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Tucson Unified School District No. 1

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

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
23 **SUPPLEMENTAL NOTICE AND REPORT OF COMPLIANCE:**
24 **INTERNET ACCESS (2362)**
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 a report to
 3 enable him to file the appropriate notice; the District also filed this report with the Court.
 4 [ECF 2263-1.]

5 The Court subsequently ordered the District to file a revised TCI with a category
 6 for internet access. [ECF 2362.] Accordingly, the District has revised the TCI to add a
 7 component for internet access. As with other components, schools are rated from 1 to 5
 8 points. Under the District's scoring for this component, a school is scored by comparing
 9 the average utilization as a percentage of capacity for each school against the table below.

Average Utilization as a Percent of Capacity	Score
0.00% - 50.00%	5.00
50.01% - 60.00%	4.00
60.01% - 70.00%	3.00
70.01% - 80.00%	2.00
80.01% - 90.00%	1.00
90.01% - 100.00%	0.00

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 15 April 5, 2019 was the representative day selected for the 2018-19 School year (based on
 16 general assessment that the period of highest observed use is during AzMERIT testing).
 17 The component has a weight of 10% of the overall TCI. All other aspects of the TCI
 18 remain the same. A copy of the revised TCI for the 18-19 school year, based on the data
 19 previously filed (2263-1), is attached as Exhibit A.

20 Respectfully, the District did not previously revise the TCI because it did not
 21 believe that there was any prior agreement with the parties to revise the TCI, or any order
 22 to revise the TCI, before the Court's order seven days ago (ECF 2362), if, as is the case,
 23 there is no disparity in internet access, and will not be any for the foreseeable future, given
 24 the current overdesign in capacity. The District believed that the obligation to revise the
 25 TCI arose only if the study or measurement of internet access disclosed a disparity that
 26

1 needed correction. The District apologizes, as the District does intend to comply with the
2 Court's orders, whether or not it agrees with them.

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

8 Dated this 25th day of November, 2019.

9 Respectfully submitted,

10 /s/ P. Bruce Converse

11 P. Bruce Converse

12 Timothy W. Overton

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17 *District No. 1*

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

25 ² The District submits this notice filing without waiver of its position that there is no
26 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,
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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CERTIFICATE OF SERVICE

I hereby certify that on the 25th day of November, 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