

1 P. Bruce Converse (#005868)
Timothy W. Overton (#025669)
2 **DICKINSON WRIGHT PLLC**
1850 N. Central Avenue, Suite 1400
3 Phoenix, Arizona 85004-4568
4 bconverse@dickinsonwright.com
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.,
18 Defendants.
19 Maria Mendoza, et al.,
20 Plaintiffs,
21 v.
22 Tucson Unified School District No. 1, et al.,
23 Defendants.

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

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

24 **NOTICE AND REPORT OF COMPLIANCE:**
25 **DISCIPLINE PROGRESS REPORT,**
26 **AND COMBINED DISCIPLINE/INCLUSIVITY**
PROFESSIONAL LEARNING PLAN

1 The Court directed the District to file a report detailing progress in addressing the
2 provisions of the Court’s order regarding discipline (including the completion plan). [ECF
3 2123 at 140, 150.]

4 The District prepared a Discipline Progress Report as directed, and provided a draft
5 to the Special Master. The Special Master reviewed the draft and offered suggestions and
6 comments. The District then modified the Progress Report to incorporate the Special
7 Master’s suggestions. The resulting Discipline Progress Report is attached as Exhibit A.

8 The Court also directed the District to prepare and file two related Professional
9 Learning Plans: (a) one for Inclusivity and Cultures of Civility by December 6, 2018, and
10 (b) one for Discipline by September 1, 2019. The District believes there is substantial
11 overlap between the two areas: much of the training to promote inclusive school
12 environments is same training the District provides to reduce the incidence of discipline
by preventive means.¹

13 The District prepared and filed a Professional Learning Plan for Inclusivity and
14 Cultures of Civility on December 6, as ordered. [ECF 2156-2.] In a subsequent order, the
15 Court directed the District to prepare and file a study of the effectiveness of strategies
16 used to promote inclusiveness and cultures of civility in collaboration with the Special
17 Master,² but did not order anything further regarding the Professional Learning Plan for
18 Inclusivity and Cultures of Civility. [ECF 2217, at 14.]

19 Nonetheless, because of the overlap between discipline prevention and
20 inclusiveness, and the need to prepare a Discipline Professional Learning Plan by
21 September 1, the District continued work on a combined plan for professional learning in
22 both discipline and inclusivity. The District presented its ideas to the Special Master in a

23 ¹ To be sure, discipline training involves additional elements: the Code of Conduct,
24 discipline procedure and other training on dealing with incidents once they have
happened.

25 ² The District collaborated with the Special Master on the study, which was filed on July
26 1, 2019. [ECF 2232.]

1 meeting on May 6, 2019, at which the Special Master provide suggestions and shared
2 perspectives. The District took these comments and suggestions back and worked further
3 on the plan, and ultimately provided a draft of a combined plan to the Special Master.
4 The Special Master reviewed the draft combined plan, and once again provided helpful
5 suggestions and comments.

6 The District has now incorporated those suggestions in the final Combined
7 Discipline/Inclusivity Professional Learning plan, a copy of which is attached as Exhibit
8 B. The plan includes a chart showing discipline/inclusiveness professional learning
9 conducted in SY2018-19, as well as a chart showing discipline/inclusiveness professional
10 learning planned for SY2019-20, along with accompanying narratives.

11 The District respectfully submits that it has complied with the Court's orders, and
12 has met the requirements of USP § VI, as shown by the record herein, including its annual
13 reports and its prior assessment of compliance.³ Accordingly, the District requests that
14 the Court grant unitary status in this area of District operations (§ VI).⁴

20 ³ Compliance with USP requirements for discipline is addressed in the record at the
21 following specific locations incorporated herein by reference: ECF 2057-1, pp. 329-365
22 and appendices cited therein; ECF 2124-1, pp. 119-130 and appendices cited therein;
ECF 2075-6 and documents cited therein.

23 ⁴ The District submits this notice filing without waiver of its position that there is no
24 basis in fact or law for continued federal court supervision of the District in this or any
25 other area, including the requirement of preparing the attached plan, given the findings
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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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*

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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