

1 **TUCSON UNIFIED SCHOOL DISTRICT**  
LEGAL DEPARTMENT  
2 1010 E. TENTH STREET  
TUCSON, AZ 85719  
3 (520) 225-6040  
Julie Tolleson (State Bar No. 012913)  
4 Julie.Tolleson@tusd1.org  
Samuel E. Brown (State Bar No. 027474)  
5 Samuel.Brown@tusd1.org

6 **STEPTOE & JOHNSON LLP**  
201 East Washington Street, Suite 1600  
7 Phoenix, Arizona 85004-2382  
Telephone: (602) 257-5200  
8 Facsimile: (602) 257-5299  
P. Bruce Converse (005868)  
9 bconverse@steptoe.com  
Paul K. Charlton (012449)  
10 pcharlton@steptoe.com

11 *Attorneys for Tucson Unified School District No. 1*

12  
13 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF ARIZONA**

14 Roy and Josie Fisher, et al.,  
15 Plaintiffs

16 v.

17 United States of America,  
18 Plaintiff-Intervenor,

19 v.

20 Anita Lohr, et al.,  
Defendants,  
21 Sidney L. Sutton, et al.,  
Defendants-Intervenors,

CV 74-90 TUC DCB  
(Lead Case)

**NOTICE OF REILING TUSD'S  
2014-15 ANNUAL REPORT**

CV 74-204 TUC DCB  
(Consolidated Case)

22  
23 Maria Mendoza, et al.  
Plaintiffs,

24 United States of America,  
Plaintiff-Intervenor,

25 v.

26 Tucson Unified School District No. One, et al.  
27 Defendants.

28

Tucson Unified School District – Legal Department  
1010 East 10<sup>th</sup> Street, Room 24  
Tucson, Arizona 85719  
Telephone: (520) 225-6040

1 Tucson Unified School District No. One (“TUSD” or “District”) hereby refiles the  
2 2014-15 Annual Report (“Report”)<sup>1</sup> pursuant to the recommendation in the Special  
3 Master’s Annual Report (*see* ECF 1890 at 35-36). The amended Report is attached hereto  
4 as Exhibit 1. Appendix IV-30 is corrected and attached herein as Exhibit 2.<sup>2</sup> The District  
5 has combined its responses to Special Master and Plaintiff requests for information into the  
6 newly-created Appendix X-38 which is attached hereto as Exhibit 3 and includes  
7 supplemental information and attachments. The corrections to the Report are described in  
8 detail below:

- 9  
10 1. On page IV-82 (ECF 1848 at 107) the District replaces the following paragraph:

11 In SY 2014-15, 274 beginning teachers were hired to 66 District schools of  
12 which 33 were identified as racially concentrated and/or D schools. New teachers  
13 represented ten percent or more of the total faculty at fifteen racially concentrated  
14 and/or D schools in the District (***Appendix IV-30, Teachers with/1 Year Experience  
in Racially Concentrated and/or D School SY 2014-15***)

15 with the following amended paragraph (*see* Ex. 1, page IV-82):

16  
17 In SY 2014-15, 197 first-year teachers (those with less than one year of  
18 teaching experience) were hired to 45 schools identified as racially concentrated or  
19 in which students were achieving at or below the District average in scores on state  
20 tests or other relevant measures of academic performance (***Corrected Appendix IV-  
30, “Teachers with/<1 Year Experience in Racially Concentrated and/or Schools  
where Students Achieving at or Below the District Average”***).

- 21 2. On page IV-82 (ECF 1848 at 107) the District replaces Table 4.17 (Racially  
22 Concentrated and/or D Schools with 10% or Greater Beginning Teachers) with an amended  
23 Table 4.17 (Schools that are Racially Concentrated and/or Schools in Which Students were  
24 Achieving At or Below the District Average with 10% or Greater Beginning Teachers).  
25 (*see* Ex. 1, page IV-82)

26  
27 <sup>1</sup> TUSD filed the 2014-15 Annual Report on September 30, 2015 (ECF 1848).

