

# **EXHIBIT A**

U.S. COURT OF APPEALS CASE NO. 14-15204

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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TUCSON UNIFIED SCHOOL DISTRICT NO. ONE,

*Defendant-Appellant,*

vs.

UNITED STATES OF AMERICA

*Plaintiff-Intervenor-Appellee,*

ROY AND JOSIE FISHER, ET AL., MARIA MENDOZA, ET AL.,

*Plaintiffs-Appellees.*

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**TUCSON UNIFIED SCHOOL DISTRICT NO. ONE'S OPENING BRIEF**

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From The United States District Court For The District of Arizona  
District Court Case CV 74-90 TUC DCB (Lead Case)

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**RUSING LOPEZ & LIZARDI, P.L.L.C.**  
J. William Brammer, Jr. (State Bar No. 002079)  
Oscar S. Lizardi (State Bar No. 016626)  
Michael J. Rusing (State Bar No. 006617)  
Patricia V. Waterkotte (State Bar No. 029231)

ATTORNEYS FOR DEFENDANT-APPELLANT

1292(a)(1).<sup>6</sup> The foregoing trial court orders were injunctive orders because they modified and amended prior existing injunctive orders, namely the Appointment Order (EOR 132-149) and the USP (EOR 45-131).

**A. The Trial Court’s Modifications of the USP, a Consent Decree, Are Appealable Orders Modifying an Injunction under 28 U.S.C. § 1292(a)(1).**

Consent decrees that “prescribe[ ] conduct \* \* \* and compel [ ] compliance” are equivalent to injunctions. *Turtle Island Restoration Network v. U.S. Dept. of Commerce*, 672 F.3d 1160, 1165 (9th Cir. 2012) (internal quotation marks omitted).

Here, the USP is a consent decree. *See* USP generally, EOR 45-131; *see also* USP § I, n.1, EOR 50 (“this document is intended by the Parties as a consent order....”). Thus, the USP is an injunction, and any order explicitly or implicitly modifying it is an order “modifying” an injunction within the meaning of § 1292(a)(1). The trial court’s December 2, 2013 Order in effect, modified the USP by imposing legal obligations on TUSD different from those prescribed by the USP. It “substantially alter[ed] the legal relations of the parties,” *Cunningham v. David Special Commitment Ctr.*, 158 F.3d 1035, 1037 (9th Cir. 1998), by adding new legal obligations neither imposed nor contemplated by the original consent

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<sup>6</sup>Section 1292(a)(1) confers jurisdiction on the courts of appeals over orders “granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions.”

# **EXHIBIT B**

UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT

**FILED**

JUL 29 2019

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

ROY FISHER; et al.,

Plaintiffs-Appellees,

UNITED STATES OF AMERICA,

Intervenor-Plaintiff-  
Appellee,

v.

TUCSON UNIFIED SCHOOL DISTRICT,

Defendant-Appellant.

No. 18-16926

D.C. Nos. 4:74-cv-00090-DCB  
4:74-cv-00204-DCB

District of Arizona,  
Tucson

ORDER

ROY FISHER; et al.,

Plaintiffs,

UNITED STATES OF AMERICA,

Intervenor-Plaintiff,

and

MARIA MENDOZA, Individually and on  
behalf of Stephen Mendoza,

Plaintiff-Appellant,

v.

TUCSON UNIFIED SCHOOL DISTRICT,

No. 18-16982

D.C. No. 4:74-cv-00090-DCB

Defendant-Appellee.

ROY FISHER; et al.,

Plaintiffs-Appellants,

and

MARIA MENDOZA, Individually and on behalf of Stephen Mendoza; EDWARD A. CONTRERAS,

Plaintiffs,

UNITED STATES OF AMERICA,

Intervenor-Plaintiff,

v.

TUCSON UNIFIED SCHOOL DISTRICT,

Defendant-Appellee.

No. 18-16983

D.C. No. 4:74-cv-00090-DCB

Before: SCHROEDER, CANBY, and CHRISTEN, Circuit Judges.

Appellees' motion to dismiss appeal No. 18-16926 for lack of jurisdiction is granted. *See* 28 U.S.C. § 1292(a)(1) (providing for jurisdiction over appeals from interlocutory orders “granting, continuing, modifying, refusing or dissolving injunctions, or refusing to dissolve or modify injunctions”); *Carson v. American Brands, Inc.*, 450 U.S. 79, 84-86 (1981) (setting forth test to determine whether court has jurisdiction under § 1292(a)(1) over appeal challenging interlocutory

order involving consent decree).

The opening briefs in appeals Nos. 18-16982 and 18-16983 are due September 6, 2019; the answering briefs are due October 4, 2019; and the optional reply briefs are due within 21 days after service of the answering briefs.

Appeal No. 18-16926 is **DISMISSED**.

# **EXHIBIT C**



II.K.1.a

TUSD Enrollment 40th Day 2019-20

October 31 2019

TUSD Enrollment by USP Ethnicity - Final 40th Day (09/26/2019)														
Status	School	White		African American		Hispanic/ Latino		Native American		Asian/Pacific		Multi Racial		Total
		N	%	N	%	N	%	N	%	N	%	N	%	

Elementary Schools														
	Elem	3262	21%	1589	10%	8923	59%	562	4%	304	2%	604	4%	15244
Racially Concer	Banks	54	19%	9	3%	210	74%	1	0%	1	0%	7	2%	282
	Blenman	50	18%	74	26%	117	41%	5	2%	17	6%	20	7%	283
Integrated	Bloom	109	33%	54	16%	148	44%	5	2%	6	2%	11	3%	333
Integrated	Bonillas	56	16%	43	12%	226	64%	6	2%	6	2%	17	5%	354
Integrated	Borton	90	24%	37	10%	223	61%	10	3%	1	0%	7	2%	368
Integrated	Carrillo	63	20%	25	8%	207	65%	14	4%	4	1%	6	2%	319
Racially Concer	Cavett	11	6%	24	13%	147	77%	2	1%	1	1%	5	3%	190
	Collier	65	49%	12	9%	42	32%	0	0%	4	3%	9	7%	132
Integrated	Cragin	66	26%	44	18%	119	47%	5	2%	5	2%	12	5%	251
	Davidson	69	28%	42	17%	100	41%	9	4%	5	2%	19	8%	244
Integrated	Davis	89	28%	22	7%	184	59%	7	2%	0	0%	11	4%	313
	Dunham	74	37%	24	12%	73	37%	1	1%	11	6%	15	8%	198
Integrated	Erickson	70	20%	89	25%	161	45%	1	0%	7	2%	27	8%	355
	Ford	91	32%	50	17%	113	39%	4	1%	7	2%	22	8%	287
	Fruchthend	206	54%	25	7%	115	30%	3	1%	16	4%	16	4%	381
	Gale	184	46%	32	8%	149	37%	1	0%	12	3%	23	6%	401
Racially Concer	Grijalva	20	4%	14	3%	452	86%	25	5%	4	1%	13	2%	528
	Henry	133	41%	34	11%	116	36%	2	1%	19	6%	17	5%	321
	Holladay	11	6%	49	26%	118	63%	2	1%	1	1%	6	3%	187
Integrated	Howell	70	27%	41	16%	115	44%	11	4%	11	4%	13	5%	261
Integrated	Hudlow	49	30%	15	9%	87	54%	3	2%	0	0%	8	5%	162
Integrated	Hughes	122	33%	29	8%	172	46%	3	1%	24	6%	24	6%	374
	Johnson	15	6%	2	1%	149	58%	89	34%	0	0%	4	2%	259
	Kellond	156	33%	74	15%	207	43%	3	1%	7	1%	32	7%	479
Integrated	Lineweaver	207	35%	42	7%	288	49%	4	1%	9	2%	42	7%	592
Racially Concer	Lynn/Urqui	13	3%	6	1%	373	91%	16	4%	2	0%	2	0%	412

