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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 RECOMMENDATION**  
25 **RE DIVERSITY PLAN FOR TEACHERS AND ADMINISTRATORS**  
26 **(ECF 2392)**

1 The Special Master's most recent Report and Recommendation regarding the  
2 District's Diversity Plan for teachers and administrators included five recommendations.  
3 This notice reports on the District's compliance with those recommendations.

4 **1. Reporting.** The District will continue to report, as it has done, the number  
5 of teachers of all races/ethnicities at every school in the District, and to report school-  
6 level totals for all races/ethnicities across the District. Thus, any party may compute  
7 integration and diversity by whatever measure they choose. The District will compute  
8 compliance with the 15% standard for all races/ethnicities. The District will report on the  
9 diversity of its teaching staff as requested by the Special Master in his R&R, but reserves  
10 its prior stated objections, and the right to also report diversity in the manner which it  
11 believes is appropriate.

12 **2. Incentives for Transfers.** As set out in its Diversity Plan for Teachers and  
13 Administrators (ECF 2329-1), the range of incentives available to motivate teachers and  
14 administrators to transfer are similar to incentives authorized in the initial TDP. The  
15 director will only use those incentives that are effective in individual cases.

16 **3. Target Schools for Transfers.** The District will amend its Diversity  
17 Plan to return to the 26 target schools identified in the original TDP for the 2020-21 school  
18 year. Thereafter, every three years, it will identify the schools that need more diverse  
19 teaching and administrative staffs.

20 **4. Administrative Teams.** As noted in the objection by the Department of  
21 Justice, the District believes that the Special Master's recommendation in this area does  
22 not comply with Constitutional requirements. Instead, the District will continue actively  
23 to promote the diversity of its administrative staff at each school, and will report on the  
24 composition of its administrative teams, by race and ethnicity, each year. To the extent  
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1 feasible, the District will compute compliance with the 15% rule. The District notes,  
2 however, that for certain small administrative teams, no possible combination of  
3 race/ethnicities will meet that rule. In others, the combinations meeting that rule are so  
4 limited as to amount to an unconstitutional quota. Thus, “compliance” with the 15% rule  
5 cannot be a requirement.

6 **5. Proactive Plan for Recruitment and Selection for GYO Programs.** The  
7 District has developed a proactive plan for prioritizing the recruitment and selection of  
8 teachers and administrators of color through GYO programs. It first filed that plan on  
9 May 22, 2019 (ECF 2221-1), in response to the Court’s order dated April 22, 2019 (ECF  
10 2217). The Court subsequently requested that the entire diversity plan be restated  
11 together, including the recruiting plan, so the District complied, and filed a single  
12 comprehensive restated Diversity Plan for Teachers and Administrators on October 10,  
13 2019 (ECF 2329-1). The District’s proactive plan for recruiting for GYO programs was  
14 included in that Diversity Plan, and appears in the record at ECF 2329-1, pp. 41-43.

15 As reported on October 31, 2019 (ECF 2352), the proactive recruiting plan for  
16 GYO programs has already produced significant results. Recruiting for the Leadership  
17 Prep Academy, one of the main ways the District encourages teachers to become  
18 administrators, takes place after the beginning of the school year, and thus benefitted this  
19 year from the targeted recruiting practices developed in conjunction with the Special  
20 Master in the spring of 2019. This year (SY2019-20), the District sent e-mails to all  
21 African American and Hispanic teachers with at least three years of teaching experience,  
22 and who had not already attended the LPA, to invite them to consider applying to  
23 participate in the LPA set to begin in late October. A widespread announcement was also  
24 published on the TUSD intranet. In addition to the initial targeted recruitment of African  
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1 American and Hispanic teachers, the Regional Assistant Superintendents sent a follow-  
 2 up email to all African American teachers to further encourage them to apply, and made  
 3 individual phone calls in many cases. The results are shown below and reflect the most  
 4 diverse applicant pool to date.

5 **2019-20 SY Number of LPA Applicants by Race/Ethnicity**

<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percentage</b>
African American	25	45%
Hispanic	14	25%
White	17	30%
<b>TOTAL</b>	<b>56</b>	

9 The 2019-20 LPA cohort was limited to 30 participants for logistical reasons. The  
 10 District used screening criteria to consider when determining which applicant would be  
 11 selected to participant in this year's LPA cohort, as follows:

- 12 • Number of years of teaching experience
- 13 • Additional leadership roles
  - 14 ○ Principal designee
  - 15 ○ Dean of Students
  - 16 ○ MTSS Facilitator or Lead
  - 17 ○ Curriculum Service Providers
- 18 • Complete LPA Application Packet
  - 19 ○ Recommendation from an individual of the applicant's choosing
  - 20 ○ Application form itself
  - 21 ○ Resume or Vita

22 The District considered all of these factors and selected the 30 strongest applicants to  
 23 include in the 2019-20 cohort. The 2019-20 LPA Cohort is the most diverse cohort to date  
 24 as shown below.

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**2019-20 SY LPA Applicants Selected to Participate**

<b>Race/Ethnicity</b>	<b>Number</b>	<b>Percentage</b>
African American	13	43%
Hispanic	9	30%
White	8	27%
<b>TOTAL</b>	<b>30</b>	

The District is pleased with this result, and will evaluate the results of the academy in formulating its plans for the next academy.

**Conclusion**

For the foregoing reasons, the District respectfully submits that it has complied with the recommendations of the Special Master in his most recent Report and Recommendation regarding teacher and administrator diversity in the District.

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

Respectfully submitted,

**DICKINSON WRIGHT PLLC,**

By: /s/ P. Bruce Converse  
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 District No. 1*

**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