28 <sup>2</sup> TUSD originally filed Appendix IV-30 as ECF 1849-2 at pages 21-25.

- 1 3. On pages V-175 and V-176 (ECF 1848 at 200-201), the District replaces the  
2 following paragraph:

3 For the 2014-15 school year, the District's goal was to decrease the in-grade  
4 retention rate for African-American students by 10 percent compared to the 2013-14  
5 school year. *Id.* The Plan provides an example for calculating and evaluating goal:  
6 "...if at the end of SY 2013-14, the African American in-grade retention rate is 1%,  
7 the goal for the end of SY 2014-15 would be 0.9%, a decrease of 10% (1.0 - (1.0 x  
8 10%))." *Id.* In SY 2013-14, the African American retention rate for grades K-8 was  
9 2.0 percent, so the goal for the 2014-15 school year was 1.80 percent , a reduction of  
10 10 percent (2.0 - (2.0 x .10)). In the 2014-15 school year, the rate was 1.3 percent -  
11 representing a reduction of 35 percent. In addition to meeting and exceeding the  
12 goal, TUSD successfully reduced the gap in retention rates between African  
13 American and Anglo students from a .08 percent gap in the 2013-14 school year, to  
14 a .06 percent gap in the 2014-15 school year.

15 with the following amended paragraph (*see* Ex. 1, pages V-175 and V-176):

16 For the 2014-15 school year, the District's goal was to decrease the in-grade  
17 retention rate for African-American students by 10 percent compared to the 2013-14  
18 school year. *Id.* The Plan provides an example for calculating and evaluating goal:  
19 "...if at the end of SY 2013-14, the African American in-grade retention rate is 1%,  
20 the goal for the end of SY 2014-15 would be 0.9%, a decrease of 10% (1.0 - (1.0 x  
21 10%))." *Id.* In SY 2013-14, the African American retention rate for grades K-8 was  
22 1.5 percent, so the goal for the 2014-15 school year was 1.35 percent , a reduction of  
23 10 percent (1.5 - (1.5 x .10)). In the 2014-15 school year, the rate was 1.3 percent -  
24 representing a reduction of 13.4 percent. In addition to meeting and exceeding the  
25 goal, TUSD successfully reduced the gap in retention rates between African  
26 American and Anglo students from a .08 percent gap in the 2013-14 school year, to  
27 a .06 percent gap in the 2014-15 school year.

- 28 4. On pages V-176 and V-177 (ECF 1848 at 201-202), the District replaces the  
following paragraph:

For Latino students, the District's goal for the 2014-15 school year was to  
decrease the in-grade retention rate in grades three and eight by 50 percent. *Id.* In  
the 2013-14 school year, the retention rate for Latino third graders was 1.3 percent  
(a rate of .65percent represents a reduction of 50 percent), and for eighth graders it  
was 4.0 percent (a rate of 2.0 percent represents a reduction of 50 percent). In the  
2014-15 school year, the retention rate for Latino third graders was .06 percent,  
representing a 54 percent reduction; for eighth graders it was .5 percent representing

an 88 percent reduction. The District met and exceeded its goals for reducing in-grade retention rates for Latino students in grades three and eight.

with the following amended paragraph (*see* Ex. 1, pages V-176 and V-177):

For Latino students, the District’s goal for the 2014-15 school year was to decrease the in-grade retention rate in grades three and eight by 50 percent. *Id.* In the 2013-14 school year, the retention rate for Latino third graders was 1.0 percent (a rate of .5 percent represents a reduction of 50 percent), and for eighth graders it was 0.4 percent (a rate of 0.2 percent represents a reduction of 50 percent). In the 2014-15 school year, the retention rate for Latino third graders was .6 percent, representing a 40 percent reduction (eight fewer students); for eighth graders it was 0.5 percent representing a 25 percent increase (two additional students).

