

Brown, Samuel

From: Juan Rodriguez <jrodriguez@MALDEF.org>
Sent: Tuesday, October 21, 2014 5:09 PM
To: Willis D. Hawley; William Brammer; Rsjr3@aol.com; lthompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; Brown, Samuel; Tolleson, Julie
Cc: Desegregation; TUSD
Subject: RE: Follow-up on Oct 1-2 Meet
Attachments: USP GSRR Agreement (District revisions)BH 10-13 MP revisions.docx

Dear Special Master Hawley and Counsel,

I write to follow up on our email exchanges of last week regarding the GSRR document outlining understandings reached at our meeting in Tucson. The attached version of that document contains Mendoza Plaintiffs' revisions in blue. The revisions include points Mendoza Plaintiffs have already made but that are now added to the document so that the parties and Special Master do not lose sight of them, and language that reflects that the October 14 Governing Board meeting has already occurred.

As Dr. Sanchez indicated previously, the Governing Board was to be presented with some of the proposed GSRR revisions on October 14. Mendoza Plaintiffs request that the District promptly inform the parties and Special Master of Governing Board action as to each GSRR and discipline issue presented to it. As a reminder, under the Stipulated Process for Parties' Review of District Plans Covered by Section I,D,1 of the USP, the period during which the plaintiffs may make an R&R request is triggered by receipt of that information from the District. As described by Dr. Sanchez in his October 12 and 13 emails and as reflected in Mendoza Plaintiffs' revisions, additional GSRR proposals may be brought to the Governing Board in order to avoid an R&R, which potentially includes any proposal resulting from review of the District's October 20 responses to the Special Master's RFI's. Accordingly, Mendoza Plaintiffs are willing to defer any action described above if the District indicates that it will present proposals to the Board on outstanding GSRR issues (identified in Mendoza Plaintiffs' October 8 email and in the revisions in the attachment) that were not presented to the Board on October 14, and a willingness to discuss for some limited period of time so as not to inordinately delay resolution any proposal resulting from review by the plaintiffs and the Special Master of the District's October 20 responses, which Mendoza Plaintiffs have not yet had the opportunity to carefully review.

Thank you,

Juan Rodriguez | Staff Attorney

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213.629.2512, ext. 136 t / 213.629.0266 f
jrodriguez@maldef.org

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From: Willis D. Hawley [mailto:wdh@umd.edu]
Sent: Tuesday, October 14, 2014 5:37 PM
To: William Brammer; Rsjr3@aol.com; Juan Rodriguez; lthompson@proskauer.com; Anurima.Bhargava@usdoj.gov;

Zoe.Savitsky@usdoj.gov; Brown, Samuel; Tolleson, Julie

Cc: Desegregation (deseg@tusd1.org); TUSD

Subject: RE: Follow-up on Oct 1-2 Meet

There is nothing new here. I don't understand the question. Please treat these most recent documents as the information I meant to send. Bilklk

From: William Brammer [<mailto:WBrammer@rlaz.com>]

Sent: Tuesday, October 14, 2014 6:12 PM

To: Willis D. Hawley; Rsjr3@aol.com; Juan Rodriguez; lthompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; Brown, Samuel; Tolleson, Julie

Cc: Desegregation (deseg@tusd1.org); TUSD

Subject: RE: Follow-up on Oct 1-2 Meet

Thank you – I now see the red revisions in the GSRR document, but still see only two words in green in the CMP document. There is a great deal of information in yellow in the CMP document – is that new as well? Again, I appreciate the help.

Bill

J. William Brammer, Jr.

Rusing Lopez & Lizardi, P.L.L.C.

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From: Willis D. Hawley [<mailto:wdh@umd.edu>]

Sent: Tuesday, October 14, 2014 2:54 PM

To: William Brammer; Rsjr3@aol.com; Juan Rodriguez; lthompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; Brown, Samuel; Tolleson, Julie

Cc: Desegregation (deseg@tusd1.org); TUSD

Subject: RE: Follow-up on Oct 1-2 Meet

Sorry about that. Here are the attachments. Bill

From: William Brammer [<mailto:WBrammer@rllaz.com>]

Sent: Tuesday, October 14, 2014 1:50 PM

To: Willis D. Hawley; Rsjr3@aol.com; Juan Rodriguez; ltompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; Brown, Samuel; Tolleson, Julie

Cc: Desegregation (deseg@tusd1.org); TUSD

Subject: RE: Follow-up on Oct 1-2 Meet

Dr. Hawley – thank you very much for your summary memo. Although I have yet to review the memo in detail, I noticed that the two attachments refer to some highlighting - the first concerning the GSRR in red, and the second concerning the CMP in green. I couldn't find any red highlighting in the GSRR document, and the only two words in the CMP document highlighted in green were the words “student achievement.” Please help me with what I am missing something, or is there more or an additional document that should have been attached? Thanks for your help.

