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

Roy and Josie Fisher, et al.,
Plaintiffs
and
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District, et al.,
Defendants,
and
Sidney L. Sutton, et al.,
Defendants-Intervenors,

No. CV-74-00090-TUC-DCB

Maria Mendoza, et al.,
Plaintiffs,
and
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District, et al.
Defendants.

No. CV-74-0204-TUC-DCB

AMENDED ORDER

1 On December 19, 2017, the Court issued an Order setting out the schedule for its
2 consideration of unitary status. It ordered the District to “[n]o later than December 1,
3 2019,” file a Motion for Unitary Status or show good cause why unitary status has not
4 been attained. (Order (Doc. 2090)). The Court ordered both the District and the Special
5 Master to include in their 2016-17 Annual Reports the status of the District’s efforts
6 under each Unitary Status Plan provision. This comprehensive assessment included
7 recommendations by the Special Master for this Court to find unitary status in part for
8 some provisions of the USP, and he made recommendations concerning actions he
9 believed the District needed to undertake to attain unitary status for some provisions of
10 the USP.

11 The parties agreed to a briefing schedule which allowed the parties 28 days to
12 object to the Special Master’s recommendations. The Mendoza Plaintiffs requested and
13 were granted an additional 15 days to review and comment on the R&R, allowing the
14 parties approximately 45 days to file objections to the R&R. (Order (Doc. 2098)).
15 Because the Court found a Reply would be helpful, it ordered the Special Master to file
16 one and ordered that it would not consider Sur-Replies. (Order (Doc. 2103)).

17 On September 6, 2018, the Court issued a comprehensive ruling granting in part
18 and denying in part unitary status. As to those parts of the USP where unitary status was
19 denied, the Court ordered the District to take specific measures necessary to attain unitary
20 status, with benchmarks for compliance. The first benchmark was December 1, 2018.
21 On April 10 and April 22, 2019, the Court reviewed Notices of Compliance filed by the
22 District and found them wanting. The Court issued orders requiring the District to
23 immediately comply with the September 6, 2018 directives and to file Supplemental
24 Notices of Compliance for the following USP provisions: 1) AASSD and MASSD
25 Operating Plans; 2) FACE Update; 3) ELL Plan; 4) Middle School Courses for
26 Highschool Credit; 5) Centralized Hiring Process and Certification for Placing Beginning
27 Teachers at Underperforming and Racially Concentrated Schools; 6) Teacher Diversity,
28 Grow-Your-Own Programs, and Attrition; 7) Inclusive School Environments and

1 Cultures of Civility, and 8) Professional Learning for Technology. The Supplemental
2 Notices of Compliance have been filed for numbers 4 through 8 and are due for numbers
3 1 through 3 on September 1, 2019.

4 September 1, 2019, is also the second unitary status benchmark set in the Court's
5 September 6, 2018, for the following USP provisions: 3-Year PIP; ALE Policy Manual;
6 Dual Language Plan; CRC Plan & CRP Learning Plan; Disciplinary Completion Plan &
7 Professional Learning; Extra-Curricular Activities, and SM NC TCI Update Internet
8 Access.

9 In its September 6, 2018, Order, the Court also directed that the District should
10 prepare and file an Executive Summary on December 1, 2019. The Court found that this
11 Executive Summary is necessary to assist it in assessing unitary status and that it will
12 reconsider unitary status subsequent to the filing of the Executive Summary.

13 The Court affirms the briefing schedule for Notice and Requests for Approvals
14 (NARAs) as set out in this Court's Order issued on August 22, 2012. (Doc. 1385).

15 The Court understands that any briefing related to a Final Budget proposal shall be
16 reviewed by the Court, expedited, pursuant to USP Budget Development Process
17 approved for 2017-2018, as follows: the District to file the Final Budget, as approved by
18 the Governing Board; Plaintiffs to file any objections within 10 days, followed by a
19 Reply from the District within 7 calendar days, and the Special Master to have 30 days to
20 file a request for expedited ruling setting out the time-frame for disposition accompanied
21 by an R&R. (Notice 2017-18 Budget Process (Doc. 1985-1) at 4.)

22 **Accordingly,**

23 **IT IS ORDERED** that within 14 days of the filing date of this Order, the Special
24 Master shall file an R&R responsive to the Supplemental Notices of Compliance 4
25 through 8 where there have been objections. There shall be no further briefing without
26 leave of the Court.

27 **IT IS FURTHER ORDERED** that the same briefing schedule shall apply in the
28 future to all supplemental filings, including the September 1, 2019, benchmark filings, as

1 follows: Notices of Compliance; 14 days thereafter for Supplemental
2 Responses/Objections, 7 days after Responses for TUSD to file Replies, thereafter, the
3 Special Master to have 14 days to file an R&R responsive to Objections.

4 **IT IS FURTHER ORDERED** that 30 days after the filing of the Executive
5 Summary, the District shall file a Supplemental Petition for Unitary Status; Plaintiffs
6 shall have 30 days to file Responses/Objections to the Supplemental Petition for Unitary
7 Status; the District shall have 14 days to reply; thereafter, the Special Master shall have
8 30 days to file an R&R; all parties may file Replies/Objections to the R&R within 14
9 days of the filing date of the R&R.¹

10 Dated this 20th day of September, 2019.

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Honorable David C. Bury
United States District Judge

¹ Amended to provide for filing Supplemental Petition for Unitary Status.