



RUSING LOPEZ  

---

 & LIZARDI  
ATTORNEYS AT LAW

Update:  
Fisher/Mendoza  
Desegregation Case

Patricia V. Waterkotte

# Example Plan Language: U.S.P. § VII.C.1

## Family and Community Engagement Services

“... the District shall develop a plan to expand its existing Family Center(s) and/or develop new one(s). The District Family Center (“DFC”) Plan shall: (i) indicate where the Family Center(s) shall be located, including whether existing Family Centers or other related resources should be consolidated or relocated; (ii) provide for the creation and distribution of new or revised materials to provide families with information regarding enrollment options pursuant to Section (II) and regarding the availability of transportation; (iii) provide for the creation and distribution of new or revised materials to provide families with detailed information regarding Advanced Learning Experiences (including the informational sessions on ALEs, information on UHS and the complaint process related to ALEs); (iv) provide for the creation and distribution of new or revised materials to provide families with detailed information regarding student discipline policies and procedures, including the revised GSRR; (v) provide for the creation and distribution of new or revised materials to provide families with detailed information regarding the curricular and student support services offered in Section V(C) Student Engagement and Support, including information on Academic and Behavioral Support, dropout prevention services, African American and Latino Student Support Services, culturally relevant courses and policies related to inclusion and non-discrimination; (vi) provide for the creation and distribution of new or revised materials to provide families with information regarding educational options for their ELL children, including the availability of dual language programs and other programs designed for ELLs; (vii) include strategies for how teachers and principals can learn from families regarding how to meet the needs of their children; and (viii) detail how the Family Center(s) will be staffed, including language requirements for all staff and whether they will be under the supervision of the FEC...”

# Example Plan Language: U.S.P. § IV.G.1

## Reductions in Force

“...the District shall develop a plan (“RIF Plan”) which takes into account the District’s desegregation obligations for any reductions in force (“RIF”) or other employment actions requiring the dismissal of administrators and/or certificated staff members who have been hired to fulfill a need specifically identified in this Order. The RIF Plan, and any future modifications, shall be communicated to all personnel in writing and posted on the District’s website. No reductions in force may take place sooner than 30 days after the RIF Plan is communicated to all personnel. If reductions in force are necessary before February 1, 2013, due to school closures or other significant changes in schools’ capacities, the District shall communicate informally regarding the substance of the new RIF Plan to administrators and certificated staff members before any such RIFs take place...” This shall refer to individuals hired pursuant to Sections (II), (IV), (V), (VI), and (VII).”

## Example Plan Language: U.S.P. IV.1.2 Underperforming and Struggling Teacher Support Plan

“...the District shall develop a plan for and implement strategies to support underperforming or struggling teachers regardless of their length of service. Teachers shall be referred to the program by school- or District-level administrators based on evidence (*e.g.*, from student surveys, administrator observations, discipline referrals, and/or annual evaluations) that the teacher requires additional professional development and mentor support. The support program shall utilize research-based practices such as those embodied in Peer Assistance and Review programs....”

