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*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)

23 **SECOND SUPPLEMENTAL NOTICE AND REPORT OF COMPLIANCE:**  
24 **DIVERSITY PLAN FOR TEACHERS AND ADMINISTRATORS**  
25 **(Orders 2123, 2217, and 2273)**  
26

1 In September, 2018, the Court directed the District to file its 2018-19 Teacher  
2 Diversity Plan (TDP), along with studies of attrition and the District's Grow-Your-Own  
3 programs, by December 6, 2018. [ECF 2123 at 140, 151.] The District prepared an  
4 analysis of the Teacher Diversity Plan, its implementation for SY18-19, results, and  
5 resulting conclusions, a study and report on attrition, and a review, study and analysis of  
6 the District's Grow-Your-Own programs, on schedule. [ECF 2159-1, 2159-2, and 2159-  
7 3, respectively.]

8 The Court subsequently directed the District to modify its Teacher Diversity  
9 Plan and Grow Your Own programs in accordance with the terms of its order dated  
10 April 22, 2019 (ECF 2217). In both areas, the primary directive concerned  
11 personalized, focused recruiting among the District's teaching force: (a) to find and  
12 recruit District teachers to transfer from one District school to another, in order to  
13 improve diversity at the new school, and (b) to find and recruit African American and  
14 Hispanic teachers in the District to enroll in either the Leadership Prep Academy or a  
15 Master's Cohort program, to improve the number of qualified minority candidates for  
16 administrator positions.

17 Accordingly, the District designated a central-staff, director-level employee to  
18 conduct focused, directed efforts to recruit District teachers for both programs. The  
19 District met with the Special Master in early May to discuss the approach to these  
20 issues, and then developed a detailed initial recruiting plan for both programs based on  
21 the discussion in the meeting. The recruiting plan was intended to supplement, and add  
22 to the prior-filed plan documents. The District provided a copy of the plan to the  
23 Special Master, received comments back, and has incorporated most of those comments  
24 into the final plan. The resulting initial recruiting plan for both programs was filed as an  
25

1 exhibit to the Supplemental Notice of Compliance on May 22, 2019. [ECF2221-1.]

2 In its order dated September 10, 2019 (ECF2273), the Court directed the District  
3 to revise the Teacher Diversity Plan and Grown Your Own programs in a number of  
4 ways. The District has followed the Court's directives as set out below:

5 a. The Diversity Plan for Teachers and Administrators, including certified  
6 staff transfer programs and GYO programs, and including previously reviewed and  
7 approved provisions (ECF 2159-1 through 2159-3, and 2159-1<sup>1</sup>), and the revisions  
8 ordered by the Court (in ECF 2123, 2217 and 2273), is attached hereto as Exhibit A.

9 b. The teacher numbers SY2018-19 for Holladay, Howell, Kellond,  
10 Marshall, Tolson, Booth-Fickett and University High reported at ECF 2159-1, pp. 15  
11 were correct as of the date reported (November 6, 2018) as they were originally  
12 reported. The percentages for individual racial/ethnic categories are rounded to the  
13 nearest whole percent (as they have always been). When adding any group of rounded  
14 percentages, the totals frequently vary by a small amount around 100% because of the  
15 rounding, even though each individual number is correctly reported in rounded fashion.  
16 That is the reason the total of the percentages for each racial/ethnic category for the  
17 schools in question did not equal 100% when added.

18 On October 1, 2019, the District reported the SY2018-19 numbers as of March  
19 of that school year, as Appendix IV-10 to its 2018-19 Annual Report (appearing in the  
20 record at ECF 2301-1, pp 51-53). This follows the practice of prior annual reports,  
21 which reported the TDP numbers as of March of the school year, to reflect and include  
22 hiring for the spring semester. The SY2018-19 numbers were slightly different in

23 \_\_\_\_\_  
24 <sup>1</sup> The District assumes this was the docket reference intended by the Court; the actual  
25 docket number in the order (2016-1) is an affidavit from Mr. Rodriguez, not relating to  
the TDP.

1 March, 2019, than as reported for November, 2018, because of hiring and departures  
2 between November, 2018 and March, 2019. The totals for some schools in reported in  
3 Appendix IV-10 also do not add to exactly 100%, but they are correct as reported,  
4 because of normal rounding practices.

5 c. The current teacher numbers for all schools (as of earlier this week) are set  
6 out Exhibit B. Again, some of the totals for some schools do not add up to 100%  
7 because of rounding, but they are correct as currently reported. This report may serve  
8 as the final numbers for the 2016-17 target schools, and the beginning numbers for the  
9 new 2019-20 target schools.

10 The tone of the Court's most recent order expressed frustration with the District,  
11 and the District hopes that the following explanatory comments will serve to ease that  
12 frustration.

13 The original Teacher Diversity Plan, as developed in collaboration with the  
14 Special Master and adopted in the spring of 2016, was a single, two-year plan to  
15 improve the diversity at certain target schools selected by the Special Master. The plan  
16 was structured as a two-year plan, to achieve the target 15% criteria over the 2016-17  
17 and 2017-18 school years, at the 26 target schools. Thus, as a single, multi-year plan,  
18 there was only the initial plan document (not a separate revised plan for each year, as  
19 the Court may have assumed), and only the original set of target schools selected by the  
20 Special Master (not a set that changed annually, as the Court may have assumed).  
21 Although the District made changes in the incentives offered in an effort to improve  
22 results during the course of the plan,<sup>2</sup> the formal plan document was not revised or  
23 amended, and the target schools were not changed.

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24 <sup>2</sup> The changes were described in full detail in the review and analysis of the TDP filed on  
25 December 6, 2018 (ECF 2159-1).

1 As noted in the review and analysis of the TDP filed in December, 2018,  
2 although progress was made in increasing the diversity of school staffs, there remained  
3 schools that did not meet the target 15% criteria by the end of SY2017-18, and the  
4 District decided to extend the plan for another year (SY2018-19). Again, since it was  
5 merely the extension of the original plan, there was no new plan document created, nor  
6 were the target schools changed, as part of the extension. The District reported  
7 extensively on the results of the plan for each year through the beginning of the 2018-  
8 19 school, along with a description of the incentives offered for that year, in its  
9 December, 2018 filing.

10 The District apologizes for any confusion regarding how its revised plan for  
11 recruiting for the TDP and GYO programs, filed in May, 2019 (ECF 2221-1), fit with  
12 its overall plan previously filed. The District wrongly assumed that it would be  
13 understood that it was simply to be added to the other previously filed plan documents,  
14 and went with it, as there was nothing inconsistent among the documents. The District  
15 did not understand that there was a need to restate everything. Again the District  
16 apologizes; the current filing incorporates the recruiting duties of the director for both  
17 TDP and GYO programs into the narrative of the plan filed herewith.

18 Accordingly, the District respectfully submits that it has complied with the  
19 Court's orders, and requests that the Court grant partial unitary status in this area of  
20 District operations (USP IV.A, F.1, I.3).<sup>3</sup>

21  
22 \_\_\_\_\_  
23 <sup>3</sup> The District submits this notice and report without waiver of its objections that there is  
24 no basis in fact or law for continued federal court supervision of the District in this or any  
25 other area, 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,  
and that they are the subject of a pending appeal before the 9th Circuit.

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Dated this 10<sup>th</sup> day of October, 2019.

Respectfully submitted,

/s/P. Bruce Converse

P. Bruce Converse

Timothy W. Overton

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*District No. 1*

**CERTIFICATE OF SERVICE**

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I hereby certify that on the 10<sup>th</sup> day of October, 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