Racially Concentrated	Maldonado	15	7%	9	4%	155	74%	24	11%	4	2%	3	1%	210
Racially Concentrated	Manzo	17	6%	13	4%	257	85%	3	1%	7	2%	4	1%	301
	Marshall	121	47%	28	11%	91	35%	3	1%	5	2%	10	4%	258
Racially Concentrated	Miller	19	4%	21	4%	386	80%	45	9%	0	0%	13	3%	484
Racially Concentrated	Mission Vieja	2	1%	3	1%	191	91%	9	4%	0	0%	5	2%	210
	Myers-Gandy	56	19%	91	31%	125	43%	10	3%	7	2%	5	2%	294
Racially Concentrated	Ochoa	5	3%	7	4%	143	86%	7	4%	0	0%	4	2%	166
Racially Concentrated	Oyama	19	7%	8	3%	234	82%	17	6%	1	0%	5	2%	284
Racially Concentrated	Robison	21	9%	21	9%	191	80%	1	0%	1	0%	5	2%	240
Integrated	Sewell	69	26%	28	11%	138	52%	2	1%	10	4%	16	6%	263
	SolengTom	172	48%	30	8%	112	31%	5	1%	11	3%	27	8%	357
	Steele	95	34%	50	18%	108	39%	4	1%	6	2%	14	5%	277
Racially Concentrated	Tolson	18	6%	15	5%	250	85%	9	3%	0	0%	3	1%	295
Integrated	Tully	41	15%	36	13%	168	61%	12	4%	11	4%	7	3%	275
Racially Concentrated	Van Buskirk	12	4%	2	1%	256	92%	4	1%	1	0%	2	1%	277
Racially Concentrated	Vesey	72	11%	28	4%	492	74%	56	8%	6	1%	14	2%	668
Racially Concentrated	Warren	17	7%	13	5%	188	73%	33	13%	1	0%	4	2%	256
Integrated	Wheeler	125	29%	76	17%	191	44%	5	1%	10	2%	30	7%	437
Racially Concentrated	White	43	6%	15	2%	529	80%	66	10%	2	0%	8	1%	663
	Whitmore	88	31%	47	16%	117	41%	4	1%	14	5%	16	6%	286
	Wright	92	19%	136	29%	190	40%	11	2%	27	6%	21	4%	477
Integration Status	School	White		African American		Hispanic/ Latino		Native American		Asian/Pacific Islander		Multi Racial		
		N	%	N	%	N	%	N	%	N	%	N	%	Total

**K-8 Schools**

	<b>K8</b>	<b>1038</b>	<b>13%</b>	<b>768</b>	<b>9%</b>	<b>5721</b>	<b>69%</b>	<b>354</b>	<b>4%</b>	<b>117</b>	<b>1%</b>	<b>238</b>	<b>3%</b>	<b>8236</b>
	Borman	286	48%	109	18%	130	22%	2	0%	29	5%	39	7%	595
	Dietz	95	24%	102	25%	171	43%	4	1%	11	3%	19	5%	402
Integrated	Drachman	75	20%	31	8%	236	63%	15	4%	3	1%	17	5%	377
	Fickett Mag	116	18%	139	22%	325	51%	17	3%	7	1%	34	5%	638
Racially Concentrated	Hollinger	22	4%	9	1%	570	91%	16	3%	2	0%	8	1%	627
	Lawrence	5	2%	2	1%	119	50%	108	45%	1	0%	4	2%	239
Racially Concentrated	McCorkle P	52	5%	28	3%	951	88%	30	3%	3	0%	15	1%	1079
Integrated	Miles - E. L.	71	24%	14	5%	176	60%	5	2%	8	3%	17	6%	291
Racially Concentrated	Morgan Ma	49	11%	36	8%	334	73%	24	5%	9	2%	8	2%	460

Racially Concentrated	Pueblo Gardens	24	6%	24	6%	321	80%	12	3%	8	2%	12	3%	401
	Roberts-National	81	13%	174	29%	312	51%	18	3%	14	2%	8	1%	607
Integrated	Robins	88	18%	26	5%	334	70%	6	1%	13	3%	9	2%	476
Racially Concentrated	Rose	13	2%	6	1%	800	94%	16	2%	4	0%	9	1%	848
Racially Concentrated	Roskrue B	39	6%	21	3%	525	81%	45	7%	2	0%	17	3%	649
Racially Concentrated	Safford	22	4%	47	9%	417	76%	36	7%	3	1%	22	4%	547

## Middle Schools

	<b>MS</b>	<b>1393</b>	<b>22%</b>	<b>617</b>	<b>10%</b>	<b>3841</b>	<b>59%</b>	<b>213</b>	<b>3%</b>	<b>135</b>	<b>2%</b>	<b>258</b>	<b>4%</b>	<b>6457</b>
Integrated	Dodge Magnet	84	20%	37	9%	259	61%	12	3%	11	3%	22	5%	425
	Doolen	137	23%	116	19%	254	42%	16	3%	42	7%	36	6%	601
	Gridley	329	43%	87	11%	276	36%	6	1%	18	2%	48	6%	764
	Magee	206	39%	66	13%	217	41%	7	1%	6	1%	23	4%	525
Integrated	Mansfeld	148	15%	82	8%	682	69%	24	2%	16	2%	35	4%	987
Racially Concentrated	Pistor	59	7%	20	2%	709	82%	64	7%	5	1%	11	1%	868
Integrated	Secrist	107	31%	50	14%	157	45%	4	1%	8	2%	20	6%	346
Racially Concentrated	Utterback	20	6%	39	12%	254	77%	9	3%	0	0%	6	2%	328
Integrated	Vail	228	28%	100	12%	408	51%	6	1%	21	3%	40	5%	803
Racially Concentrated	Valencia	75	9%	20	2%	625	77%	65	8%	8	1%	17	2%	810

## High Schools

	<b>HS</b>	<b>3039</b>	<b>22%</b>	<b>1278</b>	<b>9%</b>	<b>8183</b>	<b>59%</b>	<b>433</b>	<b>3%</b>	<b>395</b>	<b>3%</b>	<b>430</b>	<b>3%</b>	<b>13758</b>
Integrated	Catalina	131	20%	110	17%	336	51%	20	3%	35	5%	23	4%	655
Racially Concentrated	Cholla	114	6%	77	4%	1448	82%	100	6%	9	1%	23	1%	1771
Integrated	Palo Verde	205	26%	157	20%	359	45%	12	2%	25	3%	33	4%	791
Racially Concentrated	Pueblo	46	3%	39	2%	1485	87%	102	6%	7	0%	25	1%	1704
Integrated	Rincon	247	19%	191	15%	736	57%	21	2%	52	4%	35	3%	1282
	Sabino	531	54%	72	7%	311	31%	5	1%	21	2%	51	5%	991
Integrated	Sahuaro	604	35%	231	14%	747	44%	11	1%	53	3%	61	4%	1707
Integrated	Santa Rita	117	29%	69	17%	190	47%	1	0%	8	2%	17	4%	402
Integrated	Tucson Magnet	525	16%	285	9%	2176	66%	156	5%	52	2%	106	3%	3300
	University	519	45%	47	4%	395	34%	5	0%	133	12%	56	5%	1155

