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12

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' MOTION TO STRIKE TUSD NOTICE OF COMPLIANCE WITH SPECIAL MASTER'S REPORT AND RECOMMENDATION RE TECHNOLOGY PROFESSIONAL LEARNING (DOC. 2426) OR, IN THE ALTERNATIVE, TO CONSIDER THEIR RESPONSE THERETO

Hon. David C. Bury

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1 Maria Mendoza, et al.,

Case No. CV 74-204 TUC DCB

2 Plaintiffs,

3 United States of America,

4 Plaintiff-Intervenor,

5 v.

6 Tucson United School District No. One, et al.,

7 Defendants.

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10 **MOTION TO STRIKE**

11 This Court’s October 2, 2019 Order setting forth its case management briefing
12 schedule (Doc. 2312) for this matter provides for no briefing after submission of the
13 Special Master’s Report and Recommendation. Notwithstanding that clear statement,
14 without having sought leave of Court or waited for the Court to rule on Mendoza
15 Plaintiffs’ response and objection (Doc. 2342) to the District’s Professional Learning Plan
16 for use of Instructional Technology in the Classroom on file with the Court (Doc. 2330-1)
17 or the Special Master’s related R&R, TUSD nonetheless filed a “Notice of Compliance”
18 with the Special Master’s R&R Relating to the Technology Professional Learning (Doc.
19 2375) which assumes that that R&R as written and interpreted by the District will become
20 the order of this Court, thereby leapfrogging this Court’s essential role. Additionally,
21 absent an order from this Court, plaintiffs will have been deprived of an opportunity to
22 comment on the District’s revised Technology Integration Observation Tool that TUSD
23 says complies with the Special Master’s report and recommendation concerning
24 Professional Learning for Technology (“Tech PL R&R”) (Doc. 2375).
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1 Accordingly, the Mendoza Plaintiffs respectfully request that this Court strike the
2 TUSD Notice of Compliance with Special Master’s Report and Recommendation re
3 Technology Professional Learning (“TUSD Tech Filing”) (Doc. 2426) or, in the
4 alternative, consider their following response.
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7 **RESPONSE**

8 The District’s Revised Technology Integration Observation Tool Does not Follow
9 the Special Master’s Recommendation That it Focus on How Teachers Use Technology to
10 Enhance Student Learning

11 In the Tech PL R&R, the Special Master made the following observation
12 concerning the version of the Technology Integration Observation Tool TUSD had then
13 filed:
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15 This tool focuses attention on the particular type of technology the teacher
16 and the student are using – such as computers or document cameras. Or
17 software such as Office 365 or web browsers. But it does not focus on the
18 purpose for which the technology is being used. This Tool (form) should
19 be modified to include *what it is the teacher is doing with the technology* to
20 enhance student learning.

21 (Tech PL R&R at 2:24-28 (emphasis added).)

22 The Special Master accordingly recommended revision of the Technology
23 Observation Tool (which TUSD says will guide professional development) and suggested
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1 a matrix that “list[s] the *uses of technology* on one axis of a chart and put learning goals¹
2 on the other axis.” (*Id.* at 4:1-3.)

3 The District unfortunately seems to have misunderstood the Special Master’s
4 recommendation because its new Technology Integration Observation Tool still does not
5 focus on how teachers use or employ technology to enhance learning. Rather, it continues
6 to focus on particular types of technology “such as computers or document cameras. Or
7 software such as Office 365 or web browsers.” (*See* TUSD Tech Filing, Exhibit A, table
8 2-c.) Plainly, what the Special Master contemplated but what is absent from the TUSD
9 submission is an observation tool that provides useful information on the manner in which
10 teachers’ *use* of technology furthers instructional and learning goals, which will then guide
11 professional development. Mendoza Plaintiffs do not see how the proposed Technology
12 Integration Observation Tool can guide professional development when it plainly is not
13 designed to capture any information concerning how teachers use technology to further
14 learning.
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18 Mendoza Plaintiffs therefore respectfully request that the District be ordered to
19 revise the Technology Integration Observation Tool to focus on how teachers use or
20 employ technology to enhance learning and how that fits in with instructional and learning
21 goals.
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27 ¹ The Special Master further recommended that the tool align with instructional strategies
28 and learning goals for students. (*Id.* at 3:25-26.)

CONCLUSION

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2 Mendoza Plaintiffs respectfully request that this Court strike the TUSD Tech Filing
3 (Doc. 2426) or, in the alternative, consider their response set forth above, and order the
4 District to revise the Technology Integration Observation Tool to focus on how teachers
5 use or employ technology to enhance learning and how that fits in with instructional and
6 learning goals.
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9 Dated: February 14, 2020

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CERTIFICATE OF SERVICE

I hereby certify that on February 14, 2020, I electronically submitted the foregoing **MENDOZA PLAINTIFFS' MOTION TO STRIKE TUSD NOTICE OF COMPLIANCE WITH SPECIAL MASTER'S REPORT AND RECOMMENDATION RE TECHNOLOGY PROFESSIONAL LEARNING (DOC. 2426) OR, IN THE ALTERNATIVE, TO CONSIDER THEIR RESPONSE THERETO** 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: February 14, 2020

/s/ Leslie Rodriguez
Leslie Rodriguez