





David C. Bury
United States District Judge

4-4-14

**Stipulated* Process for Parties' Review of District Plans
Covered by Section I(D)1 of the USP**

Prior to submission, as provided for in Section I(D)1 of the Unitary Status Plan, of a proposed plan, policy, procedure or other significant change contemplated by the USP (hereinafter, collectively, "Plan") to the Governing Board or the Superintendent (depending on the nature of the Plan) for final approval, the District shall engage the plaintiffs and the Special Master regarding the content of the Plan as described in steps 1-4 below.

1. **Day 0:** District sends the plaintiffs and the Special Master a proposed Plan that constitutes its "final draft," as determined by the Superintendent.
2. **Days 1-30:** Plaintiffs may provide comments to the District. The USP does not provide for the Special Master to comment, but per practice, he may do so.
3. **Days 31-60:** Voluntary resolution period.
 - A. **Days 31-45:** TUSD responds in writing to comments provided in Days 1-30, which may include providing a revised version of the proposed Plan.
 - B. **Days 46-52:** Plaintiffs respond in writing regarding remaining concerns with the proposed Plan's compliance with the USP and the basis for these concerns.
 - C. **Days 53-60:** Plaintiffs, the District, and the Special Master use whatever means appropriate – calls, redlined drafts, etc. – to attempt to resolve any remaining issues. This provision does not keep the Special Master from trying to resolve differences.
 - D. If the parties agree, and the Special Master does not object, the period for resolution of differences may be extended. Such agreement shall be confirmed in writing.
4. **Day 61:** Parties and the Special Master exchange emails memorializing whether any plaintiff requests a Report and Recommendation (R&R).
 - A. The District may bring its final proposed Plan to the Governing Board or Superintendent as appropriate for approval and implementation. The District then delivers the Governing Board- or Superintendent-adopted Plan to the Plaintiffs and Special Master. If there are no changes to the Plan by the Governing Board or Superintendent, within 7 days of receipt, Plaintiffs may make a request for Report and Recommendation (R&R) and must explain the objection(s) and identify the record relevant to the objection(s) in the form directed by the Court. If the Governing Board or Superintendent amend the Plan, within 15 days of receipt Plaintiffs may make a request for an R&R and must explain the objection(s) and identify the record relevant to the objection(s) in the form directed by the Court.

*The parties have stipulated to this process pending the outcome of the appeal the district has taken from the trial court's orders regarding various process matters. No party by so stipulating waives its appellate arguments as to these issues.

The Special Master may extend the time for making a request for R&R based on a request and a demonstrated need for the extension by the parties. Extension requests shall be provided to all the parties.

- B. If an R&R is requested, the Special Master follows the steps described next.
5. If an R&R is requested, the Special Master will prepare the R&R within 20 days of receipt of the request, explaining the disagreement between the parties and providing his recommendation for resolution (per Order, Doc. No. 1510, filed 12/2/2013, at 8:11-12). During the first 10 days of this period, the District shall have an opportunity to respond to the objections of the plaintiffs that served as the bases for their requests for an R&R. The R&R will include as attachments all Action Plan Documents set forth in the Order (Doc. No. 1510 at 8:13-22).). The Special Master's R&R shall be shared with the parties ten days prior to its submission to the Court to allow TUSD to align its position with the recommendations of the R&R should it wish to do so.
 6. Per the court's December 20, 2013 order (Doc. No. 1529), the parties may object to the Special Master's R&R within seven days of the filing of the R&R. Per that order, there are no replies unless the court so orders.