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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 SUPPLEMENTAL NOTICE AND
 REPORT OF COMPLIANCE:
 PROFESSIONAL LEARNING PLAN FOR
 TEACHER PROFICIENCY IN USING
 TECHNOLOGY IN CLASSROOM
 INSTRUCTION AND OBJECTION TO
 THE DISTRICT’S REQUEST (DOC. 2220)
 THAT IT BE AWARDED PARTIAL
 UNITARY STATUS WITH RESPECT TO
 SECTION X, B OF THE USP**

Hon. David C. Bury

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1 Maria Mendoza, et al.,

Case No. CV 74-204 TUC DCB

2 Plaintiffs,

3 United States of America,

4 Plaintiff-Intervenor,

5 v.

6 Tucson United School District No. One, et
al.,

7 Defendants.
8

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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’s Supplemental Notice
12 and Report of Compliance: Professional Learning Plan for Teacher Proficiency in Using
13 Technology in Classroom Instruction (Doc. 2220) and the District’s accompanying request
14 that it be awarded unitary status with respect to Section X, B of the USP.
15

16 **Argument**

17 The Revised “Plan”¹, While Improved, Remains Deficient in Three Respects

18 *Evaluation and Oversight of Teacher Technology Liaisons*

19
20 The professional learning plan for instructional technology relies heavily on
21 Teacher Technology Liaisons (“TTLs”) to provide “technology instruction and support” at
22 individual school sites. (Tech PLP, Doc. 2152-1, at 2 of 36.) Yet, as the Mendoza
23

24 ¹ Rather than revise the Professional Learning Plan: Instructional Technology (Doc. 2152-
25 1) as directed by the Court (see Order dated April 22, 2019, Doc. 2217, at 15:7 and 9-10),
26 the District has filed a pleading describing changes to that plan. (*See in particular* Doc.
27 2220 at 2:27-3:6) Mendoza Plaintiffs respectfully suggest that going forward it will be
28 extremely difficult for the Court, the Special Master, and the parties to access the District’s
“plans” if it is necessary to retrieve and refer to court pleadings. They therefore request
that the District undertake (or be directed) to prepare revised stand-alone documents that
incorporate the revisions that they have made or will be making to their various USP
completion plans.

1 Plaintiffs observed in their December response to the District's filing of the Professional
2 Learning Plan for Teacher Proficiency in Using Technology, the plan is silent on the topics
3 of who oversees the TTLs, ensures that they have the knowledge and ability to provide
4 needed instruction and support, and ensures that they are in fact sufficiently available to
5 fulfill their roles at their school sites. (Doc. 2172 at 5:2-6.) The Special Master expressed
6 a similar concern in his R&R, recommended that the District evaluate the efficacy of the
7 TTLs, and proposed an approach to such an evaluation, adding that the design of the
8 evaluation "should be approved by the Special Master." (Doc. 2193 at 4:13-16.)

9
10 It does not appear that the District has followed the Special Master's
11 recommendation. In fact, its filing is virtually silent on the subject of TTL evaluation and
12 oversight. It first restates the Special Master's recommendation as one to "evaluat[e] the
13 efficacy of TTLs and technology instruction generally" (Doc. 2220 at 2:5-6) and then in
14 the subsection of its filing relating to evaluation says only that the Educational Technology
15 Integration Specialists will use the results of their classroom observations and the
16 assessments completed by teachers "to guide deployment of professional learning
17 resources to" among other things "evaluate the effectiveness of TTLs in each school." (Id.
18 at 3:2-6.) Mendoza Plaintiffs respectfully suggest that this is both an insufficient response
19 to the Special Master's recommendation and a deficient evaluation process.

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23 *Training in the Use of Technology to Facilitate Student Learning*

24 In response to the Mendoza Plaintiffs' objection that the professional learning plan
25 the District filed in December did not focus on increasing teacher proficiency in using
26 technology "to facilitate student learning" (Doc. 2172 at 2:3-13) and the Special Master's
27 recommendations including that the number of professional development courses be
28

1 expanded “to include more content related to instruction”, the Court ordered that the
2 Professional Learning Plan for Teacher Proficiency in Using Technology “be revised to
3 reflect a focus on the use of technology to facilitate student learning.” (Doc. 2217 at 15:2-
4 7.)