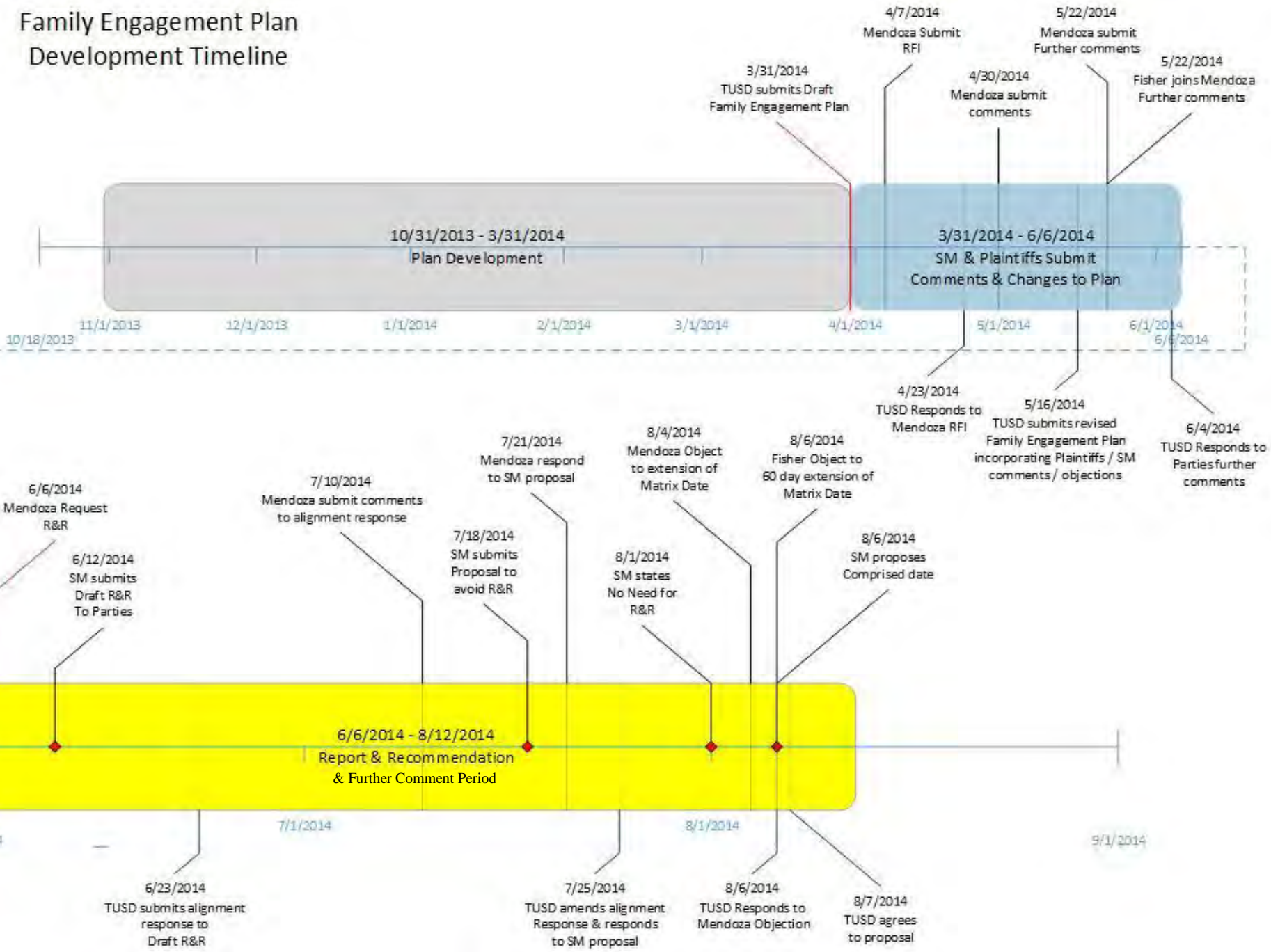
Example Plan Language: U.S.P. § IV.I.3  
Prospective Administrative Leaders Plan

“...the District shall develop and implement a plan for the identification and development of prospective administrative leaders, specifically designed to increase the number of African American and Latino principals, assistant principals, and District Office administrators. The plan shall propose methods for “growing your own,” including the possibility of financial support to enable current African American and Latino employees to receive the required certifications and educational degrees needed for such promotions....”

