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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF ARIZONA**

15 Roy and Josie Fisher, et al.,
16 Plaintiffs,
17 v.
18 United States of America,
19 Plaintiff-Intervenors,
20 v.
21 Anita Lohr, et al.,
22 Defendants,
23 Sidney L. Sutton, et al.,
24 Defendant-Intervenors,

Case No. 4:74-CV-00090-DCB

**MENDOZA PLAINTIFFS' RESPONSE
TO TUSD SECOND SUPPLEMENTAL
NOTICE AND REPORT OF
COMPLIANCE: PROFESSIONAL
LEARNING PLAN FOR USE OF
INSTRUCTIONAL TECHNOLOGY IN
THE CLASSROOM AND OBJECTION
TO THE DISTRICT'S REQUEST (DOC.
2330) THAT IT BE AWARDED PARTIAL
UNITARY STATUS WITH RESPECT TO
SECTION IX, B OF THE USP**

25
26
27 Hon. David C. Bury
28

1 Maria Mendoza, et al.,
 2 Plaintiffs,
 3 United States of America,
 4 Plaintiff-Intervenor,
 5 v.
 6 Tucson United School District No. One, et
 7 al.,
 8 Defendants.

Case No. CV 74-204 TUC DCB

9
 10 Under this Court’s Orders of September 6, 2018 (“9/6/18 Order”) (Doc. 2123),
 11 April 22, 2019 (Doc. 2217), and September 10, 2019 (“9/10/19 Order”) (Doc. 2273),
 12 Mendoza Plaintiffs submit this Response to TUSD’s Second Supplemental Notice and
 13 Report of Compliance: Professional Learning Plan for Use of Instructional Technology in
 14 the Classroom (Docs. 2330 and 2330-1(“Tech PLP”)), and objection to the District’s
 15 request that it be granted partial unitary status with respect to USP Section IX, B.¹
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 17
 18

19 **ARGUMENT**

20 ***TUSD Apparently has Failed to Work With the Special Master to Expand the Courses***
 21 ***Addressing use of Technology to Include Content Pedagogy***

22 In the 9/10/19 Order, this Court noted the Special Master’s objection to TUSD’s
 23 “lack [of] sufficient focus on the use of technology to facilitate student learning” and
 24

25 _____
 26 ¹ Without waiving any of their other objections to the District’s request, the Mendoza
 27 Plaintiffs note that the District’s request is in any event overbroad since only USP Sections
 28 IX, B, 1, iv, and IX, B, 4 relate to the subject of the filing in which it has made this request,
 professional learning for use of instructional technology. Further this Court expressly
 ruled that the above cited sections would be considered separately from the remaining
 sections of USP Section IX, B. (9/6/18 Order at 140:6-10.)

1 therefore ordered that the Special Master and District work “to expand the Courses
2 Addressing Use of Technology in the Classroom [“Course List”] to include content
3 pedagogy, meaning ‘courses about how to use technology in the subject matter that
4 particular teachers teach (such as American government or biology, etc.)’” (9/10/19 Order
5 at 19:4-9 (citing Special Master’s Report and Recommendation Relating to Training for
6 the Use of Educational Technology (“8/7/19 R&R”) (Doc. 2252) at 3).)

7
8 Nowhere in the District’s filing did Mendoza Plaintiffs find any reference to the
9 District and Special Master having worked together to expand the Course List per this
10 Court’s 9/10/19 Order. Mendoza Plaintiffs further had trouble finding additional “content
11 pedagogy” courses in the District’s Tech PLP. Mendoza Plaintiffs do see that there is a
12 STEM-related course (and a STEAM-related course) through Microsoft Educator
13 Community (Tech PLP, Exhibit D) that appear to be similar but potentially unrelated to the
14 STEM-related course the District already included in the Course List relating to theme-
15 integration at Mansfeld. (*Compare* Doc. 2330-1 with Doc. 2220-3.)² Beyond these
16 courses, Mendoza Plaintiffs see only one course titled “Independent Learning with Math
17 Tools in OneNote” that appears to involve content pedagogy in the area of math. No other
18 course reflects instruction on “ ‘how to use technology in the subject matter that particular
19
20
21

22 ² Mendoza Plaintiffs find themselves confused, however, that in the Tech PLP, they no
23 longer see the course related to integrating technology into Mansfeld’s STEM theme that
24 was listed in the District’s past Course List (Doc. 2220-3). They therefore do not know
25 whether or how the STEM or STEAM course in the Tech PLP relates to the Mansfeld
26 course, or whether the District has decided to no longer provide the Mansfeld STEM
27 course.

28 Mendoza Plaintiffs see that TUSD says STEM teachers at Lawrence, Mansfeld, and
Pueblo Gardens will receive training in connection with the “Verizon Innovative Learning
School Project” for which TUSD received a grant. (Tech PLP at 6.) While the District
does not describe what this training is, to the extent it involves content pedagogy, it is
limited to three schools and is in a content area for which, as noted, TUSD seemingly
already is providing a course.

