

EXHIBIT B

P. Bruce Converse

From: Thompson, Lois D. <lthompson@proskauer.com>
Sent: Thursday, December 19, 2019 6:11 PM
To: 'Brown, Samuel'; Willis D. Hawley; Vicki Balentine; Rubin Salter Jr.; Juan Rodriguez; Pete Beauchamp; James Eichner
Cc: Weatherless, Renee; Taylor, Martha; P. Bruce Converse
Subject: EXTERNAL: RE: Budget Ratios/Crossover
Attachments: Mendoza Plaintiffs_ Comments re Proposed Budgeting Principles 12.19.DOCX

Sam,

Given that we received no response to our suggestion that the parties seek to defer burdening the Court with a submission on future 910(G) allocations before the parties and the Special Master have had adequate time to discuss the Special Master's proposal, we are providing you, in response to your request for a response by close of business today, our comments on the principles proposed by the Special Master (and adding one proposed principle). We continue to believe that the parties and the Special Master should discuss the principles (and how they will be applied) rather than submit an unresolved issue to the Court because we believe that it should be possible to present the Court with an agreed approach on this matter.

Lois D. Thompson

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Please consider the environment before printing this email.

From: Brown, Samuel <Samuel.Brown@tusd1.org>
Sent: Monday, December 16, 2019 1:59 PM
To: Willis D. Hawley <wdh@umd.edu>; Vicki Balentine <vicki.balentine@gmail.com>; Thompson, Lois D. <lthompson@proskauer.com>; Rubin Salter Jr. <rsjr3@aol.com>; Juan Rodriguez <jrodriguez@maldef.org>; Pete Beauchamp <Peter.Beauchamp@usdoj.gov>; James Eichner <james.eichner@usdoj.gov>
Cc: Weatherless, Renee <Irene.Weatherless@tusd1.org>; Taylor, Martha <Martha.Taylor@tusd1.org>; Bruce Converse <bconverse@dickinsonwright.com>
Subject: Budget Ratios/Crossover

This email originated from outside the Firm.

Dr Hawley/Counsel: as we did not resolve the budget crossover/guideline issue today, **please submit any comments on the Hawley/Balentine proposed guidelines no later than this Thursday – or sooner if possible.** The District will be filing a notice re budget crossover/guideline discussions this Friday (see ECF 2385) . We hope this will be resolved by Friday but, if not, we will report to the Court on the status of the discussions and party responses to the proposal. Thanks, Sam

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DRAFT**BUDGETING PRINCIPLES FOR 910G CROSS PROGRAM FUNDING**

12/6/19

THE DRIVING PRINCIPLES LISTED BELOW WILL SERVE AS A BUDGETING GUIDE FOR THE USP ACTIVITY.**PRINCIPLE 1 – FUNDING FOR SPECIFIC USP OR COURT ORDER ACTIVITIES.**

What activities were initiated because of the USP and or court order? Of these programs, what part of them were in existence before the court order or USP? Those previously supported projects should not be funded from 910 G.

PRINCIPLE 2 – FUNDING FOR SPECIFIC USP OR COURT ORDER ACTIVITIES AT SPECIFIC SCHOOLS.

Virtually all activities that are specifically related to promoting integration should be funded from 910 G except where integration plans are added to conventional expenditures. However, since almost all activities undertaken in response to the USP or court orders are research-based, almost all activities funded by 910 G funds will benefit all students.

When activities are initiated in a given school, only that portion of the activities that would not have been funded under formulas that apply to all schools would be funded from 910 G. Examples: dual language and magnet schools.

PRINCIPLE 3 – FUNDING FOR SPECIFIC USP OR COURT ORDER ACTIVITIES BEYOND TYPICAL LEVELS FOUND IN OTHER SCHOOL DISTRICTS.

Some activities that were initiated because of a court order or the USP should exist in all school districts. Only that portion of the expenditures for such activities that represent exemplary elements of the activities that one would not find in most school districts should be funded by 910 G. When this guideline is problematic it may need to be negotiated. Example: EBAS. (See Principle 5.)

PRINCIPLE 4 – FUNDING FOR SPECIFIC USP OR COURT ORDER ACTIVITIES SHALL USE A YEAR TO YEAR BUDGETING RANGE.

Yearly budgeted amounts are typically similar for the activity. As a result, future budgeting shall be within +/-10% of the 18-19SY funding.

PRINCIPLE 5 – FUNDING FOR SPECIFIC USP OR COURT ORDER ACTIVITIES IS NEGOTIATED.

In a number of cases, it will be difficult to specify the precise budget necessary to address the activity. In those cases, the parties should negotiate and find consensus. Example: transportation.

Proposed Principle 6 – Certain USP activities no longer require funding and should be eliminated. For example, expenditures under the multi-year facilities plan. Further, other expenses like future post unitary status boundary review processes should only be paid for with 910(G) funds if the District commits to and does apply the criteria set forth in the USP.

Commented [A1]: Mendoza Plaintiffs generally agree with this. It is an application of “supplement; do not supplant”

Commented [A2]: Mendoza Plaintiffs believe this is too broad. It suggests that no integration efforts would exist in the District were it not for the litigation and the USP. One hopes that would not be the case. The integration efforts to be paid for with 910(G) funds must be limited to those that implement the USP.

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Commented [A3]: Mendoza Plaintiffs are not sure what this means. If it is a variant on “supplement, do not supplant”, we agree but are concerned that as written application may be difficult.