## Alternative Schools

	<b>ALT</b>	<b>24</b>	<b>13%</b>	<b>24</b>	<b>13%</b>	<b>110</b>	<b>61%</b>	<b>16</b>	<b>9%</b>	<b>0</b>	<b>0%</b>	<b>6</b>	<b>3%</b>	<b>180</b>
	Meredith	14	31%	13	29%	13	29%	1	2%	0	0%	4	9%	45
Integrated	Project MO	8	9%	9	10%	59	68%	9	10%	0	0%	2	2%	87

Racially Concer	TAPP	2	4%	2	4%	38	79%	6	13%	0	0%	0	0%	48
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District Total		8756	20%	4276	10%	26778	61%	1578	4%	951	2%	1536	4%	43875
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# **EXHIBIT D**

## Tucson Unified School District

II.K.1.a

November 8 2016

TUSD Enrollment by USP Ethnicity - Final 40th Day (9/29/2016)														
Integration Status	School	White		African American		Hispanic/ Latino		Native American		Asian/ Pacific Islander		Multi Racial		Total
		N		N		N		N		N		N		
Elementary Schools														
	<b>ES Total</b>	<b>3612</b>	<b>21%</b>	<b>1637</b>	<b>10%</b>	<b>10191</b>	<b>60%</b>	<b>616</b>	<b>4%</b>	<b>333</b>	<b>2%</b>	<b>681</b>	<b>4%</b>	<b>17070</b>
Integrated	Banks	87	25%	8	2%	241	70%	3	1%	2	1%	5	1%	346
Integrated	Blenman	60	17%	71	20%	159	46%	14	4%	25	7%	20	6%	349
-	Bloom	119	36%	59	18%	124	37%	4	1%	14	4%	11	3%	331
Racially Concentrated	Bonillas	56	14%	32	8%	288	71%	13	3%	4	1%	11	3%	404
Integrated	Borton	85	21%	32	8%	256	64%	7	2%	4	1%	16	4%	400
Racially Concentrated	Carrillo	31	11%	16	5%	230	78%	9	3%	1	0%	6	2%	293
Racially Concentrated	Cavett	13	4%	25	8%	243	81%	9	3%	1	0%	9	3%	300
-	Collier	110	55%	26	13%	52	26%	5	3%	1	1%	6	3%	200
Integrated	Cragin	87	27%	45	14%	159	49%	7	2%	7	2%	18	6%	323
Integrated	Davidson	51	19%	42	16%	135	50%	19	7%	10	4%	12	4%	269
Racially Concentrated	Davis	49	16%	13	4%	233	75%	6	2%	1	0%	10	3%	312
-	Dunham	117	48%	28	11%	85	35%	0	0%	7	3%	8	3%	245
-	Erickson	103	23%	107	24%	185	41%	10	2%	4	1%	40	9%	449
-	Ford	118	34%	47	13%	154	44%	3	1%	8	2%	20	6%	350
-	Fruchthendler	231	60%	24	6%	102	26%	3	1%	8	2%	20	5%	388
-	Gale	162	44%	27	7%	141	39%	2	1%	11	3%	23	6%	366
Racially Concentrated	Grijalva	31	5%	20	3%	521	84%	25	4%	7	1%	13	2%	617
-	Henry	153	43%	47	13%	121	34%	4	1%	12	3%	18	5%	355
Integrated	Holladay	17	8%	40	18%	142	63%	10	4%	0	0%	17	8%	226
Integrated	Howell	67	22%	39	13%	161	54%	13	4%	8	3%	12	4%	300
-	Hudlow	82	34%	27	11%	98	40%	9	4%	7	3%	19	8%	242
Integrated	Hughes	122	35%	22	6%	160	46%	3	1%	20	6%	24	7%	351
-	Johnson	8	4%	3	2%	102	52%	80	40%	1	1%	4	2%	198
-	Kellond	213	39%	58	11%	210	38%	10	2%	11	2%	45	8%	547
-	Lineweaver	209	38%	42	8%	263	47%	4	1%	7	1%	31	6%	556
Racially Concentrated	Lynn/Urquides	21	4%	6	1%	439	91%	12	2%	0	0%	3	1%	481
Racially Concentrated	Maldonado	20	6%	11	3%	262	78%	29	9%	3	1%	11	3%	336
Racially Concentrated	Manzo	11	4%	11	4%	238	85%	9	3%	7	3%	4	1%	280
-	Marshall	131	45%	22	8%	117	40%	4	1%	5	2%	12	4%	291
Racially Concentrated	Miller	25	4%	20	4%	452	80%	50	9%	6	1%	15	3%	568
Racially Concentrated	Mission View	1	1%	3	2%	166	90%	14	8%	0	0%	0	0%	184
Integrated	Myers-Ganoung	66	16%	88	22%	216	53%	2	0%	17	4%	19	5%	408
Racially Concentrated	Ochoa	3	2%	9	5%	149	81%	16	9%	0	0%	8	4%	185
Racially Concentrated	Oyama	25	7%	19	5%	306	81%	20	5%	1	0%	6	2%	377
Racially Concentrated	Robison	40	12%	33	10%	246	74%	2	1%	5	2%	6	2%	332
Integrated	Sewell	71	24%	45	15%	142	49%	6	2%	13	4%	14	5%	291
-	SolengTom	199	47%	48	11%	125	30%	5	1%	15	4%	30	7%	422
-	Steele	106	35%	52	17%	131	43%	1	0%	7	2%	9	3%	306
Racially Concentrated	Tolson	13	4%	17	5%	283	85%	11	3%	0	0%	7	2%	331
Integrated	Tully	32	9%	61	17%	228	64%	20	6%	7	2%	9	3%	357
Racially Concentrated	Van Buskirk	9	3%	4	1%	261	89%	10	3%	3	1%	5	2%	292
Racially Concentrated	Vesey	81	11%	22	3%	545	76%	44	6%	6	1%	22	3%	720
Racially Concentrated	Warren	12	4%	9	3%	229	80%	30	10%	1	0%	5	2%	286
Integrated	Wheeler	135	33%	53	13%	187	46%	3	1%	10	2%	20	5%	408
Racially Concentrated	White	41	6%	33	5%	576	81%	48	7%	5	1%	10	1%	713
-	Whitmore	98	30%	55	17%	132	41%	2	1%	11	3%	27	8%	325
-	Wright	91	20%	116	25%	196	43%	6	1%	30	7%	21	5%	460
K-8 Schools														
	<b>K-8 Total</b>	<b>1143</b>	<b>13%</b>	<b>789</b>	<b>9%</b>	<b>5924</b>	<b>68%</b>	<b>421</b>	<b>5%</b>	<b>136</b>	<b>2%</b>	<b>271</b>	<b>3%</b>	<b>8684</b>
	Borman	237	53%	76	17%	82	18%	0	0%	15	3%	40	9%	450
-	Dietz	142	25%	137	24%	228	41%	3	1%	28	5%	24	4%	562
Racially Concentrated	Drachman	40	12%	28	9%	234	71%	11	3%	1	0%	15	5%	329
Racially Concentrated	Hollinger	19	4%	17	3%	475	88%	17	3%	1	0%	12	2%	541
-	Lawrence	10	3%	8	2%	141	43%	163	49%	0	0%	9	3%	331
-	Miles - E. L. C.	88	30%	20	7%	162	54%	4	1%	6	2%	18	6%	298
Racially Concentrated	Morgan Maxwell	38	8%	35	7%	365	75%	30	6%	6	1%	10	2%	484