Bill

J. William Brammer, Jr.

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From: Willis D. Hawley [<mailto:wdh@umd.edu>]

Sent: Monday, October 13, 2014 6:14 PM

To: Rsjr3@aol.com; Juan Rodriguez; ltompson@proskauer.com; Anurima.Bhargava@usdoj.gov; Zoe.Savitsky@usdoj.gov; Brown, Samuel; TUSD; Tolleson, Julie

Subject: Follow-up on Oct 1-2 Meet

Attached is my take on the issues addressed and, in most cases, next steps. These are not minutes. I tried to focus on where we go from there. I have filled in some blanks, so to speak, in an effort to move things forward. I hope that you will make any corrections or elaborations that you feel are necessary both for content and directions for actions by individuals and share your observations with me. Thanks.

Willis D. Hawley

Professor of Education and Public Policy

University of Maryland
Director, Teaching Diverse Student Initiative
Southern Poverty Law Center

Brown, Samuel

From: Dominguez, Pamela on behalf of Butler Jr, Eugene
Sent: Wednesday, October 22, 2014 5:01 PM
To: 'Juan Rodriguez'; 'Willis D. Hawley'; 'William Brammer'; 'Rsjr3@aol.com';
 'lthompson@proskauer.com'; 'Anurima.Bhargava@usdoj.gov'; 'Zoe.Savitsky@usdoj.gov'
Cc: Brown, Samuel; Butler Jr, Eugene; Tolleson, Julie
Subject: Re GSRR Changes to Teachers
Attachments: 2014-15 GSRR Revised 10.14.14.pdf

Special Master and Plaintiffs: Please find attached the revised GSRR adopted by the Governing Board on October 14, 2014. I discussed these revisions with the Special Master and we agreed on the changes prior to the Board vote. Staff also considered the Mendoza comments prior to the Board vote. In previous communications we indicated that we would share the revisions with principals, who would be instructed to share the information with teachers. There are several reasons for this approach. First, sending a written notification to approximately 3,000 teachers outlining changes on a controversial topic will likely cause confusion and generate more questions than understanding. Secondly, our recommendation is to have principals collaboratively discuss these changes with teachers in a manner that facilitates understanding rather than generating confusion. Furthermore, principals will be instructed to include a discussion of the GSRR revisions on their staff meeting agenda (clearly identified as GSRR revisions) and require both teachers and staff members to sign-in. This protocol will verify that the internal stakeholders have been provided with a clear understanding of the updates to the GSRR. Principals will also be instructed to share the revisions in their communications with teachers and staff via weekly or monthly newsletters.

The changes made last week are outlined below, and can be found on page 21 of the attached document:

1. Added red language on page 21, bullet 4

Administrators may apply an action that is one level higher than that listed, but only after approval from the Assistant Superintendent or Director **from Elementary or Secondary Leadership. The Assistant Superintendent or Director will not permit a single type of behavior to be elevated more than one level, regardless of the frequency of occurrence.** The Department of Student Equity and Intervention will review whether the teachers and/or administrators have attempted to effectively implement interventions to address any underlying or unresolved issues.

2. Added red language on page 21, bullet 5

Two Level 2 violations (“Improper Use of Technology, Telecommunication Device” and “Other Technology”) may be elevated to a Level 3 violation but cannot result in out of school suspension. One Level 3 violation (“Improper Use of Technology, Computer”) may be elevated to a Level 4 violation but cannot result in a long-term suspension.

3. Added red language to footer

Guidelines for Student Rights and Responsibilities, approved June 10, 2014 **(page 21 revised on October 14, 2014)** (accompanies Policy JK)

Yours in education,

Eugene Butler, Jr.
Assistant Superintendent for Student Services
TEAMWORK MAKES THE DREAM WORK!