5
6 In response, the District has revised the list of classes available to teachers to
7 include what it says is “content on the use of technology in the classroom.” (Doc. 2220 at
8 2:20-22.) While this is a step in the right direction with offered classes relating, for
9 example, to the general use and implementation of the Imagine Learning software program
10 and an introduction to the classroom notebook in Office 365 (Doc. 2220-2 at 2), that
11 instruct teachers on how to use educational software, what is lacking, with but a couple of
12 exceptions², are courses that actually focus on subject matter content and how technology
13 can be used to create lessons, engage students, and deliver instruction around a particular
14 lesson topic. Mendoza Plaintiffs understood such courses to be what the Special Master
15 was referencing when he first observed that of the multiple courses available to teachers,
16 “there is very little among the options that deal with instruction” and then recommended
17 that the courses to be made available by the District “include more content related to
18 instruction”³ (Doc. 2193 at 3: 23-24; 4:4:2) and when this Court stated that the purpose of
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22 ² See Doc. 2220-2 at 3 where there are references to a course devoted to using instructional
23 technology in the classroom and a course specifically focused on integrating technology
24 with the Mansfeld magnet school’s STEM theme.

25 ³ Mendoza Plaintiffs understand that there are a host of publicly available websites that
26 provide such resources (*see, e.g.*, the National Library of Virtual Manipulations,
27 nlv.m.usu.edu/en, created by Utah State University); however, they had expected the
28 District at the very least to have identified and directed teachers to what it determined to be
particularly useful resources if only to create a degree of consistency among teachers and
classrooms in the District. (It may be that some of this is happening through Myschooldesk
but Mendoza Plaintiffs were unable to determine this on the Myschooldesk TUSD website
particularly because it appears that only a small number of teachers are using this resource
and that its use varies from teacher to teacher.)

1 the professional learning plan was to enhance teacher proficiency in using technology to
2 “facilitate student learning.” They therefore ask that the District be directed to make this
3 further revision to its plan.

4 *The Revised “Plan” Fails to Provide Professional Development Specifically for*
5 *Administrators to Assist Them to Ensure that Teachers Use Technology Effectively*
6

7 In his R&R, the Special Master observed that “school principals are responsible to
8 some extent for ensuring that teachers use technology effectively but there is little in the
9 plan that deals with professional development specifically for administrators. (Doc. 2193
10 at 3:25-27.) He then recommended that the District “[a]dd to the plan ways of enhancing
11 the capabilities of school administrators to use technology and to evaluate its effective use
12 by individual teachers.” (*Id.* at 4:17-18.) In response to this Court’s Order and the Special
13 Master’s recommendation, the District has submitted a document entitled “Technology
14 Courses Useful for Administrators”, Doc. 2220-4. It includes, for example, a course on
15 sending mass emails on Parentlink, courses on the general use and implementation in the
16 classroom of Sway, Skype and other on-line tools, and courses on the use of Synergy.

17 While such courses are likely, as the title of the list suggests, to be of use to administrators,
18 they do not appear to address the key aspect of the Special Master’s recommendation, that
19 is, that the District’s plan be revised to enhance the capabilities of school administrators to
20 evaluate the effective use of technology by individual teachers to facilitate student
21 learning. They therefore ask that the District be directed to make this further revision to its
22 plan.
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Conclusion

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2 For the reasons set forth above, the District should be directed to further revise its
3 Professional Learning Plan: Instructional Technology to comply with this Court’s prior
4 Order adopting the Special Master’s R&R (Doc. 2193). Given the deficiencies in the
5 District’s recent submission, there is no need for this Court to consider the District’s
6 request that it be granted partial unitary status with respect to Section IX, B of the USP.⁴
7 However, in an excess of caution, Mendoza Plaintiffs respectfully invite the Court’s
8 attention to their earlier objections to such requests by the District and to their Motion to
9 Stay (Doc. 2186), expressly incorporate herein the arguments set forth in those pleadings,
10 and also note this Court’s statement when it denied that Motion that it will not again reach
11 the question of unitary status until after the District’s December 2019 Executive Summary
12 filing and the proceedings relating thereto.
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26 ⁴ In expressly addressing the District’s recent submission with respect to portions of
27 Section IX 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.

Dated: June 5, 2019

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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 SUPPLEMENTAL NOTICE AND REPORT OF COMPLIANCE: PROFESSIONAL LEARNING PLAN FOR TEACHER PROFICIENCY IN USING TECHNOLOGY IN CLASSROOM INSTRUCTION AND OBJECTION TO THE DISTRICT'S REQUEST (DOC. 2220) THAT IT BE AWARDED PARTIAL UNITARY STATUS WITH RESPECT TO SECTION X, 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: June 5, 2019