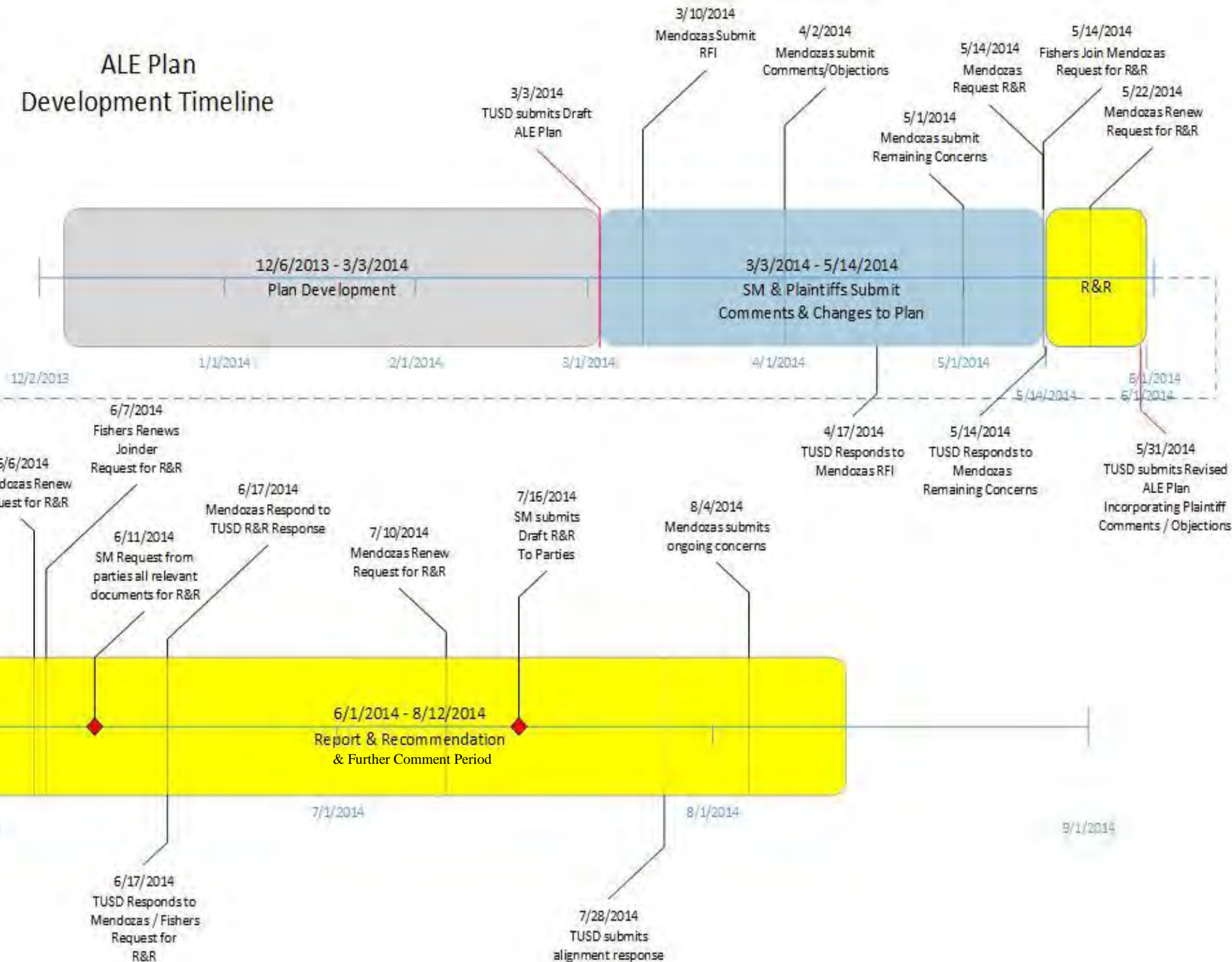
# Special Master/Plaintiffs Approved Plans

1. Guidelines for Student Rights and Responsibilities
2. USP Implementation and Distribution Plan
3. Mexican American Student Support Improvement Plan
4. 2013 Magnet Plan
5. Facilities Condition Index
6. Criteria for Assessing Overhead Costs
7. Budget Process
8. Prospective Administrative Leaders Plan
9. 910G Expenditure Criteria
10. Criteria for Assessing Student Support Programs
11. Underperforming and struggling Teacher Support Plan
12. Admission to Oversubscribed schools
13. Report student Transfer Data
14. Technology Condition Index
15. Reduction in Force Plan
16. Extracurricular and Equitable Access Plan
17. Marketing and Outreach Plan
18. Family Engagement Plan