1 teachers teach (such as American government or biology, etc.)” (Tech PLP, Exhibit C;
2 9/10/19 Order at 19:4-9.) While Mendoza Plaintiffs see the addition of the math-related
3 course as an improvement, they do not believe that this single addition is what the Court
4 contemplated when it ordered the expansion of content pedagogy courses.³
5

6
7 ***The Tech PLP Does Not Adequately Clarify How the District Will Evaluate the***
8 ***Effectiveness of Teacher Technology Liaisons (TTLs)***

9 In the 9/10/19 Order, this Court ordered the District to “make clear how the District
10 will evaluate the effectiveness of TTLs... .” (9/10/19 Order at 20:6-10.) While the Tech
11 PLP describes several methods of TTL evaluation, none seem directed at evaluating the
12 effectiveness of TTLs.
13

14 First, the District states that “[t]he school principal evaluates the TTL using the
15 Danielson framework.. .” (Tech PLP at 7.) However, Mendoza Plaintiffs understand the
16 Danielson framework to be the evaluation tool with which all teachers are evaluated; it is
17 not directed at assessing TTL effectiveness. (*See id.* at 7, n.5 (“The District evaluates
18 teachers using the Danielson Framework[.]”).) Second, the “TTL Time Entry
19 Spreadsheets” detail “the category of training or support provided [by TTLs], the amount
20 of time and method of delivery” and therefore is directed at documenting training provided
21
22

23 ³ As Mendoza Plaintiffs stated in their Supplementary Response to TUSD Supplemental
24 Notice and Report of Compliance: Professional Learning Plan for Teacher Proficiency in
25 Using Technology in Classroom Instruction and Objection to the District’s Request That it
26 be Awarded Partial Unitary Status With Respect to Section IX, B of the USP (Doc. 2228),
27 they understand that there are a host of publicly available websites that provide content
28 pedagogy resources (*see* Doc. 2228 at 3, n.3; 8/7/19 R&R at 3, n.2 (noting that “[t]here are
many technology-based lesson plans available at little or no cost online that could be
modified by District staff.”).) Mendoza Plaintiffs had expected that TUSD would have, at
a minimum, identified and directed teachers to what it determined to be particularly useful
resources if only to create a degree of consistency among teachers and classrooms in the
District.

1 by TTLs rather than assessing the effectiveness of that training. (*Id.* at 7.) Third, the
2 “Course Requirements” listed as a “Method[] of TTL Evaluation” involves no assessment
3 and instead simply provides details on the TTL “four hour” required course. (*Id.*) Last,
4 while the District cites its “Technology Integration Observation Tool” (with which
5 classroom teacher observations are conducted) as comprising part of TTLs’ evaluation (*id.*
6 at 8), the District separately states that the “TTLs use the school results... [of the]
7 Technology Integration Observation Tool, as well as principal and teacher specific
8 requests, to guide professional learning” (*id.* at 4-5). Thus, the tool is used in developing or
9 determining what training TTLs will deliver; it does not assess the effectiveness of TTLs
10 delivery of that training.
11

12
13 Accordingly, TUSD has failed to comply with this Court’s 9/10/19 Order relating to
14 the professional learning plan for use of technology in the classroom.
15

16 17 **CONCLUSION**

18 For the reasons set forth above, Mendoza Plaintiffs respectfully request the Court to
19 hold that the District has failed to comply with its 9/10/19 Order relating to the
20 professional learning plan for use of technology in the classroom, and deny the District’s
21 request that it be granted partial unitary status with respect to Section IX, B of the USP. In
22 an excess of caution, Mendoza Plaintiffs respectfully invite the Court’s attention to their
23 earlier objections to requests by the District to be awarded unitary status and to their
24 Motion to Stay (Doc. 2186), expressly incorporate herein the arguments set forth in those
25 pleadings, and also note this Court’s statement when it denied that Motion that it will not
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1 again reach the question of unitary status until after the District's Executive Summary
2 filing and the proceedings relating thereto.

3
4 Dated: October 24, 2019
5

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CERTIFICATE OF SERVICE

I hereby certify that on October 24, 2019, I electronically submitted the foregoing **MENDOZA PLAINTIFFS' RESPONSE TO TUSD SECOND SUPPLEMENTAL NOTICE AND REPORT OF COMPLIANCE: PROFESSIONAL LEARNING PLAN FOR USE OF INSTRUCTIONAL TECHNOLOGY IN THE CLASSROOM AND OBJECTION TO THE DISTRICT'S REQUEST (DOC. 2330) THAT IT BE AWARDED PARTIAL UNITARY STATUS WITH RESPECT TO SECTION IX, B OF THE USP** to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: October 24, 2019