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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' OBJECTION
TO SO MUCH OF THE [REVISED]
SPECIAL MASTER'S REPORT AND
RECOMMENDATION RELATED TO
THE 2019-20 BUDGET (DOC. 2246) AS
WOULD HAVE THE COURT EITHER
IGNORE OR AMEND ITS PREVIOUS
ORDER EXPRESSLY APPROVING
SUPPORT FOR BEGINNING TEACHERS
AT RACIALLY CONCENTRATED
SCHOOLS**

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.
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10 **Introduction**

11 Mendoza Plaintiffs understand that the budget approval process does not
12 contemplate plaintiff objections to the Special Master’s recommendations relating to the
13 District’s 910G budget (but, rather, objections, if any, to the District budget itself). They
14 nonetheless find themselves constrained to submit the within limited objection to the
15 [Revised] Special Master’s Report and Recommendation Related to the 2019-20 Budget
16 (Doc. 2246) (SM Revised Budget R&R) because in that Revised Budget R&R the Special
17 Master makes a new recommendation, not included in his initial Special Master’s Report
18 and Recommendation Related to the 2019-20 Budget (Doc. 2231) (SM Initial Budget
19 R&R), and **not** presented by the District’s budget (so not otherwise susceptible to
20 objection) that would require the District to abandon the Court-approved (and USP
21 compliant) requirement that it assign mentors to all beginning teachers working in racially
22 concentrated schools.
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1 **Argument**

2 *The Issue as it Existed Prior to the Filing of the SM Revised Budget R&R*

3 Initially in its proposed 910 G budget for 2019-20, the District proposed to reduce
4 the number of mentors assigned to work with beginning teachers in its underachieving or
5 racially concentrated schools because it planned to have Curriculum Service Providers
6 (CSPs) in those schools serve a mentoring role in addition to all of their other job
7 responsibilities. After objection by the Special Master and the Mendoza Plaintiffs, the
8 District stated it would not place that additional obligation on its CSPs. As detailed in the
9 Mendoza Plaintiffs’ Objections to the TUSD 2019-20 USP Budget (MP Budget
10 Objections) (Doc. 2237), it is unclear how many mentors are actually provided for in the
11 final budget and whether that number complies with the Court-approved formula. (Doc.
12 2237 at 9:9-10:18.) Therefore, Mendoza Plaintiffs asked the Court to adopt the Special
13 Masters original 2019-20 recommendation that the District be required to “identify the
14 number of mentors...in accordance with established formulas... [and that it be] required to
15 fill those positions.” (*Id.* at 10:13-18, citing SM Initial Budget R&R, Doc. 2231, at 5:22-
16 24.)

17 *The SM Revised Budget R&R*

18 In his revised budget R&R, the Special Master asserts that additional support is not
19 needed by beginning teachers in racially concentrated schools in which African American
20 and Latino students are achieving above the District average or median and recommends
21 that the formula for allocating mentors to beginning teachers be revised accordingly. (SM
22 Revised R&R, Doc. 2247, at 7:10-16.) He also notes that he previously made a similar
23 recommendation and that the Mendoza Plaintiffs opposed it. (*Id.* at 7: 16-17.)

1 Unfortunately, what he omits is that his prior recommendation also was considered by this
2 Court and rejected.

3 *This Court's Ruling on Mentors for Beginning Teachers in Racially Concentrated*
4 *Schools*

5 This Court previously addressed (and declined to adopt) the Special Master's
6 recommendation that "high-achieving" racially concentrated schools be excluded from the
7 District's formulas for assigning mentors to beginning teachers when it considered the
8 District's 2017-18 USP Budget. At that time, the Court wrote:

9 "…The Court agrees with the Mendoza Plaintiffs' objection to the high-achieving
10 school exclusion because the USP expressly requires the District to make efforts to
11 increase the number of experienced and reduce the number of beginning teachers hired to
12 teach in racially concentrated schools or schools in which students are underachieving
13 academically. USP § IV.E.5." (Order dated 11/8/17, Doc. 2086, at 5-9; emphasis in
14 original.) The Court also addressed the same argument for "exclusion" that the Special
15 Master has again advanced in his revised 2019-20 budget R&R and rejected it, writing:

16 "The requirement to place experienced teachers at racially concentrated schools is
17 not due to any difficulty associated with teaching minority students; [t]he District was
18 attempting to improve quality of instruction and academic achievement at those
19 schools...to increase the likelihood that those schools would attract students of other
20 races/ethnicities to attend those schools and bring them closer to being integrated.
21 (Mendoza Objection to Budget (Doc. 2038) at 19 (*citing* Order Doc. 1996) discussing
22 transition plans and need to focus on improving academic achievement as one effective
23 means of integration). "Because 'the most powerful school-based influence on student
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1 learning is teacher effectiveness’, (R&R (Doc. 1954) at 10), professional development and
2 professional support ensures that TUSD will be able to develop and retain strong teachers
3 capable of carrying out the mandates of the USP.” (Order (Doc. 1981) at 7.)[T]he
4 Court finds that the District’s formula is responsive to the express provision in the USP
5 which requires it to increase the number of experienced teachers at racially concentrated
6 schools, especially given that teacher shortages preclude the District from directly hiring
7 more experienced teachers to teach at these schools.” (Order dated 11/8/17, Doc. 2086, at
8 7:10-25.)
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10 **Conclusion**

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12 There is no reason for the Court to ignore or amend its prior ruling based on the
13 newly resurfaced recommendation in the SM Revised Budget R&R. Rather, for the
14 reasons set forth in its prior ruling, this Court should adhere to that ruling.
15 Notwithstanding the foregoing, should the Court nonetheless be inclined to reconsider that
16 earlier ruling, Mendoza Plaintiffs respectfully request the opportunity to be heard before it
17 does so.
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Dated: August 5, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2019, I electronically submitted the foregoing **MENDOZA PLAINTIFFS' OBJECTION TO SO MUCH OF THE [REVISED] SPECIAL MASTER'S REPORT AND RECOMMENDATION RELATED TO THE 2019-20 BUDGET (DOC. 2246) AS WOULD HAVE THE COURT EITHER IGNORE OR AMEND ITS PREVIOUS ORDER EXPRESSLY APPROVING SUPPORT FOR BEGINNING TEACHERS AT RACIALLY CONCENTRATED SCHOOLS**

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: August 5, 2019