# Family Engagement Plan Development Timeline

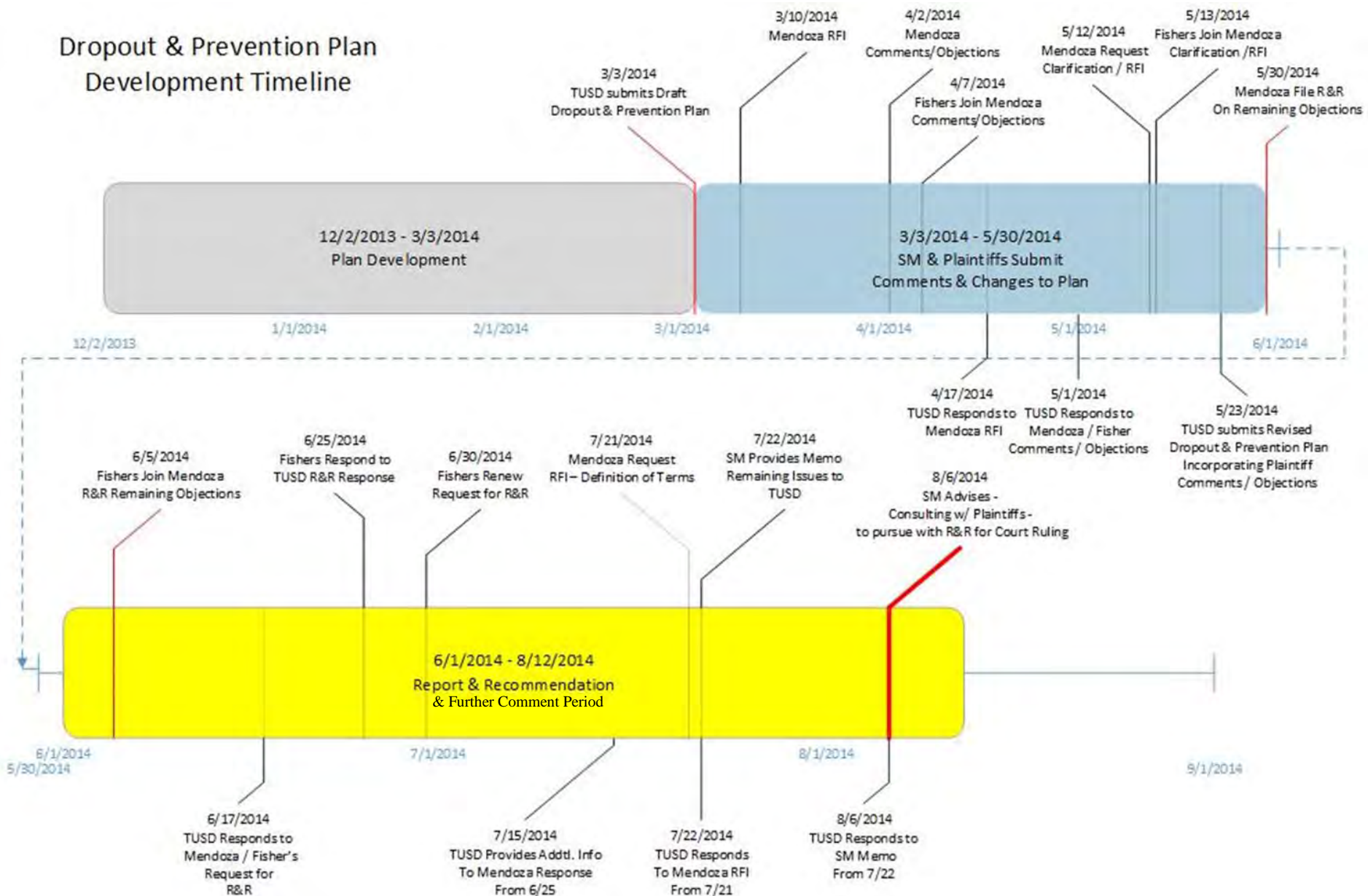


