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12 **UNITED STATES DISTRICT COURT**  
13 **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.

4:74-cv-0090-DCB  
(Lead Case)

19 Maria Mendoza, et al.,  
20 Plaintiffs,  
21 v.  
22 Tucson Unified School District No. 1, et al.,  
23 Defendants.

4:74-cv-0204 TUC DCB  
(Consolidated Case)

24 **NOTICE OF COMPLIANCE WITH SPECIAL MASTER'S REPORT AND**  
25 **RECOMMENDATION RE ALE POLICY MANUAL (ECF 2376)**  
26

1           The Court directed the District to prepare and file an ALE Policy Manual meeting  
2 the requirements set out in its September 6, 2018 Order. [ECF 2123, pp. 45-98, 150.] The  
3 District prepared and filed the ALE Policy Manual, the ALE Progress Report, and the  
4 operating plan for the District’s ALE Department. [ECF 2267.] As detailed in these  
5 documents, as well as in the District’s annual reports, the District has complied in good  
6 faith with the USP and related Court orders.

7           Additionally, as detailed throughout the filings submitted in compliance with the  
8 Court’s directives in this area, important measures of academic achievement — such as  
9 graduation rates, dropout rates, and access to, participation in, and completion of  
10 advanced learning experiences — continue to improve, due to the District’s commitment  
11 to equitable access to these programs. [ECF 2267-2, pp. 5-22, 34-45, 48-56, and 59-63.]  
12 Indeed, more African American and Hispanic students are participating in the District’s  
13 advanced learning experiences than ever before, despite overall declining enrollment. See  
14 also Special Master’s Report and Recommendation re The ALE Policy Manual (“ALE  
15 R&R”), ECF 2376, p. 2 (“It seems worth noting that between 2012-13 and 2018-19, the  
16 numbers of African American students participating in ALE has increased 41% and the  
17 number of Latino students has increased 23%."); Supplemental Petition for Unitary  
18 Status, ECF 2406, pp. 50-55 (detailing the District’s ALE and other academic success  
19 when compared with state and national averages, and when compared to other districts in  
20 the state and around the nation).

21           In his ALE R&R, the Special Master recommended that the Court should grant  
22 unitary status for the portion of the USP addressing Advanced Learning Experiences,  
23 once the District initiated five specific additional policies. [ECF 2376, p. 9.]  
24  
25

1 The Special Master recommended that the District: (1) make dual credit classes  
2 more available throughout the District's high schools, (2) increase the number of AP  
3 classes at Santa Rita; (3) pilot an opt-out self-contained GATE program at one or two  
4 schools; (4) provide its policies and practices relating to preventing attrition from ALE to  
5 all students, not merely African American students; and (5) include all ALE policies and  
6 practices in the ALE policy manual, even if it means they appear in more than one type  
7 of document.<sup>1</sup>

8 **1. Availability of Dual Credit Classes.** The District has now made dual credit  
9 classes available at all District high schools, and the number of those classes continues to  
10 increase. [ECF 2267-2, pp. 58-60.] Additionally, the District has initiated expansion of  
11 its dual credit courses for the 2020-21 school year by implementing new courses that  
12 combine advanced placement and dual credit curriculums. With this model, students can  
13 receive college credit by earning a C or better in the course; they can also, if they choose,  
14 take the AP exam and possibly earn additional college credits. This model will be piloted  
15 by offering two courses (AP Calculus AB / Math 220 [Calculus I] and AP European  
16 History / History 102 [Intro to Western Civilization II]). These courses will be offered at  
17 Pueblo and Tucson High. Additionally, the District is working on an Early College  
18 opportunity for senior students, beginning in the 2020-21 school year, to take courses at  
19 Pima Community College, for which they would receive dual credit. Finally, the ALE  
20 Department is working with various high schools regarding increased dual credit options

21  
22 <sup>1</sup> The Special Master also recommended that the District be authorized to utilize a tutoring  
23 model using uncertified tutors who work under the supervision of a more highly paid  
24 District teacher. As noted in the ALE Progress Report, the District now requires that all  
25 tutors in the District's formal tutoring programs be certified teachers. [ECF 2267-2, p.  
88.] The District has begun evaluating the different components of the Special Master's  
suggestions and the steps necessary to implement this model for the 2020-21 school year.

1 on their campuses, including UHS (two courses), Palo Verde (one course), Tucson High  
2 (one course), Sahuaro (one course), Rincon (one course), Pueblo (two courses), and  
3 Cholla (one course).

4 **2. AP Classes at Santa Rita.** The District increased its AP offerings at Santa Rita  
5 High School in both 2017-18 and 2018-19, it is working with the ALE Department to  
6 increase its offerings for the 2020-2021 school year, and it will continue to strive to  
7 provide appropriate AP opportunities. [ECF 2267-2, pp. 32-33.]

8 **3. Pilot Opt-Out Self-Contained GATE Program.** As recommended, the  
9 District will pilot an opt-out self-contained GATE program at two schools during SY  
10 2020-21. The District will pilot an opt-out program for all self-contained qualifying  
11 GATE students at White Elementary School and Pistor Middle School for the 2020-21  
12 school year. Students who are already enrolled at these two schools will automatically be  
13 placed in the GATE self-contained classroom at their site. This pilot will apply only to  
14 students who are already attending the site, per the Special Master's recommendation.  
15 These students will receive placement statement information when they enroll and will  
16 be given an opportunity to opt-out through a mailer. Families will be invited to talk with  
17 a parent from the gifted program at the school in which the student is enrolled.

18 **4. Provide Policies and Practices for Prevention of ALE Attrition to All**  
19 **Students.** The District does not limit its policies and practices relating to ALE attrition to  
20 African American students. Rather, it makes those effective policies and practices  
21 available to all students.

22 **5. Include all ALE Policies in ALE Policy Manual.** The District has included  
23 all of its ALE policies and practices in the ALE Policy Manual that was filed on August  
24  
25

1 30, 2019, along with the ALE Operations Plan and the Progress Report on Advanced  
2 Learning Experiences. [ECF 2267 – 2267-3.]

3 The District respectfully submits that it has complied in good faith with the Court’s  
4 orders and requirements, that it has initiated the Special Master’s recommended policies  
5 and programs, and that the ALE Policy Manual, the ALE Progress Report, and the ALE  
6 Operations Plan, as well as the District’s annual reports addressing this area, incorporated  
7 herein by reference, demonstrate that the District is entitled to unitary status in this area  
8 (USP § V.A.). Accordingly, the District requests that the Court grant unitary status in this  
9 area.<sup>2</sup>

10 Dated this 31<sup>st</sup> day of January 2020.

11 Respectfully submitted,

12 **DICKINSON WRIGHT PLLC,**

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20 *District No. 1*

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23 \_\_\_\_\_  
24 <sup>2</sup> The District submits this notice without waiver of its objections that there is no basis in  
25 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.

**CERTIFICATE OF SERVICE**

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The foregoing document was filed with the Court electronically through the CM/ECF system this 31<sup>st</sup> day of January, 2020, causing all parties or counsel to be served by electronic means, as more fully reflected in the Notice of Electronic Filing.

/s/ P. Bruce Converse  
Employee of Dickinson Wright PLLC