Brown, Samuel

From: Juan Rodriguez <jrodriguez@MALDEF.org>
Sent: Wednesday, November 5, 2014 12:01 PM
To: Willis D. Hawley
Cc: William Brammer; Brown, Samuel; Tolleson, Julie; Thompson, Lois D.; 'rsjr3@aol.com'; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD
Subject: Outstanding GSRR Issues

Dear Bill,

In light of the action last week to defer a hard-to-schedule conference call , which was to include the GSRR, and in an effort to keep the open issues among us moving forward, Mendoza Plaintiffs write to follow-up on long-outstanding GSRR issues and to avoid further delay in resolution of these issues. They have identified three GSRR issues that have not yet been resolved: (1)inclusion in the GSRR of a limitation that restricts the use of long-term suspensions to instances in which student misbehavior is “ongoing” and “escalating,” which mirrors the limitation on short-term suspensions on page 17 of the GSRR, and is mandated by the USP (2) inclusion of a description of the District's processes for ensuring non-discrimination, which Mendoza Plaintiffs have proposed that Mr. Eugene Butler prepare based on his oral description at our meetings in Tucson, and (3) the District directly informing teachers of GSRR changes approved by the Governing Board. In their October 21 email, Mendoza Plaintiffs informed the District of their willingness to defer their pursuit of an R&R if the District indicates that it will bring proposals to address the outstanding issues to the Governing Board. Mendoza Plaintiffs again request that the District promptly provide such confirmation so that they may proceed accordingly. In the absence of such confirmation, they ask that you proceed with an R&R.

Thank you,

Juan Rodriguez | Staff Attorney

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Brown, Samuel

From: Brown, Samuel
Sent: Tuesday, November 18, 2014 11:08 AM
To: 'Juan Rodriguez'; Willis D. Hawley
Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD
Subject: RE: Outstanding GSRR Issues
Attachments: 20141118 GSRR Response.docx

Dear Juan: Please find attached our response to your RFI from Nov 11. Again, we hope that this open dialogue and clarification will eliminate the need for further litigation on this matter. Thanks, Sam

From: Juan Rodriguez [mailto:jrodriguez@MALDEF.org]
Sent: Tuesday, November 11, 2014 3:50 PM
To: Brown, Samuel; Willis D. Hawley
Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD
Subject: RE: Outstanding GSRR Issues

Dear Sam,

Thank you for your November 5 email below regarding Mendoza Plaintiffs' outstanding GSRR concerns. While Mendoza Plaintiffs are still reviewing Dr. Hawley's GSRR memo circulated to the parties this morning and are determining how to proceed, we request some additional clarification. Mendoza Plaintiffs appreciate your explanation that level 4 and 5 infractions all potentially implicate student safety and are the only infraction levels that require long-term suspensions. However, that explanation does not contemplate that first-time level three offenses, which do not require that long-term suspensions be imposed, can be elevated one level and then require a long-term suspension. The most recent iteration of the GSRR would permit such an imposition of long-term suspensions. What is the District's position in that regard? Does the District have any measures, whether through training, language on forms for elevation requests, or otherwise, that would prohibit imposition of long-term suspensions for first-time level three violations that have been elevated?

Given that Dr. Hawley's memo of this morning raises so many issues concerning training as it relates to the GSRR, we will defer further discussion concerning communication of the recent changes to the GSRR directly to teachers until we all have had an opportunity to study and then discuss Dr. Hawley's memo and the remedial steps the District apparently already is contemplating since communication of the recent GSRR changes might well be included in that process.

Thanks,

Juan Rodriguez | Staff Attorney

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Request Form

Information Request Please Expedite

Submitted by:	Juan Rodriguez
Date:	November 11, 2014
Related to:	GSRR

Info Request 1:

Mendoza Plaintiffs appreciate your explanation that level 4 and 5 infractions all potentially implicate student safety and are the only infraction levels that require long-term suspensions. However, that explanation does not contemplate that first-time level three offenses, which do not require that long-term suspensions be imposed, can be elevated one level and then require a long-term suspension. The most recent iteration of the GSRR would permit such an imposition of long-term suspensions.