## Tucson Unified School District

II.K.1.a

November 8 2016

TUSD Enrollment by USP Ethnicity - Final 40th Day (9/29/2016)														
Integration Status	School	White		African American		Hispanic/ Latino		Native American		Asian/ Pacific Islander		Multi Racial		Total
		N	%	N	%	N	%	N	%	N	%	N	%	
Racially Concentrated	Pueblo Gardens	17	4%	24	6%	331	83%	9	2%	9	2%	11	3%	401
Racially Concentrated	Robins	101	18%	16	3%	401	72%	10	2%	12	2%	15	3%	555
Racially Concentrated	Rose	9	1%	6	1%	769	95%	9	1%	1	0%	15	2%	809
-	Booth-Fickett	251	24%	165	16%	518	50%	22	2%	25	2%	46	4%	1027
Racially Concentrated	McCorkle	36	4%	17	2%	836	91%	23	2%	2	0%	8	1%	922
-	Roberts-Naylor	75	13%	161	28%	287	51%	8	1%	25	4%	9	2%	565
Racially Concentrated	Roskruge	51	8%	21	3%	527	78%	54	8%	4	1%	18	3%	675
Racially Concentrated	Safford	29	4%	58	8%	568	77%	58	8%	1	0%	21	3%	735
Middle Schools														
	<b>MS Total</b>	<b>1514</b>	<b>22%</b>	<b>578</b>	<b>9%</b>	<b>4115</b>	<b>61%</b>	<b>250</b>	<b>4%</b>	<b>136</b>	<b>2%</b>	<b>200</b>	<b>3%</b>	<b>6793</b>
Integrated	Dodge	93	23%	32	8%	252	61%	10	2%	9	2%	15	4%	411
-	Doolen	205	32%	100	16%	263	41%	17	4%	32	5%	28	4%	645
-	Gridley	330	43%	81	11%	299	39%	5	1%	30	4%	26	3%	771
-	Magee	284	44%	65	10%	256	40%	9	2%	13	2%	20	3%	647
Racially Concentrated	Mansfeld	93	11%	64	8%	594	73%	38	9%	10	1%	17	2%	816
Racially Concentrated	Pistor	52	6%	25	3%	775	83%	56	14%	8	1%	17	2%	933
-	Secrist	128	29%	87	20%	180	41%	7	2%	15	3%	22	5%	439
Racially Concentrated	Utterback	23	5%	36	8%	378	80%	24	6%	0	0%	11	2%	472
Integrated	Vail	224	31%	66	9%	378	52%	10	2%	16	2%	33	5%	727
Racially Concentrated	Valencia	82	9%	22	2%	740	79%	74	18%	3	0%	11	1%	932
High Schools														
	<b>HS Total</b>	<b>3247</b>	<b>23%</b>	<b>1257</b>	<b>9%</b>	<b>8474</b>	<b>60%</b>	<b>395</b>	<b>3%</b>	<b>377</b>	<b>3%</b>	<b>408</b>	<b>3%</b>	<b>14158</b>
Integrated	Catalina	181	24%	129	17%	359	48%	18	2%	43	6%	11	1%	741
Racially Concentrated	Cholla	147	8%	97	5%	1503	79%	113	6%	11	1%	28	1%	1899
Integrated	Palo Verde	289	23%	242	19%	602	48%	22	2%	43	3%	57	5%	1255
Racially Concentrated	Pueblo	54	3%	42	2%	1533	89%	74	4%	5	0%	16	1%	1724
Integrated	Rincon	217	19%	171	15%	626	56%	10	1%	49	4%	40	4%	1113
-	Sabino	514	55%	61	7%	301	32%	7	1%	24	3%	30	3%	937
-	Sahuaro	785	43%	197	11%	706	39%	15	1%	48	3%	65	4%	1816
-	Santa Rita	156	35%	76	17%	182	41%	3	1%	10	2%	21	5%	448
Racially Concentrated	Tucson	400	13%	205	7%	2268	72%	131	4%	49	2%	76	2%	3129
-	University	504	46%	37	3%	394	36%	2	0%	95	9%	64	6%	1096
Alternative Schools														
	<b>Alt. Total</b>	<b>34</b>	<b>17%</b>	<b>28</b>	<b>14%</b>	<b>118</b>	<b>59%</b>	<b>12</b>	<b>6%</b>	<b>1</b>	<b>1%</b>	<b>6</b>	<b>3%</b>	<b>199</b>
-	Mary Meredith	15	33%	14	30%	12	26%	2	4%	1	2%	2	4%	46
Racially Concentrated	Project MORE	7	8%	5	5%	73	80%	2	2%	0	0%	4	4%	91
Integrated	Teenage Parent	12	19%	9	15%	33	53%	8	13%	0	0%	0	0%	62
	<b>District Total</b>	<b>9550</b>	<b>20%</b>	<b>4289</b>	<b>9%</b>	<b>28822</b>	<b>61%</b>	<b>1694</b>	<b>4%</b>	<b>983</b>	<b>2%</b>	<b>1566</b>	<b>3%</b>	<b>46904</b>

# **EXHIBIT E**



gifted endorsement to fill positions in self-contained and cluster programs (**Appendix V – 5, 2018-19 GATE Outreach Events Calendar**). Recruitment of new teachers also included collaborating with the UA by sharing information with the UA's teacher education program about GATE services and inviting interested student teachers to student teach in a GATE self-contained classroom.

### **I. Department Collaboration**

The GATE department continued to work with other District departments, including the AASSD, MASSD, Magnet Programs, Communications and Media Relations, SCS, Language Acquisition (LAD), the Infant and Early Learning Centers, and the FACE team to support its outreach and recruitment efforts and its student support services. It also continued to collaborate with education organizations such as the Arizona Association of Gifted and Talented, the Arizona Department of Education Gifted and Talented Department, and Pima County Superintendent's Office. The District's GATE staff attended regional events, trainings, and workshops with other gifted coordinators in the county.

### **2. Advanced Academic Courses**

The District continued to offer five types of advanced courses, including pre-AP (Honors/Advanced math), middle school courses offered for high school credit, Advanced Placement (AP), dual credit, and International Baccalaureate (IB).

