

1 P. Bruce Converse (#005868)
Timothy W. Overton (#025669)
2 **DICKINSON WRIGHT PLLC**
1850 N. Central Avenue, Suite 1400
3 Phoenix, Arizona 85004-4568
4 bconverse@dickinsonwright.com
toverton@dickinsonwright.com
courtdocs@dickinsonwright.com
5 Phone: (602) 285-5000
Fax: (844) 670-6009

6 Robert S. Ross (#023430)
7 Samuel E. Brown (#027474)
TUCSON UNIFIED SCHOOL DISTRICT
8 **LEGAL DEPARTMENT**
1010 East Tenth Street
9 Tucson, Arizona 85719
Robert.Ross@tusd1.org
10 Samuel.Brown@tusd1.org
Phone: (520) 225-6040
11 *Attorneys for defendant*
Tucson Unified School District No. 1

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)

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

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

23 **SECOND SUPPLEMENTAL NOTICE AND REPORT OF COMPLIANCE:**
24 **ADVANCED LEARNING EXPERIENCES (ECF 2512)**
25
26

1 On June 15, 2020, the Court directed the District undertake a series of tasks relating
2 to the District's Advanced Learning Experiences program, and to file a notice of
3 compliance with that order. [ECF 2474.] On July 27, 2020, the District filed its notice of
4 compliance, which demonstrated compliance with almost all of the Court's ALE
5 directives, but also requested relief from certain remaining provisions of the order.
6 [ECF2500.]

7 On August 17, 2020, the entered a second order which treated the request for relief
8 as a motion for reconsideration, and denied the motion, requiring the District to complete
9 the tasks in the earlier order. [ECF2512.] This second order also modified those
10 outstanding tasks from the earlier order and set out some additional directives. The Court
11 directed that the District comply with this second order within 21 days.

12 This Second Supplemental Notice and Report of Compliance reports on
13 compliance with the second order (ECF2512), and completes the District's compliance
14 with both orders. Accordingly, the District's July 27 Notice of Compliance (ECF 2500)
15 and this notice of compliance must be considered together as compliance with both of the
16 Court's Orders.¹

17 The Court ordered the District to prepare and submit an ALE Status Report and
18 Individual School Reports. [ECF 2512, p. 16.] Specifically, the Court ordered:

19 Rather than revising the ALE Policy Manual yet again,
20 the District shall file the ALE Status Report, which shall
21 identify the current status of ALEs in comparison to the
22 District's USP goals. The District's ALE Status Report shall
address the access issues, including those related to
transportation, for Cluster and Self-contained GATE,

23 ¹ Accordingly, the District incorporates herein by reference those portions of the
24 Supplemental Notice and Report of Compliance (ECF 2500) and its attachments
25 (including the Revised ALE Policy Manual and Transportation Plan), regarding
compliance with the Court's June 15, 2020 order (ECF 2474), as a detailed explanation
of compliance with the majority of the directives in that June 15 order.

1 including the TWLD GATE at Hollinger, and for the AACs
2 and AVID. The Status Report shall include the requisite
3 timelines necessary to ensure compliance by the District with
4 prior Court Orders related to CRC AACs, including CRC AP
5 courses, Pre-AP courses that map to AP courses, and AVID.
6 The District shall attach the SY 2018-19 Individual School's
7 Reports, which shall contain additional data identifying the
8 actual AACs offered at each school, whether they are offered
9 on-line, on or off-site. For off-site resources the District shall
10 report feeder pattern travel times. The District shall identify
11 which AACs are CRCs. The District shall identify the actual
12 AVID program existing at each school (school-wide or elective
13 class, or both).

14 [ECF 2512, pp. 16-17.] The District has prepared and respectfully submits herewith the
15 ALE Status Report in response to this order, which is attached hereto as Exhibit A.

16 The ALE Status Report includes District-wide updates on the District's ALE
17 programs, along with plans, targets and timelines for (1) the GATE program, (2) AP
18 courses, (2) CR AP courses and CR advanced and honors course, (4) dual credit courses,
19 (5) alignment of advanced and honors courses (formerly referred to as Pre-AP courses),
20 and (6) the AVID program, including identification of the actual AVID program existing
21 at each school (school-wide or elective class, or both). The Status Report also identifies
22 the relatively small number of instances in which middle school students must travel short
23 distance (5 and 10 minutes) to another school for an Algebra 1 class, and any advanced
24 courses that are provided online.² The ALE Status Report also attaches the SY2018-19
25 Individual Schools Reports, which shall contain additional data identifying the actual
AACs offered at each school, and participation data for that school.

Accordingly, the District respectfully submits that it has now complied with both
the order dated June 15, 2020 (ECF 2474), and the order dated August 17, 2020 (ECF

² These offsite or online courses and travel times are set out at page 14 of the ALE status report, at note 7.

1 2512).³

2 RESPECTFULLY SUBMITTED this 8th day of September, 2020.

3 **DICKINSON WRIGHT PLLC,**

4 By: /s/ P. Bruce Converse
5 P. Bruce Converse
6 Timothy W. Overton

7 **TUCSON UNIFIED SCHOOL DISTRICT**
8 **LEGAL DEPARTMENT**

9 Robert S. Ross
10 Samuel E. Brown
11 *Attorneys for Tucson Unified School*
12 *District No. 1*

13
14
15
16
17
18
19
20
21
22 ³ The District continues to comply with the Court's orders at issue subject to and without
23 waiving its general objections set out previously and incorporated herein, which include,
24 but are not limited to, its objection to the Special Master's 2018 Report and
25 Recommendation (ECF 2099), its Supplemental Petition for Unitary Status (ECF 2460
and 2464), its objection to the Special Master's Report and Recommendation (ECF 2477),
and its motion for reconsideration of the Court's Order dated June 4, 2020 (ECF 2481).

CERTIFICATE OF SERVICE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

The foregoing document was filed with the Court electronically through the CM/ECF system this 8th day of September, 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
P. Bruce Converse

