AWARDED PARTIAL UNITARY
STATUS WITH RESPECT TO SECTIONS
IV, A, F.1 [SIC] 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

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 10 Pursuant to this Court’s Order of September 6, 2018 (Doc. 2123) (“Sept. Order”),
 11 Mendoza Plaintiffs submit this Supplementary Response to TUSD Notice and Report of
 12 Compliance: Teacher Diversity Plan and GYO Programs (Doc. 2221) and the District’s
 13 accompanying request that it be awarded unitary status with respect to Sections IV A, F.1
 14 [sic] and 1.3 of the USP¹.

16 **Argument**

17 The Revised Plan Fails to Meet All of the Requirements of This Court’s Orders

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 19 As a preliminary matter, Mendoza Plaintiffs note that the District has not yet
 20 complied with so much of this Court’s Sept. Order as required it to extend the Teacher
 21 Diversity Plan (“TDP”) “to administrators, not just teachers....” (Doc. 2123 at 40:8-9.)² In
 22 its December 2018 submission, the District wrote that “for SY 19-20, the District will
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24 ¹ Mendoza Plaintiffs previously noted and the Court agreed that there was a typographical
 25 error in the Court’s Order of September 6, 2018 (Doc. 2123) and that the provision of the
 26 USP in issue with respect to the assignment of a diverse teaching staff is Section IV, E, 2.
 (See Court Order of April 22, 2019 (Doc. 2217) at 8, n 5.)

27 ² In this regard, see USP Section IV, E, 4 which states: “The District shall make efforts to
 28 assign and attract a diverse administrative team to any school with more than one site-
 based administrator. Such administrators shall be selected from a pool that includes
 African American and /or Latino candidates.”

1 evaluate the possibility of extending incentives to administrators to transfer from one
2 school to another to improve the diversity of the staff.” (Doc. 2159-1 at 7.) Mendoza
3 Plaintiffs see no indication that this has occurred in the District’s most recent filing. To
4 the contrary, that filing is silent with respect to the assignment of a diverse administrative
5 staff. Rather, as the filing itself states, it addresses only the recruitment of African
6 American and Latino teachers to transfer to other schools to promote diversity and to
7 enroll in the District’s GYO programs “to improve the number of qualified minority
8 candidates for administrator positions”. (Doc. 2221 at 2:9-11.)

9
10 While part A of the District’s filing (“A. Teacher Diversity: Recruiting Teachers to
11 Transfer to Improve Diversity” (Doc. 2221-1 at 2)) is deficient because it omits the
12 recruitment of administrators to transfer to improve diversity, part B (“B. Grow Your Own
13 Administrator Programs: Recruiting Minority Participants” (Doc. 2221-1 at 3)) is deficient
14 because it focuses entirely on administrators and fails to address the Court’s express
15 direction that the District’s grow your own programs also “must be specifically aimed at
16 growing Teachers of Color (TOC). . . .” (Doc. 2217 at 13:6-7.)

17
18 Indeed, the Court explicitly found that the District’s existing strategies for growing
19 its own teachers (to maintain and expand the Make the Move program and redouble efforts
20 with the Arizona Teaching Fellows program) were not specifically aimed at growing (“are
21 not innately”) “TOCs”. (*Id.* at 13:6-15.) It then compared these programs to one that the
22 District said it was then “exploring” (“partnering with Pima College and the University of
23 Arizona to offer increased support to graduating seniors who have shown an aptitude for
24 teaching in exchange for each recipient’s commitment to study education and teach in the
25 district for a minimum of three years after graduating with an education degree”),
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1 observing: “[t]his GYOP draws from the District’s own student community which is a
2 majority minority community.” (*Id.* at 13:16-21.) Additionally, the Court commented
3 approvingly on another option that the District said it was then evaluating: (“developing a
4 culturally relevant curriculum (CRC) pathway through university work”) which it then
5 noted presented “a direct link to communities of color.” (*Id.* at 13:21-23.) Yet,
6 notwithstanding this extensive discussion in the Court’s Order and its express statement
7 that “the District must identify how its [GYOP]s are TOCs...If not so fashioned, the
8 District must refashion them and/or implement others to serve the purposes of the USP”
9 (*Id.* at 13:24-14:2) no discussion of the District’s grow your own programs for teachers ---
10 not even a plan to improve recruitment of current District African American and Latino
11 employees to participate in those programs ---, appears in the District’s latest filing.

14 **Conclusion**

15 For the reasons set forth above, the District should be directed to further revise its
16 diversity recruitment and grow your own program plans to comply with this Court’s prior
17 Orders. Given the deficiencies in the District’s recent submission, there is no need for this
18 Court to consider the District’s request that it be granted partial unitary status with respect
19 to Sections IV A, F.1, I.3 (and E.2) of the USP.³ However, in an excess of caution,
20 Mendoza Plaintiffs respectfully invite the Court’s attention to their earlier objections to
21 such requests by the District and to their Motion to Stay (Doc. 2186), expressly incorporate
22 herein the arguments set forth in those pleadings and also note this Court’s statement when
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26 ³ In expressly addressing the District’s recent submission with respect to portions of
27 Section IV of the USP, Mendoza Plaintiffs do not intend to waive, and hereby retain, their
28 claim that the District has not yet attained unitary status with respect to any portion of the USP.

1 it denied that Motion that it will not again reach the question of unitary status until after
2 the District's December 2019 Executive Summary filing and the proceedings relating
3 thereto.

4 Dated: June 5, 2019

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14 /s/ Lois D. Thompson
15 Attorney for Mendoza Plaintiffs

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2019, I electronically submitted the foregoing **MENDOZA PLAINTIFFS' SUPPLEMENTARY RESPONSE TO TUSD NOTICE AND REPORT OF COMPLIANCE: TEACHER DIVERSITY PLAN AND GYO PROGRAMS AND OBJECTION TO THE DISTRICT'S REQUEST (DOC. 2221) THAT IT BE AWARDED PARTIAL UNITARY STATUS WITH RESPECT TO SECTIONS IV, A, F.1 [SIC] AND I.3 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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/s/ Juan Rodriguez

Dated: June 5, 2019