#### **a. ALE Supplemental Goals**

The District continued to monitor AACs to ensure that all students have equitable access to ALEs. In SY2018-19, the District measured participation against the 15% Rule.<sup>15</sup>

The District met and exceeded the 15% Rule in fifteen of 28 goals (**Appendix V – 3, V.G.1.c ALE Supplementary Goals Summary**). Some examples of positive progress made by the District include meeting or exceeding the 15 percent goal for six of the ten pre-AP Honors/Advanced goals, and the 160 percent increase in enrollment of high school African American students in dual credit

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<sup>15</sup> Based on the work of Dr. Donna Ford and accepted by the Court [ECF 1771].





MS for HS	Af. Am.	K-8 (grades 6-8)	5.40%	4.20%	2.70%	4.60%	4.53%	6.07%	30	3.89%	6.61%	7.78%
MS for HS	Af. Am.	Middle (6-8)	5.90%	6.50%	5.20%	7.40%	5.37%	5.63%	41	5.45%	8.19%	9.63%
MS for HS	Latino	K-8 (grades 6-8)	75.90%	74.90%	80.20%	76.50%	74.06%	71.33%	615	<b>79.77%</b>	60.04%	70.63%
MS for HS	Latino	Middle (6-8)	53.30%	54.10%	55.70%	56.20%	59.55%	58.50%	461	<b>61.30%</b>	50.77%	59.72%
MS for HS	White	K-8 (grades 6-8)					13.10%	10.79%	57	7.39%	9.62%	11.32%
MS for HS	White	Middle (6-8)					27.34%	28.29%	196	26.06%	18.33%	21.57%
AP	Af. Am.	HS (9-12)	5.30%	5.80%	6.10%	6.50%	5.57%	5.55%	185	5.74%	7.81%	9.19%
AP	Latino	HS (9-12)	41.60%	43.90%	44.10%	45.90%	47.36%	46.61%	1490	46.23%	50.76%	59.72%
AP	White	HS (9-12)					37.22%	37.13%	1187	36.83%	18.86%	22.19%
IB	Af. Am.	HS (9-12)	6.60%	7.20%	6.60%	6.30%	6.45%	5.35%	33	4.41%	7.81%	9.19%
IB	Af. Am.	Grades K-5	4.80%	5.60%	6.90%	7.90%	8.75%		NA			
IB	Latino	HS (9-12)	77.90%	76.90%	78.80%	76.20%	79.52%	80.64%	616	<b>82.35%</b>	50.76%	59.72%
IB	Latino	Grades K-5	77.80%	72.90%	74.60%	75.10%	76.05%		NA			
IB	White	HS (9-12)					6.17%	6.65%	49	6.55%	18.86%	22.19%
IB	White	Grades K-5					4.18%		NA			
DC	Af. Am.	HS (9-12)	7.40%	8.10%	10.10%	8.10%	6.64%	5.54%	52	<b>10.10%</b>	7.81%	9.19%
DC	Latino	HS (9-12)	38.90%	51.70%	52.20%	50.00%	64.94%	68.88%	265	<b>51.46%</b>	50.76%	59.72%
DC	White	HS (9-12)					20.30%	17.45%	151	29.32%	18.86%	22.19%

DL	Af. Am.	Elementary K-5	1.80%	2.60%	1.90%	2.5%	3.35%	3.33%	36	4.47%	8.47%	9.96%
DL	Af. Am.	K-8 (grades K-8)	1.70%	1.90%	3.30%	3.40%	2.89%	2.49%	22	1.96%	7.06%	8.30%
DL	Af. Am.	Middle (6-8)	0.70%	0.00%	0.60%	1.20%	0.56%	0.11%	0	0.00%	8.19%	9.63%
DL	Af. Am.	HS (9-12)	5.20%	0.00%	0.00%	0.00%	0.30%	0.81%	0	0.00%	7.81%	9.19%
DL	Latino	Elementary K-5	87.90%	86.30%	87.10%	78.10%	82.44%	80.77%	622	<b>77.17%</b>	50.23%	59.09%
DL	Latino	K-8 (grades K-8)	87.80%	85.30%	85.10%	81.60%	81.70%	82.04%	952	<b>84.62%</b>	59.08%	69.50%
DL	Latino	Middle (6-8)	93.30%	94.00%	92.80%	93.30%	94.41%	93.62%	112	<b>95.73%</b>	50.76%	59.72%
DL	Latino	HS (9-12)	69.60%	100.00%	98.90%	99.10%	94.55%	95.16%	393	<b>98.74%</b>	50.76%	59.72%
DL	White	Elementary K-5					8.45%	9.87%	102	12.66%	18.20%	21.41%
DL	White	K-8 (grades K-8)					6.40%	6.08%	67	5.96%	10.89%	12.81%
DL	White	Middle (6-8)					2.79%	4.26%	2	1.71%	18.33%	21.57%
DL	White	HS (9-12)					1.82%	0.81%	3	0.75%	18.86%	22.19%

# **EXHIBIT F**

**TUSD RFI #(s):**  
**Estimated TUSD Staff Time:**  
**Attachment(s):**

-----Information above this line is to be completed by District Staff -----

## TUSD Request for Information Form

### RFI Instructions

1. TUSD will then assign each request its TUSD RFI number.
2. Provide the topic of the request (e.g., Corrective Action Plans)
3. Present the RFI in the form of one or more specific questions.
4. Optional: For every question/request on the form, please indicate include the reason(s) why the information being requested is needed.
5. Indicate the relevant section of the USP, court order, district report or other document (i.e., reference) that relates to RFI. Page numbers may be more appropriate in some instances).
6. Use a separate form for each specific topic about which information is being requested unless the answers to the questions posed are interdependent or relate to the same section of the document you are referencing (e.g., the USP).
7. Copy the TUSD email group “Deseg.”

## Request for Information

<b>Submitted by:</b>	Juan Rodriguez and Lois Thompson for the Mendoza Plaintiffs
<b>Submission Date:</b>	November 15, 2019
<b>Subject:</b>	TUSD Annual Report for 2018-19 (“DAR” or “Annual Report”) – Discipline
<b>USP or Reference</b>	Annual Report – Discipline, USP VI

The DAR states at VI-125 that “... the overall trend is a reduction in the differences in *discipline rates* between African American and white students. The District halved the 9 percent difference that existed in SY2013-14... African American *discipline rates* for the past two years (10.39 percent and 10.93 percent) are lower than white rates for SY2013-14 (11.56 percent)...” (Emphasis added.) Mendoza Plaintiffs have reviewed Appendix VII-29 (discipline data) and have been unable to determine how the District arrived at the “discipline rate” figures cited above.

- (1) How did the District arrive at the above-cited figures using the appendix VII-29 data? If the District did not use appendix VII-29 data to arrive at the figures, please provide the raw data from which the District arrived at the above-cited figures. Does “discipline rates” refer to all types of discipline combined? Do the District figures

above reflect an approach that looks at number of discipline incidents or number of students who were administered discipline (regardless of the number of incidents administered to individual students)?

