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UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA

Roy and Josie Fisher, et al.,
Plaintiffs,
and
Maria Mendoza, et al.,
Plaintiffs,
v.
Tucson Unified School District No. One, et
al.,
Defendants.

Case No. 4:74-CV-00090-DCB

***FISHER* PLAINTIFFS' PLAINTIFFS'
OBJECTIONS
TO THE TUSD 2020-21 FINAL DRAFT
USP BUDGET AND REQUEST FOR
ORDER RE: DELAYED SUBMISSIONS
AND BUDGET REALLOCATIONS
BECAUSE OF THE IMPACT OF THE
COVID-19 PANDEMIC OR ORDERS OF
THE COURT**
(Assigned to: ***HON. DAVID C. BURY***)

(Oral Argument Requested)

COMES NOW Plaintiffs *Fisher*, by and through counsel undersigned, hereby makes the following objections to the Final Draft of the TUSD USP Budget.

As noted by both the District and the Mendoza Plaintiff's in their pleadings (Doc. 2487-3 and Doc. 2493 respectively) this is an outlier of a year due to the novel corona virus and its impact on the school budget. The current budget was based upon a full school year but due to the pandemic there is tremendous uncertainty that the present budget will need to be reworked to address those issues in the coming school year.

Because of this uncertainty the fisher plaintiffs have made some objections but it would appear that we could best spend our time commenting upon proposed budgeted

1 items and the unknow effect that the virus and potential governor's orders will have upon
2 how, when and under what circumstances the District might be allowed to operate.

3 Under these uncertain potential conditions, Fisher Plaintiffs have raised certain
4 objections to budgetary items that may or may not be impacted by the virus and the
5 pandemic. These additional considerations by the District will most certainly impact the
6 budget.

7 The Fisher Plaintiffs have opted to make comments that focus upon budgetary
8 changes that are not now known. Under these circumstances Fishers Plaintiffs believe that
9 any budget that the school district adopts is subject to change.

10 **Objections to Final Draft Budget**

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12 1. Form 1A – USP Budget Summary

- 13 a. 80504 Expansion of Dual Enrollment – There is no clear indication of what
14 services are planned for non-English speaking African students.
15
16 b. 80514 V.14 – There is a lack of specificity regarding the items that are the
17 items funded under the AAAATF Recommendations.
18
19 c. Form 4 shows that the funding for the AAATF Recommendations has been
20 reduced. There is no indication of what programs are going to be cut.

21 2. Form 1C

- 22 a. 80511 V.11 – Targeted Academic Interventions and Supports – What are
23 these interventions and how will they be implemented.
24
25 b. 80514 – Program for Reading and Math Support – Does not list the programs
26 and their efficacy and if they are based in evidence based research.
27

1 c. 80514 – Treyban Recommendations – Fisher Plaintiffs would like to know
2 which recommendations from Treyban will be funded under this budget.

3 d. Furthermore, Form 4 shows that the funding for the Treyban
4 Recommendations has been reduced. Yet there is no mention of what
5 specific recommendations will be reduced.
6

7 3. Form 4 – Activity and Site Detail

8 a. 30104 – Rincon and Sahuaro Site Coordinators – There is no clear role of
9 what the site coordinators role will be at these locations.
10

11 b. 80106 – Transitions Plans for Cholla, Ochoa, Pueblo, Roberts, Safford and
12 Utterback have been cut – There is no mention of what academic programs
13 are being cut as a result and how might they impact the AA students.
14

15 c. 80202 – Sky School – Fishers object because we do not have a clear
16 description of what this school is and why deseg funds should be allocated
17 for it.
18

19 d. 80412 – Professional Development – Are any funds designated for District-
20 wide diversity, anti racism training? If not, why not? It should be noted that
21 in 2019, the District contracted with Calvin Terrell diversity and cultural
22 awareness training at Magee and two other schools, but nothing has been
23 done District wide.
24

25 e. 80501 – Sabino and University High College/Career Readiness Coordinator
26 – What is the rationale for using deseg funds for this position at these schools
27

1 with low African American enrollment ? Fishers believe that there is little to
2 no likelihood that these positions would attract more AA students to these
3 schools and would not service enough AA students to warrant using Deseg
4 funds to support the positions.
5

6 4. Transportation Concerns

- 7 a. High School students in the Pueblo Gardens and Western Hills area who go
8 to Catalina and Rincon do not have bus transportation. They are given bus
9 passes and have to leave home very early in order to make their connections.
10 The Budget should reflect that the Transportation Department should provide
11 for the direct transport of these children to their respective schools, Catalina
12 and Rincon.
13
14

15 5. Consultant Costs

- 16 a. Since school will not be in regular session this year, what are the plans for
17 funds allocated for consultants? Is there any justification for consultants
18 when schools are not open?
19

- 20 6. What adjustments to the budget will be made to insure that all students have access
21 to distance learning? TUSD was not prepared for the situation last Spring and
22 students without computers or access to the internet were not served. Schools closed
23 in mid-March and it was not until mid-April that some students received laptops,
24 but not all students had internet access. Students who do not have internet access
25 need to be able to get hard copy assignments from their own teachers. This is not
26
27

1 what happened in the Spring. For example, students at Manzo were given generic
2 workbooks to complete, but they were not required to return any work, so they did
3 not get any feedback from their teachers. We know that lack of internet is an
4 economic issue and we also know that children of color will be the largest number
5 of students in this situation. What does the District plan to do budget wise to address
6 this situation? This budget lacks specificity on how to provide internet service for
7 students who do not have access to the required technology. There should be funds
8 specifically earmarked for this purpose.
9

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11 7. With school being closed, there will be a number of employees who will be laid off
12 because their services are not needed during distance learning. These include bus
13 drivers, school monitors, crossing guards, custodians even some certified positions
14 such as Deans of Students, counselors, cafeteria workers, MTSS Coordinators,
15 School and Community employees, ESI employees, etc. will not be needed. How
16 many positions are being cut and how does the District plan to reallocate these funds
17 to better serve students? The Budget does not reflect any alternative plan for these
18 funds.
19
20

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22 Finally, Fishers Plaintiff's know that adopting a budget in this uncertain time is a
23 difficult task. Should the District feel that any of the budgeted funds have to be shifted,
24 reallocated or changed that materially affect AA students, the Plaintiff's should be
25 notified prior to the reallocation so that they may comment or object prior to the
26 reallocation.
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3 **Conclusion**

4 For the reasons set forth above, Fisher Plaintiffs respectfully request that the Court
5 sustain their objections to the TUSD 2020-21 Final Draft 910(G) budget and that it
6 grant all their requests set forth herein.
7

8 **RESPECTFULLY SUBMITTED** this 8th day of July 2020.
9

10
11 */s/ Rubin Salter, Jr.*

12 RUBIN SALTER, JR., ESQ.

13 ATTORNEY FOR PLAINTIFFS FISHER

14 **CERTIFICATE OF SERVICE**

15 I hereby certify that on July 8th, 2020, I electronically submitted the to the Office of the Clerk of
16 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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