What is the District’s position in that regard? Does the District have any measures, whether through training, language on forms for elevation requests, or otherwise, that would prohibit imposition of long-term suspensions for first-time level three violations that have been elevated?

The most recent iteration of the GSRR states: “The Assistant Superintendent or Director will not permit a single type of behavior to be elevated more than one level, regardless of the frequency of occurrence. The Department of Student Equity and Intervention will review whether the teachers and/or administrators have attempted to effectively implement interventions to address any underlying or unresolved issues. Administrators may apply an action that is one level higher than that listed, but only after approval from the Assistant Superintendent or Director from Elementary or Secondary Leadership.” [p.21]

Response

This measure is in place to ensure that all elevations go through a proper vetting process. If a student commits a first-time level three offense, the principal may submit a request to leadership to have it elevated. Leadership will consider the facts, consider the provisions of the GSRR, and weigh the information to decide whether to allow the elevation to a level four consequence. The District cannot anticipate every potential fact pattern and possible scenario. It is possible that a scenario could occur where, for safety reasons, the principal (supported by a separate review from leadership) finds that a first-time level-three offense warrants a long-term suspension. Page 44 of the USP allows for such a scenario (“[n]one of these revisions [to the GSRR] shall prevent school personnel from protecting student safety as appropriate”). An outright prohibition on long-term suspensions for first-time level three violations would not be consistent with the USP language that allows the District some flexibility in addressing and/or protecting student safety.

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

Response Submitted by:	Samuel E. Brown
Submission Date:	November 18, 2014

Brown, Samuel

From: Brown, Samuel
Sent: Sunday, November 23, 2014 12:51 PM
To: 'Juan Rodriguez'; Willis D. Hawley
Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD
Subject: RE: Outstanding GSRR Issues

Dear Juan: Thank you for yours, and the answer to your inquiry is yes. All suspensions are reported to and monitored by student support services staff to determine if an appropriate record of prior interventions is reflected in Mojave.

From: Juan Rodriguez [mailto:jrodriguez@MALDEF.org]
Sent: Thursday, November 20, 2014 12:18 PM
To: Brown, Samuel; Willis D. Hawley
Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD
Subject: RE: Outstanding GSRR Issues

Dear Sam,

Thank you for your November 18 response to Mendoza Plaintiffs' November 11 RFI. It appears that a misunderstanding on this issue persists. The District's response indicates that "[a]n outright prohibition on long-term suspensions for first-time level three violations would not be consistent with the USP language that allows the District some flexibility in addressing and/or protecting student safety." However, such a limitation would be perfectly consistent with the USP language regarding student safety because, as you wrote, the USP states that "[n]one of these revisions [to the GSRR] shall prevent school personnel from protecting student safety as appropriate." Thus, if the limitation described above is part of the GSRR, it would be subject to the student safety provision and the District would not be bound by it where it was "protecting student safety as appropriate." In light of this, to rephrase Mendoza Plaintiffs' November 11 RFI in a more narrow manner, does the District have any mechanism in place to ensure that first-time level three violations that are elevated but do not implicate student safety do not result in a long-term suspension?

Thank you,

Juan Rodriguez | Staff Attorney

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From: Brown, Samuel [mailto:Samuel.Brown@tusd1.org]
Sent: Tuesday, November 18, 2014 10:08 AM
To: Juan Rodriguez; Willis D. Hawley
Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT);

Bhargava, Anurima (CRT); Desegregation; TUSD

Subject: RE: Outstanding GSRR Issues

Dear Juan: Please find attached our response to your RFI from Nov 11. Again, we hope that this open dialogue and clarification will eliminate the need for further litigation on this matter. Thanks, Sam

From: Juan Rodriguez [<mailto:jrodriguez@MALDEF.org>]

Sent: Tuesday, November 11, 2014 3:50 PM

To: Brown, Samuel; Willis D. Hawley

Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD

Subject: RE: Outstanding GSRR Issues

Dear Sam,

Thank you for your November 5 email below regarding Mendoza Plaintiffs' outstanding GSRR concerns. While Mendoza Plaintiffs are still reviewing Dr. Hawley's GSRR memo circulated to the parties this morning and are determining how to proceed, we request some additional clarification. Mendoza Plaintiffs appreciate your explanation that level 4 and 5 infractions all potentially implicate student safety and are the only infraction levels that require long-term suspensions. However, that explanation does not contemplate that first-time level three offenses, which do not require that long-term suspensions be imposed, can be elevated one level and then require a long-term suspension. The most recent iteration of the GSRR would permit such an imposition of long-term suspensions. What is the District's position in that regard? Does the District have any measures, whether through training, language on forms for elevation requests, or otherwise, that would prohibit imposition of long-term suspensions for first-time level three violations that have been elevated?