Mendoza Plaintiffs have also been unable to determine, using appendix VII-29, how the District concluded that “in SY 2014-15, African American students were 3.5 times more likely to have a long-term suspension than white students. By SY2018-19, the likelihood ratio had dropped to 2.1.” (*Id.*)

- (2) How did the District arrive at the above cited figures using the appendix VII-29 data? If the District did not use appendix VII-29 data to arrive at the figures, please provide the raw data from which the District arrived at the above-cited figures. Do the District ratios above reflect an approach that looks at the number of long-term suspensions or number of students who were administered those suspensions (regardless of the number of of times the individual students were administered a long-term suspension)? Does the 2018-19 ratio include referrals to DAEP?
- (3) What is the Comprehensive Behavior and Discipline Committee referenced on page VI-126 of the DAR? Please describe who, aside of Student Relations, is in the committee and what the role and responsibilities of the committee are.
- (4) With respect to Student Code of Conduct presentations to students and parents at school sites, does appendix VI-2 accurately reflect the dates of such presentations at each school site? If not, please detail for each school site what date(s) the Student Code of Conduct presentation was held in 2018-19?
- (5) Beyond those schools for which the District provides a corrective action plan in appendix VI-30 (Booth Fickett, Doolen, Magee, Roberts Naylor Safford, Secrist Utterback), were any other schools put on a corrective action plan in 2018-19? Of the schools on a corrective action plan in 2018-19, how many remained on a corrective action plan into the 2019-20 school semester?
- (6) What were the results of the Student Relations director’s “evaluat[ion] of the efficacy and effectiveness of the PBIS program” at the schools at which targeted training was provided (Miller, Booth-Fickett, Roskruge, Valencia, Palo Verde, and Santa Rita)? Does the District intend to continue to provide targeted training to these schools, and if so, which schools and why?



- (7) How many teachers were identified for additional “teacher support in areas like classroom management” as a result of frequent discipline referrals (see DAR at VI-137), and at which schools were they assigned?

The DAR states that “[r]epeat offenders [who were suspended] have increased across ethnicities/races over the last four years, except for African American students, who have stayed relatively consistent during that time.” (DAR at VI-144.) Mendoza Plaintiffs see related data, but no analysis or assessment of why students with repeat infractions leading to suspension increased across all ethnicities/races (except African Americans) in 2018-19, in the ISI Evaluation (appendix VI-16).

- (8) Please provide any analysis or assessment the District has conducted concerning why the rate of students with repeat infractions leading to suspension grew in 2018-19 to rates higher than those observed in the last three years (see appendix VI-16)? What does the District plan to do to address the increase in rates of students who are repeatedly suspended during the school year?

- (9) How many students were referred to PICS in 2018-19? Please provide a breakdown, by race/ethnicity, of the number of referrals to PICs in pilot schools in the 2018-19 school year.

- (10) Did the District assess the effectiveness of PICs? What did the District learn in piloting PICs in 2018-19?

Mendoza Plaintiffs understand that in the past some school sites failed to provide the District with monthly discipline reports.

- (11) Did each TUSD school provide the District with monthly discipline reports in 2018-19 (see DAR VI-148)? If not, which schools failed to provide such reporting and what did the District do to address the issue?

In the end-of-year discipline report presentation (appendix IV-21), the chart titled “2018-19 Discipline Data All Aggression Incidents – Three Years Comparison” reflects an increase of over 200 aggression incidents in 2018-19 from the previous year, and an increase in 291 “fighting” incidents in 2018-19 from the previous year.

- (12) To what does the District attribute this increase in aggression and fighting incidents?

- (13) What were the findings of the end-of-year discipline report as reflected in the presentation (appendix IV-21) in the slide on page 8? (The slide has four bulleted “findings”, e.g., “Inaccurate data reporting” and “elevation request process”, but Mendoza Plaintiffs cannot tell what those findings or conclusions were.)
- (14) To what does the District attribute the fact that “discipline rates for SY 2018-19 across all groups increased slightly” from the previous year as reflected in Graph 6 in appendix VI-22?
- (15) To what does the District attribute the fact that “the number of students receiving an out of school suspension increased for all groups in 2018-19” from the previous year as reflected in Graph 6 in appendix VI-22?
- (16) How many of the total 938 one-day short term suspensions in 2018-19 were the result of the “Student Code of Conduct [revision] to include a one-day cooling off period for students agreeing to mediation or drug/alcohol counseling for first-time offenses” (DAR at VI-150)?

**TUSD RFI #(s): 2572 - 2591**  
**Estimated TUSD Staff Time: 30 hours**  
**Attachment(s):**

-----Information above this line is to be completed by District Staff -----

### TUSD Request for Information Form

<b>RFI Instructions</b>	
1.	TUSD will then assign each request its TUSD RFI number.
2.	Provide the topic of the request (e.g., Corrective Action Plans)
3.	Present the RFI in the form of one or more specific questions.
4.	Optional: For every question/request on the form, please indicate include the reason(s) why the information being requested is needed.
5.	Indicate the relevant section of the USP, court order, district report or other document (i.e., reference) that relates to RFI. Page numbers may be more appropriate in some instances).
6.	Use a separate form for each specific topic about which information is being requested unless the answers to the questions posed are interdependent or relate to the same section of the document you are referencing (e.g., the USP).
7.	Copy the TUSD email group “Deseg.”

### Request for Information

<b>Submitted by:</b>	Juan Rodriguez and Lois Thompson for the Mendoza Plaintiffs
<b>Submission Date:</b>	November 15, 2019
<b>Subject:</b>	TUSD Annual Report for 2018-19 (“DAR” or “Annual Report”) – Discipline
<b>USP or Reference</b>	Annual Report – Discipline, USP VI

**RFI #2572** - How did the District arrive at the above-cited figures using the appendix VII-29 data? If the District did not use appendix VII-29 data to arrive at the figures, please provide the raw data from which the District arrived at the above-cited figures.

*Response:* There is no appendix VII-29, the District assumes Mendoza Plaintiffs are referring to appendix VI-29. VI-29 shows the number of unique students receiving at least one disciplinary action by specific disposition type (e.g. in school discipline, long term suspensions) where students may be counted in more than one category. The data used in VI-22 for discipline are unique student counts across all disposition types (i.e. student is only counted once). See below for the number of students receiving at least one disciplinary action:

	White	African American	Hispanic	Native American	Asian/Pacific Islander	Multi-Race	Total
Number of students receiving at least 1 disciplinary action	640	528	2055	172	42	145	3582

**RFI #2573** - Does “discipline rates” refer to all types of discipline combined? Do the District figures above reflect an approach that looks at number of discipline incidents or number of students who were administered discipline (regardless of the number of incidents administered to individual students)?

*Response:* see RFI #2572

**RFI #2574** - How did the District arrive at the above-cited figures using the appendix VII-29 data? If the District did not use appendix VII-29 data to arrive at the figures, please provide the raw data from which the District arrived at the above-cited figures.

*Response:* There is no appendix VII-29, the District assumes Mendoza Plaintiffs are referring to appendix VI-29. The data for the likelihood ratios is provided in Appendix VI-22.

**RFI #2575** - Do the District ratios above reflect an approach that looks at the number of long-term suspensions or number of students who were administered those suspensions (regardless of the number of of times the individual students were administered a long-term suspension)? Does the 2018-19 ratio include referrals to DAEP?

*Response:* The ratios reflect the number of students receiving a long-term suspension disposition regardless of whether the students attend the DAEP program or not.

