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	Tucson Unified School District No. 1	
13	IN THE UNITED STATI	ES DISTRICT COURT
	FOR THE DISTRICT OF ARIZONA	
		of ANIZONA
14		OF ARIZONA
14	Roy and Josie Fisher, et al.,	4:74-cv-0090-DCB
<ul><li>14</li><li>15</li></ul>	Roy and Josie Fisher, et al., Plaintiffs,	-
15		4:74-cv-0090-DCB
	Plaintiffs, v.	4:74-cv-0090-DCB
15 16	Plaintiffs,	4:74-cv-0090-DCB
15	Plaintiffs, v. Tucson Unified School District No. 1, et al.,	4:74-cv-0090-DCB
15 16 17	Plaintiffs, v.	4:74-cv-0090-DCB
15 16	Plaintiffs, v. Tucson Unified School District No. 1, et al., Defendants.	4:74-cv-0090-DCB (Lead Case)
15 16 17 18	Plaintiffs, v. Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al.,	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs,	4:74-cv-0090-DCB (Lead Case)
15 16 17 18	Plaintiffs, v. Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al.,	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17 18 19	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs, v.	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17 18 19	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs,	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17 18 19 20 21	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs, v.	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17 18 19 20	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs, v.  Tucson Unified School District No. 1, et al.,	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17 18 19 20 21 22	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs, v.  Tucson Unified School District No. 1, et al.,	4:74-cv-0090-DCB (Lead Case) 4:74-cv-0204 TUC DCB
15 16 17 18 19 20 21	Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.  Maria Mendoza, et al., Plaintiffs, v.  Tucson Unified School District No. 1, et al., Defendants.	4:74-cv-0090-DCB (Lead Case)  4:74-cv-0204 TUC DCB (Consolidated Case)
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The Court directed the District to file a notice and report of compliance with the Court's directives its September 6, 2018, order, including the extracurricular activities completion plan. [ECF 2123, at 132-137, 150-51.] The District prepared report of its compliance with the extracurricular activities completion plan, and submitted it to the Special Master for review and comment. The Special Master provided thoughts and comments, along with additional requested provisions. The District further revised the compliance report to take into account the input from the Special Master, as much as was practicable in the circumstances. The resulting plan is attached hereto as Exhibit A.

The Special Master suggested adding enrollment numbers to the participation chart that the District has used in annual reports. To ensure continuity, the District will continue to report the chart without format change from prior versions, but will add a chart with the enrollment numbers included. The Special Master also suggesting adding gender as a separate reporting category in the chart; here, there are significant practical difficulties, as the District's method for collecting participation information from the schools does not include gender, and would have to be redesigned; this would also raise the significant issue about the number of genders to report and gender identification issues. Since athletic activities are often heavily single gender, it is not clear what practical help this information would provide, particularly in the context, and at this stage, of this desegregation case.

The Special Master suggested that the District analyze the clubs at each school, particularly on those that provide an academic focus (K-8 only), in order to determine if additional central District support for academic clubs in needed at any identified school. Though this goes beyond the completion plan, the District has agreed to do this, but not as a requirement for unitary status.

<sup>&</sup>lt;sup>1</sup> The added chart (for the 18-19 school year) is included as an exhibit to the compliance report attached as Exhibit A.

The District respectfully submits that it has complied with the Court's orders, and has met the requirements of USP § VIII, as shown by the record herein, including its annual reports and its prior assessment of compliance.<sup>2</sup>

Accordingly, the District requests that the Court grant unitary status in this area

Respectfully submitted,

/s/P. Bruce Converse

P. Bruce Converse Timothy W. Overton

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of Judge Frey in 1978, subsequent rulings of this Court, and the record herein. The District recognizes that the Court has overruled these objections, but wishes to make clear that they are preserved for appeal.

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<sup>&</sup>lt;sup>2</sup> Compliance with USP requirements for extracurricular activities is addressed in the record at the following specific locations incorporated herein by reference: ECF 2057-1, pp. 389-399 and appendices cited therein; ECF 2124-1, pp. 144-149 and appendices

cited therein; ECF 2075-8 and documents cited therein. <sup>3</sup> The District submits this notice filing without waiver of its position that there is no basis in fact or law for continued federal court supervision of the District in this or any other area, including the requirement of preparing the attached plan, given the findings

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## **CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of August, 2019, I electronically transmitted the attached foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to all CM/ECF registrants.

## /s/ P. Bruce Converse