Given that Dr. Hawley's memo of this morning raises so many issues concerning training as it relates to the GSRR, we will defer further discussion concerning communication of the recent changes to the GSRR directly to teachers until we all have had an opportunity to study and then discuss Dr. Hawley's memo and the remedial steps the District apparently already is contemplating since communication of the recent GSRR changes might well be included in that process.

Thanks,

Juan Rodriguez | Staff Attorney

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From: Brown, Samuel [<mailto:Samuel.Brown@tusd1.org>]

Sent: Wednesday, November 05, 2014 4:27 PM

To: Juan Rodriguez; Willis D. Hawley

Cc: Butler Jr, Eugene; William Brammer; Tolleson, Julie; Thompson, Lois D.; rsjr3@aol.com; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD

Subject: RE: Outstanding GSRR Issues

Dear Juan: thank you for your email to Dr. Hawley, we certainly can appreciate your concern about getting to a final resolution on this matter – we were under the impression that the matter has already been resolved at this point. As explained in our email on 10.22.14, the District discussed the Board-approved revisions with the Special Master (and considered the Mendoza comments) prior to the Board vote. We do not anticipate this matter going back to the Governing Board for yet another vote. We believe that the three concerns raised by the Mendozas are sufficiently addressed in the revised GSRR:

1. The GSRR, the USP, and our training to staff (and training to Hearing Officers who must approve long-term suspension)– all include language limiting exclusionary consequences to instances in which student misbehavior is ongoing and escalating, and the District has first attempted and documented appropriate interventions – subject to the USP provision that “[n]one of these revisions [to the GSRR] shall prevent school personnel from protecting student safety as appropriate.” Every Level 4 or 5 (the only types that can lead to long term suspension) poses a potential safety issue. Also, the GSRR already includes the following protection (aligned with the USP) for long term suspensions:
 - a. [p17] “Hearing Officers may take this action [issuing a long term suspension] only after the site administration has exhausted other disciplinary strategies (see interventions listed under Action Level 1 for examples of appropriate strategies), or when they have at least considered those alternatives and rejected them as inappropriate in a given situation” and
 - b. [p20] “Out of School Suspension and/or Abeyance – Long-Term (11-30 Days) *OUT-OF-SCHOOL SUSPENSIONS ARE SUBJECT TO LIMITATIONS DESCRIBED ON PG 17”.

Long-Term Suspensions are different than Short-Term Suspensions – that is why the express language is in one place and not the other. Long-Term Suspensions are subjected to an additional layer of scrutiny and analysis through an independent and objective Hearing Officer. The GSRR has sufficient language – as does our training to staff and to Hearing Officers – to limit exclusionary consequences as required by the USP but also to take into account student safety.

2. The District has agreed to look into revising the appropriate regulation to outline the process – a regulation is the appropriate location for such a process. The District cannot ensure “non-discrimination,” it can only put processes into place that help protect against discrimination and to investigate/hold people accountable when it occurs. A regulation is the appropriate vehicle to outline such processes.
3. As explained in our email on 10.22.14, the District is directly informing teachers of GSRR changes, through Principals. Principals are the District’s authorized representatives at sites – so a Principal conveying a message to his/her teachers is the District informing teachers directly. In many ways, since the Principal is the teachers direct supervisor, it could not be any more direct.