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Commented [A4]: Mendoza Plaintiffs do not believe there is data or evidence to support the statement that “almost all activities undertaken in response to the USP or court order are research-based” but they do not think this sentence is necessary to the statement of principles.

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Commented [A5]: Like the statement above concerning the funding of all integration initiatives from 910(g), Mendoza Plaintiffs believe this statement is too broad. The “portion of the activities” at schools that should be funded from 910G should be limited to those portions that implement the USP and that would not exist in the absence of the USP.

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Commented [A6]: We are unclear about when such negotiation is expected to occur. Ditto re Principle 5.

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Commented [A7]: We are not sure why SY 18-19 is being proposed rather than SY 19-20. We also think there needs to be a couple of different parameters. +/- of some budget categories (transportation, for example) work out to be very big numbers; some are rather small (successful site based strategies). We would propose two or three sets of boundaries based on ranges of the absolute budget numbers.

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Summary Table: Crossover Funding

This section follows the order of the USP.

I. GENERAL

	Provision of USP	Funding Principle
I.1	Internal Compliance Monitoring	1
I.2	Annual Report	1
I.3	Court Orders and Miscellaneous	1

II. STUDENT ASSIGNMENT

	Provision of USP	Funding Principle
II.1	Comprehensive Boundary Plan	1
II.2	Comprehensive Magnet Plan	1,2
II.3	Application and Selection Process (including Admissions Process for Oversubscribed Schools)	1
II.4	Marketing, Outreach, and Recruitment Plan (including providing transportation information to families)	1,2,3
II.5	Student Assignment PD	1,3

III. TRANSPORTATION

	Provision of USP	Funding Principle
III.1	Magnet Transportation	3,5
III.2	Incentive Transportation	3,5

IV. ADMINISTRATIVE AND CERTIFICATED STAFF

	Provision of USP	Funding Principle
<i>Outreach, Recruitment, Hiring, Assignment, Retention</i>		
IV.1	Hire or Designate USP Positions	1

IV.2	Outreach, Recruitment, Retention Plan	1,3
IV.3	Interview Committees, Instrument, and Applicant Pool	1,3
IV.4	Evaluate Applicant Offer Rejections	1
IV.5	Diversity Assignment	1
IV.6	Experience Assignment	1
IV.7	Retention	1
IV.8	Reduction in Force (RIF) Plan	1
<i>Professional Development and Support</i>		
IV.9	USP-Related PD and Support	1,3
IV.10	First-Year Teacher Pilot Plan	1,3
IV.11	Evaluation Instruments	1,3
IV.12	New Teacher Induction Program	1,3
IV.13	Teacher Support Plan	1,3
IV.14	Aspiring Leaders Plan	1,3
IV.15	PLC Training	1,3
IV.16	USP Training Plan	1,3
IV.17	Ongoing PD on Hiring Process	1,3
IV.18	Observations of Best Practices	1,3

V. QUALITY OF EDUCATION

	Provision of USP	Funding Principle
V.1	ALE Access and Recruitment Plan	1,3
V.2	UHS Admissions/Outreach/Recruitment	2
V.3	Pursue OELAS Extension	1
V.4	Build/Expand Dual Language Programs	1,2
V.5	Placement Policies and Practices	1
V.6	Dropout Prevention and Retention Plan	1,3
V.7	Data Dashboard (Flags and Policies)	1,3
V.8	CRC and Student Engagement PD	1,3
V.9	Multicultural Curriculum	1,3
V.10	Culturally Relevant Courses	1,2,3
V.11	Targeted Academic Interventions and Supports (including PD and Funding)	1,3
V.12	Quarterly Information Events	1
V.13	Collaborate with Local Colleges and Universities	1,3
V.14	AAAATF Recommendations	1,2,3
V.15	Referrals, Evaluations, and Placements	1
V.16	Supportive and Inclusive Environments	1

VI. DISCIPLINE

	Provision of USP	Funding Principle
VI.1	Restorative Practices and PBIS (RPPSCs)	1,3
VI.2	GSRR and Policy Revisions/Translation/Distribution/Info	1,3

VI.3	Student Discipline Training for Sites	1,3
VI.4	Communicate and Monitor Discipline Roles and Responsibilities	1,3
VI.5	Discipline Data Monitoring	1,3
VI.6	Corrective Action Plans	1
VI.7	Successful Site-Based Strategies	1

VII. FAMILY AND COMMUNITY ENGAGEMENT

	Provision of USP	Funding Principle
VII.1	Family Center Plan	1
VII.2	Family Engagement Resources	1,3
VII.3	Tracking Family Engagement	1
VII.4	Translation and Interpretation Services	1

VIII. EXTRACURRICULAR ACTIVITIES

	Provision of USP	Funding Principle
VIII.1	Extracurricular Equitable Access Plan	1,4
VIII.1	Data Reporting System (Extracurricular)	1

IX. FACILITIES AND TECHNOLOGY

	Provision of USP	Funding Principle
IX.1	Multi-Year Facilities Plan (including Biennial Assessment of Facilities)	1,4
IX.2	Multi-Year Technology Plan (including Biannual Assessment of Technology)	1,4
IX.3	Technology PD for Classroom Staff	1,3

X. ACCOUNTABILITY AND TRANSPARENCY

	Provision of USP	Funding Principle
X.1	EBAS	1,3
X.2	EBAS Training and Evaluation	1,3
X.3	Budget Process/Development	1
X.4	Budget Audit	1
X.5	Notice & Request for Approval	1