

1 P. Bruce Converse (#005868)
Timothy W. Overton (#025669)
2 **DICKINSON WRIGHT PLLC**
1850 N. Central Avenue, Suite 1400
3 Phoenix, Arizona 85004-4568
bconverse@dickinsonwright.com
4 toverton@dickinsonwright.com
courtdocs@dickinsonwright.com
5 Phone: (602) 285-5000
Fax: (844) 670-6009

6 Robert S. Ross (#023430)
7 Samuel E. Brown (#027474)
TUCSON UNIFIED SCHOOL DISTRICT
8 **LEGAL DEPARTMENT**
1010 East Tenth Street
9 Tucson, Arizona 85719
Robert.Ross@tusd1.org
10 Samuel.Brown@tusd1.org
Phone: (520) 225-6040
11 *Attorneys for defendant*
Tucson Unified School District No. 1

12 **IN THE UNITED STATES DISTRICT COURT**
13 **FOR THE DISTRICT OF ARIZONA**

14 Roy and Josie Fisher, et al.,
15 Plaintiffs,
16 v.
17 Tucson Unified School District No. 1, et al.,
Defendants.
18 Maria Mendoza, et al.,
19 Plaintiffs,
20 v.
21 Tucson Unified School District No. 1, et al.,
Defendants.

4:74-cv-0090-DCB
(Lead Case)

4:74-cv-0204 TUC DCB
(Consolidated Case)

22 **NOTICE AND REPORT OF COMPLIANCE:**
23 **INTERNET ACCESS**
24
25
26

1 The Court directed the Special Master to file a notice and report of compliance for
2 the internet access issue. [ECF 2123, at 139, 151.] The District submitted the report
3 attached as Exhibit A to the Special Master, to enable him to file the appropriate notice.

4 The report indicates that the design and installation specifications for equipment
5 in all district schools is the same, and the entire system is oversized such that peak
6 usage for every school in the district, measured at the busiest time of the school year, is
7 far below the capacity of the school's equipment and the school's connection to the
8 District internet hub. The District measured speeds of internet access and coverage for
9 every school in the District, over two successive years. There is no disparity in District
10 equipment among schools (every school has the same equipment, all of which has far
11 greater capacity than needed for even the largest school in the District), and no disparity
12 in speed of the connection: capacity of each school's connection to the District internet
13 hub is exactly the same, and the actual data usage on the network at every school is far
14 less than the capacity of the connections between the school and the main District internet
15 hub. Accordingly, there is no need to add an internet access category to the TCI, as every
16 school would score the same in that category.

17 The District respectfully submits that it has complied with the Court's orders
18 regarding internet access, and has met the requirements of USP § IX.B, as shown by the
19 record herein, including its annual reports and its prior assessment of compliance.¹
20 Accordingly, the District requests that the Court grant unitary status in this area of District
21 operations (§ IX.B).²

22 ¹ Compliance with USP requirements for technology conditions is addressed in the
23 record at the following specific locations incorporated herein by reference: ECF 2057-1,
24 pp. 401-408 and appendices cited therein; ECF 2124-1, pp. 151-152 and appendices
25 cited therein; ECF 2075-9, pp. 10-22 and documents cited therein.

26 ² 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, given the findings of Judge Frey in 1978, subsequent rulings of this Court,

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

Dated this 30th day of August, 2019.

Respectfully submitted,

/s/P. Bruce Converse
P. Bruce Converse
Timothy W. Overton
DICKINSON WRIGHT, PLLC
1850 N. Central Avenue, Suite 1400
Phoenix, Arizona 85004-4568
*Attorneys for Tucson Unified School
District No. 1*

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.

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

CERTIFICATE OF SERVICE

I hereby certify that on the 30th 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