**RFI #2576** - What is the Comprehensive Behavior and Discipline Committee referenced on page VI-126 of the DAR? Please describe who, aside of Student Relations, is in the committee and what the role and responsibilities of the committee are.

*Response:* The Comprehensive Behavior and Discipline Committee include the Student Relations staff (director, coordinator and compliance liaison), the Regional Assistant Superintendents, the Assistant Superintendent and director for Curriculum and Instruction, and the Student Services directors (MASSD, AASSD, NASSD). The role of the committee is to meet on a weekly, monthly, and quarterly basis to review discipline data, analyze trends, hot spots, and issues. The committee reviews supportive action plans and assesses progress towards compliance.

**RFI #2577** - With respect to Student Code of Conduct presentations to students and parents at school sites, does appendix VI-2 accurately reflect the dates of such presentations at each school site? If not, please detail for each school site what date(s) the Student Code of Conduct presentation was held in 2018-19?

*Response:* To the best of our knowledge, yes. These dates were provided to Student Relations by each site.

**RFI #2578** - Beyond those schools for which the District provides a corrective action plan in appendix VI-30 (Booth Fickett, Doolen, Magee, Roberts Naylor Safford, Secrist Utterback), were any other schools put on a corrective action plan in 2018-19?

*Response:* No

**RFI #2579** - Of the schools on a corrective action plan in 2018-19, how many remained on a corrective action plan into the 2019-20 school semester?

*Response:* All remained on supportive action with the exception of Secrist.

**RFI #2580** - What were the results of the Student Relations director's "evaluat[ion] of the efficacy and effectiveness of the PBIS program" at the schools at which targeted training was provided (Miller, Booth-Fickett, Roskrug, Valencia, Palo Verde, and Santa Rita)? Does the District intend to continue to provide targeted training to these schools, and if so, which schools and why?

*Response:* In SY2018-19, the District continued to provide targeted training and support to Miller Elementary School, Booth-Fickett and Roskrug K-8 schools, Valencia Middle School, and Palo Verde and Santa Rita high schools. The District targeted these schools for additional support based on evaluations of discipline data. The Student Relations director visited these schools at least two times during the school year and evaluated the efficacy and effectiveness of the PBIS program using a PBIS rubric. The rubric includes program context, program input, fidelity, impact, replication, sustainability, improvement, team description, and matrix.

The evaluation found that by the end of 2018-19, all the targeted schools had functioning PBIS teams and were using the PBIS matrix with fidelity in Tier I. For SY2019-20, the schools are ready to move towards functioning at a higher level through Tier II and III PBIS elements. As a result, the District will continue to provide support and training to these target schools in Tier II and III skills, program implementation and sustainability.

**RFI #2581** - How many teachers were identified for additional "teacher support in areas like classroom management" as a result of frequent discipline referrals (see DAR at VI-137), and at which schools were they assigned?

*Response:* The District reviews site reports regarding where the most referrals come from, and PBIS/Coaching/Support efforts provided to teachers. But, the reporting form does not ask for specific teacher names or counts.

**RFI #2582** - Please provide any analysis or assessment the District has conducted concerning why the rate of students with repeat infractions leading to suspension grew in 2018-19 to rates higher than those observed in the last three years (see appendix VI-16)?

*Response:* The district has not done any formal analysis but the increase in repeat offenders may be related to the increase in mandatory short-term suspensions for specific violations.

**RFI #2583** - What does the District plan to do to address the increase in rates of students who are repeatedly suspended during the school year?

*Response:* The AR refers to repeat offenders, not necessarily “students who are repeatedly suspended” – so this question is not accurate in reference to the DAR. The increase in repeat offenders, as stated, is due in large part to the first year of mandatory short-term suspensions aimed at resolving underlying causes of drug, alcohol, and fighting violations by providing students shorter but more effective suspensions that involve an agreement to engage in restorative mediations or drug/alcohol counseling. As such, it is an expected increase in the first year. At the end of the first semester, the District will review the data for the first and second quarter to determine if this is a trend that requires specific steps to address, or if this was merely a one-year bump as the result of new policy.

**RFI #2584** - How many students were referred to PICS in 2018-19? Please provide a breakdown, by race/ethnicity, of the number of referrals to PICs in pilot schools in the 2018-19 school year.

*Response:* Students are not referred to PICs. PICs provide a student a short time and a positive supportive environment to de-escalate if they are feeling angry, overwhelmed or in need of a time-out.

**RFI #2585** - Did the District assess the effectiveness of PICs? What did the District learn in piloting PICs in 2018-19?

*Response:* The District evaluated PIC/ISI classrooms of pilot schools. It was determined that the District needed to standardize practice in all PIC classrooms. ISI/PIC teachers met and developed the “PIC/ISI Teachers Operators Manual.” This standardized practice throughout the District.

**RFI #2586** - Did each TUSD school provide the District with monthly discipline reports in 2018-19 (*see* DAR VI-148)? If not, which schools failed to provide such reporting and what did the District do to address the issue?

*Response:* There were approximately 8 to 10 of schools who failed to comply with turning in monthly discipline reports. Doolen, Magee, Pistor, and Valencia were placed, in part, on a support action plan for lack of compliance with monthly reporting requirements. Schools that miss two or more submissions are placed on corrective action.

**RFI #2587** - To what does the District attribute this increase in aggression and fighting incidents?

*Response:* The increase in aggression is related to the increase in the number of reported fighting incidents. Other aggression violations such as assaults have seen a major reduction. For example, assaults fell from 962 in 2016-17 to 654 in 2018-19.

The District attributes the increase in reported fighting incidents to the attention paid to this disciplinary violation in the revised Code of Conduct. Through professional development training and Student Relations support, schools were better able to identify fighting incidents resulting in fewer suspension days, increased restorative mediations, and more focused time on remedying the underlying causes of student conflict through restorative mediation.

**RFI #2588** - What were the findings of the end-of-year discipline report as reflected in the presentation (appendix IV-21) in the slide on page 8? (The slide has four bulleted “findings”, e.g., “Inaccurate data reporting” and “elevation request process”, but Mendoza Plaintiffs cannot tell what those findings or conclusions were.)

*Response:* The bullets used in the slide are explained below:

- Interpretation of the violation: At times schools would incorrectly charge a student. They would either over charge or under charge. Example, a fight might be coded as assault or other aggression.
- DAF’s to Charlotte Brown: Occasionally DAF’s (Discipline Action Form) were not sent to MS Brown in a timely manner. A DAF is sent from a school to Student Relations anytime there is a suspension so that SR can review the action.
- Inaccurate Data Reporting: SR would check data being turned with data on Synergy/Clarity. There were some discrepancies. Inaccurate data reporting would be sent back to the schools for corrections.
- Elevation Request: Occasionally a disciplinary charge would be elevated without the proper documentation in the form of a signed “elevation Request” being sent to SR.

**RFI #2589** - To what does the District attribute the fact that “discipline rates for SY 2018-19 across all groups increased slightly” from the previous year as reflected in Graph 6 in appendix VI-22?

*Response:* The slight increase in discipline rates is attributable to the increase in short-term suspensions.

**RFI #2590** - To what does the District attribute the fact that “the number of students receiving an out of school suspension increased for all groups in 2018-19” from the previous year as reflected in Graph 6 in appendix VI-22?