We hope these explanations alleviate the need/desire for moving forward with additional litigation on this matter. Thank you, Sam

From: Juan Rodriguez [<mailto:jrodriguez@MALDEF.org>]

Sent: Wednesday, November 5, 2014 12:01 PM

To: Willis D. Hawley

Cc: William Brammer; Brown, Samuel; Tolleson, Julie; Thompson, Lois D.; 'rsjr3@aol.com'; Savitsky, Zoe (CRT); Bhargava, Anurima (CRT); Desegregation; TUSD

Subject: Outstanding GSRR Issues

Dear Bill,

In light of the action last week to defer a hard-to-schedule conference call , which was to include the GSRR, and in an effort to keep the open issues among us moving forward, Mendoza Plaintiffs write to follow-up on long-outstanding GSRR issues and to avoid further delay in resolution of these issues. They have identified three GSRR issues that have not yet been resolved: (1)inclusion in the GSRR of a limitation that restricts the use of long-term suspensions to

instances in which student misbehavior is “ongoing” and “escalating,” which mirrors the limitation on short-term suspensions on page 17 of the GSRR, and is mandated by the USP (2) inclusion of a description of the District’s processes for ensuring non-discrimination, which Mendoza Plaintiffs have proposed that Mr. Eugene Butler prepare based on his oral description at our meetings in Tucson, and (3) the District directly informing teachers of GSRR changes approved by the Governing Board. In their October 21 email, Mendoza Plaintiffs informed the District of their willingness to defer their pursuit of an R&R if the District indicates that it will bring proposals to address the outstanding issues to the Governing Board. Mendoza Plaintiffs again request that the District promptly provide such confirmation so that they may proceed accordingly. In the absence of such confirmation, they ask that you proceed with an R&R.

Thank you,

Juan Rodriguez | Staff Attorney

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Brown, Samuel

From: Willis D. Hawley <wdh@umd.edu>
Sent: Monday, November 24, 2014 5:47 PM
To: Juan Rodriguez
Cc: Thompson, Lois D.; wbrammer@rllaz.com; Tolleson, Julie; Brown, Samuel; Rubin Salter Jr. (Rsjr3@aol.com); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); TUSD; Desegregation; Balentine, Vicki Eileen - (vbalenti)
Subject: RE: GSRR R&R

Thanks. I think that this should put the R&R concerns to rest. We will work on the concerns below.. Bill

From: Juan Rodriguez [<mailto:jrodriguez@MALDEF.org>]
Sent: Monday, November 24, 2014 5:41 PM
To: Willis D. Hawley
Cc: Thompson, Lois D.; wbrammer@rllaz.com; julie.tolleson@tusd1.org; Brown, Samuel; Rubin Salter Jr. (Rsjr3@aol.com); Savitsky, Zoe (CRT) (Zoe.Savitsky@usdoj.gov); Anurima Bhargava (Anurima.Bhargava@usdoj.gov); TUSD; Desegregation (deseg@tusd1.org)
Subject: GSRR R&R

Dear Dr. Hawley,

Mendoza Plaintiffs write to follow-up on outstanding bases for their GSRR R&R request, originally submitted to you on July 14, 2014.

As to Mendoza Plaintiffs' request that the GSRR include a description of the processes in place to ensure non-discrimination in the administration of discipline, they appreciate that the "District has agreed to look into revising the appropriate regulation to outline the process[,]" as it indicated in its November 5, 2014 email. Mendoza Plaintiffs are willing to withdraw this basis for their R&R request if the District confirms that it will commit to revising the appropriate regulation to describe the non-discrimination processes.

With regard to Mendoza Plaintiffs' request that you recommend that the GSRR expressly limit long-term suspensions to "ongoing" and "escalating" misbehavior, Mendoza Plaintiffs feel they have been unable to receive a response from the District directly responsive to their related requests for information. However, rather than burden the Court with another R&R and have the District spend time briefing the matter, Mendoza Plaintiffs believe it is a better use of the District's time to implement or develop a plan for "training and monitoring processes related to the provisions of the [] USP[,]" as you stated is necessary in your follow-up email today to the preliminary GSRR report you circulated. Rather than ask the Court to resolve the matter, Mendoza Plaintiffs request that the IC monitor the District's administration of discipline to ensure that first-time level three offenses that do not implicate student safety and have been elevated one level do not result in long-term suspensions, as is required by the USP.

Finally, for the reasons indicated above, Mendoza Plaintiffs do not pursue an R&R with respect to their request that TUSD teachers be directly informed of GSRR changes. They do, however, ask the District to reconsider its position as they believe that direct information to teachers is the best way to ensure they attain complete and accurate understanding of GSRR changes.

Thank you,

Juan Rodriguez | Staff Attorney

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