5. On pages VI-256 and VI-257 (ECF 1848 at 281-282) the District replaces the following reference:

VI(G)(1)(f) Copies of any site-level analyses conducted by the RPPSCs; (*Appendix VI-29, Discipline Log Sample*)

with the following amended reference (*see* Ex. 1, pages VI-256 and VI-257):

VI(G)(1)(f) Copies of any site-level analyses conducted by the RPPSCs; (*Appendix VI-5, LSC Activity Chart; VI-49, Discipline Data Review Form MTSS*).

Respectfully submitted on April 1, 2016.

**TUCSON UNIFIED SCHOOL DISTRICT  
LEGAL DEPARTMENT**

s/ Samuel E. Brown  
Julie C. Tolleson  
Samuel E. Brown  
Attorneys for Tucson Unified School District No. 1

**STEPTOE & JOHNSON LLP**  
P. Bruce Converse  
Paul K. Charlton  
Attorneys for Tucson Unified School District No. 1

Tucson Unified School District – Legal Department  
1010 East 10<sup>th</sup> Street, Room 24  
Tucson, Arizona 85719  
Telephone: (520) 225-6040

1 **ORIGINAL** of the foregoing filed via the CM/ECF  
2 Electronic Notification System and transmittal of a  
3 Notice of Electronic Filing provided to all parties  
4 that have filed a notice of appearance in the District  
5 Court Case, as listed below.

6 ANDREW H. MARKS  
7 Attorney for Special Master  
8 Law Office of Andrew Marks PLLC  
9 1001 Pennsylvania Ave., NW  
10 Suite 1100  
11 Washington, DC 20004  
12 amarks@markslawoffices.com

13 LOIS D. THOMPSON CSBN 093245  
14 JENNIFER L. ROCHE CSBN 254538  
15 Attorneys for Mendoza Plaintiffs  
16 Proskauer Rose LLP  
17 2049 Century Park East, Suite 3200  
18 Los Angeles, California 90067  
19 (310) 557-2900  
20 lthompson@proskauer.com  
21 jroche@proskauer.com

22 JUAN RODRIGUEZ, CSBN 282081  
23 THOMAS A. SAENZ, CSBN 159430  
24 Attorneys for Mendoza Plaintiffs  
25 Mexican American LDEF  
26 634 S. Spring St. 11th Floor  
27 Los Angeles, CA 90014  
28 (213) 629-2512  
jrodriguez@maldef.org  
tsaebz@maldef.org

RUBIN SALTER, JR. ASBN 001710  
KRISTIAN H. SALTER ASBN 026810  
Attorney for Fisher, et al., Plaintiffs  
177 North Church Avenue, Suite 903  
Tucson, Arizona 85701-1119  
rsjr2@aol.com

SHAHEENA SIMONS  
JAMES EICHNER  
Attorneys for Plaintiff-Intervenor  
Educational Opportunities Section  
Civil Rights Division  
U.S. Department of Justice  
950 Pennsylvania Avenue, SW  
Patrick Henry Building, Suite 4300  
Washington, DC 20530  
(202) 305-3223  
shaheena.simons@usdoj.gov

Tucson Unified School District – Legal Department  
1010 East 10<sup>th</sup> Street, Room 24  
Tucson, Arizona 85719  
Telephone: (520) 225-6040

1 james.eichner@usdoj.gov

2 RUSING LOPEZ & LIZARDI, P.L.L.C.  
3 Attorneys for Tucson Unified School District No. One, et al.  
4 6363 North Swan Road, Suite 151  
5 Tucson, Arizona 85718  
6 Telephone: (520) 792-4800  
7 J. William Brammer, Jr. (State Bar No. 002079)  
8 wbrammer@rllaz.com  
9 Patricia V. Waterkotte (State Bar No. 029231)  
10 pvictory@rllaz.com

11 s/ Samuel E. Brown

Tucson Unified School District – Legal Department  
1010 East 10<sup>th</sup> Street, Room 24  
Tucson, Arizona 85719  
Telephone: (520) 225-6040

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  
26  
27  
28