*Response:* The 18-19 Student Code of Conduct made first time fighting and first time drug/alcohol incidents a mandatory suspension. In the past schools were not mandated to suspend for a first offense. However, the duration of these suspensions dropped dramatically.

**RFI #2591** - How many of the total 938 one-day short term suspensions in 2018-19 were the result of the “Student Code of Conduct [revision] to include a one-day cooling off period for students agreeing to mediation or drug/alcohol counseling for first-time offenses” (DAR at VI-150)?

*Response:* Twenty-five percent of those one-day short-term student suspensions were related to mediation or drug/alcohol counseling dispositions.



# **EXHIBIT G**

**TUSD RFI #(s): 2592 - 2601**

**Estimated TUSD Staff Time: 12 hours**

**Attachment(s):** (RFI #2593) FRC Tracking - Curriculum Events SY2018-19;  
(RFI #2598) 2019-20 SCL-School Contacts; (RFI #2598) 2019-2020  
Commitment Form-Certified; (RFI #2601) School Site Family Engagement  
Events SY2017-18; (RFI #2601) School Site Family Engagement Events  
SY2018-19

-----Information above this line is to be completed by District Staff -----

## TUSD Request for Information Form

### RFI Instructions

1. TUSD will then assign each request its TUSD RFI number.
2. Provide the topic of the request (e.g., Corrective Action Plans)
3. Present the RFI in the form of one or more specific questions.
4. Optional: For every question/request on the form, please indicate include the reason(s) why the information being requested is needed.
5. Indicate the relevant section of the USP, court order, district report or other document (i.e., reference) that relates to RFI. Page numbers may be more appropriate in some instances).
6. Use a separate form for each specific topic about which information is being requested unless the answers to the questions posed are interdependent or relate to the same section of the document you are referencing (e.g., the USP).
7. Copy the TUSD email group “Deseg.”

## Request for Information

<b>Submitted by:</b>	Juan Rodriguez and Lois Thompson for the Mendoza Plaintiffs
<b>Submission Date:</b>	November 15, 2019
<b>Subject:</b>	TUSD Annual Report for 2018-19 (“DAR” or “Annual Report”) – Family and Community Engagement
<b>USP or Reference</b>	Annual Report – Family and Community Engagement, USP VII

**RFI #2592** - Please identify the dates of each Parent Leadership Workshops at FRCs event, the number of attendees, and at which Family Engagement center the event was held.

Response: See attached Leadership Workshops at FRCs events.

**RFI #2593** - Please provide a revised Appendix IV-4 that omits “parent involvement” activities as ordered in the Court’s September 6 Order.

Response: Dr. Epstein recognizes six types of family engagement activities that include many types of “parent involvement activities.” Accordingly, the district believes that it is important to report all of the kinds of communication and engagement recognized by Dr. Epstein. Nonetheless, the district provides the additional FRC Tracking chart. See attached *FRC Tracking - Curriculum Events SY2018-19*.

**RFI #2594** - Please provide a revised Table 7.1 (*see* DAR at VII-161) regarding family engagement events at the site level, which omits “parent involvement” activities as ordered in the Court’s September 6 Order.

Response: The only activities included in this chart are those that qualify as one of Dr. Epstein’s six types of family engagement. We do not believe any revision is necessary. “Learning at Home” events are curricular focused.

**RFI #2595** - With respect to the data tracking system TUSD says FACE and Technology Services designed and piloted in 2018-19 to capture family engagement events and attendance at school sites, is the District able to code events (or use another method) to identify which tracked events are “parent involvement” events? (Mendoza Plaintiffs are interested in learning how the District will use the system to distinguish FACE Action Plan family engagement events as opposed to “parent involvement” events in light of the September 6, 2018 Order.)

Response: Yes, the District is able to identify which tracked events are “parent involvement.”

**RFI #2596** - Were the principals at whose schools the site-level data tracking system was piloted (*see* DAR at VII-159) informed that for USP reporting purposes, “parent involvement” events are to be excluded (and accordingly trained with respect to any special coding or procedure to accomplish such reporting)?

Response: Yes, the District trained principals at the pilot schools to use the data tracking system to track all family events. The district plans to track and report all parent events and provide information sufficient to allow any party to count the data any way they wish.

**RFI #2597** - Will (or were) “all appropriate site personnel” that TUSD says “will be trained on the system for implementation in SY2019-20” trained with respect to any special coding or procedure to accomplish USP reporting that excludes “parent involvement” events (or that if it is tracked for the District’s own purposes, it is separately tabulated and reported)?

Response: Yes, the District trained appropriate site personnel to use the data tracking system to track all family events. The district plans to track and report all parent events and provide information sufficient to allow any party to count the data any way they wish.

**RFI #2598** - Do the above-cited individuals continue to serve as family engagement point of contacts in 2019-20 at the referenced schools? Did the District assess whether these individuals were adequately trained and/or had the capacity and/or time to effectively serve as family engagement point of contacts?

Response: The majority of family engagement contacts continued in SY2019-20. The contacts vary from year-to-year due to staffing and other changes. To view the most recent list, *see attached 2019-20 SCL-School Contacts*.

School community liaisons must interview in order to be hired for their position to determine their qualifications and aptitude for the job. School site administrators choose the other contacts, such as teacher assistant, office assistant, etcetera, to serve as contact when the school does not have a school community liaison. The contacts must sign a commitment form to ensure they will participate in all trainings and fulfill required responsibilities. *See attached 2019-2020 Commitment Form-Certified* used for certified staff. The District uses the same form for classified staff.

The District provides training for all family engagement contacts several times per year. Additionally, FACE staff meets with each school administrator near the beginning of the school year to provide training on the guidelines and requirements, answer any questions, and address concerns. Family engagement contacts regularly participate in these meetings. FACE staff provides support as needed through additional meetings, as well as telephone and email support. FACE staff reviews monthly site reports to ensure all mandatory tasks described in the guidelines are completed and follows up with additional support as needed.

**RFI #2599** - What did the family engagement surveys reveal were “areas of improvement,” and, based on the surveys, how significant are those “areas of improvement”?

Response: The surveys did not ask for “areas of improvement.” The phrase in Appendix VII-10 referred to improvement in survey scores.

**RFI #2600** - What did the family engagement surveys say about “where additional support was needed” and how is the District providing that needed additional support?

Response: The surveys did not ask, “where additional support was needed.” The phrase in Appendix VII-10 referred to less positive feedback in survey scores.

**RFI #2601** - Please provide charts comparable to appendices VII-1, VII-2 and VII-3 to the 2016-17 DAR (Doc. 2065-1) which detail family engagement events and efforts by school site. Please omit “parent involvement” events from those charts as ordered in the Court’s September 6, 2018 Order.

Response: In the 2016-17 DAR, the District provided information only for a sample of schools in appendices VII-1, VII-2, and VII-3. The District no longer uses that reporting format. Instead, the District uses a format that classifies events according to the six types of involvements as defined by Dr. Joyce Epstein.

See attachments *School Site Family Engagement Events SY2017-18* and *School Site Family Engagement Events SY2018-19* to view listings of events by school that includes participant numbers, using the Dr. Joyce Epstein format for *SY2017-18* and *SY2018-19*.