# ALE Plan Development Timeline

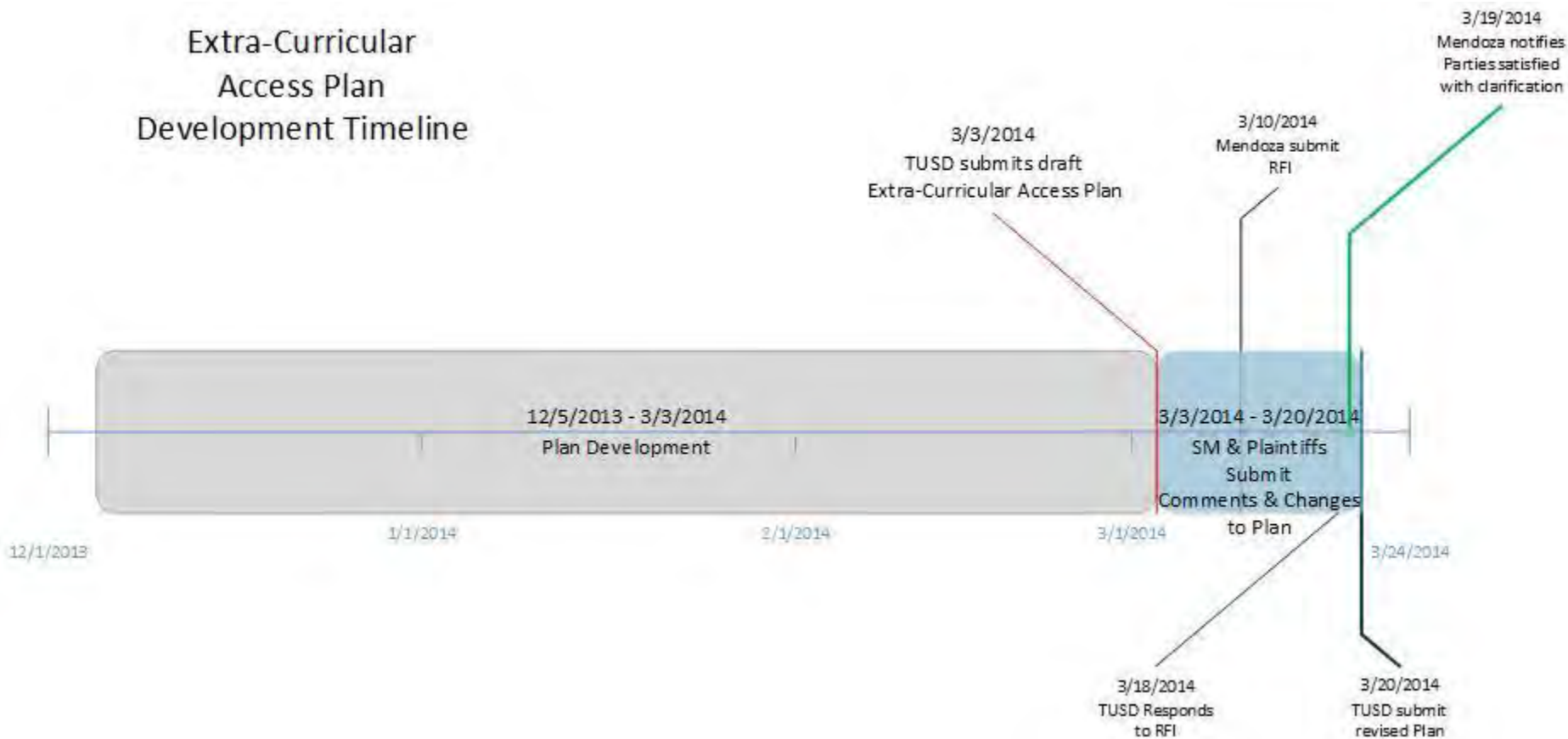




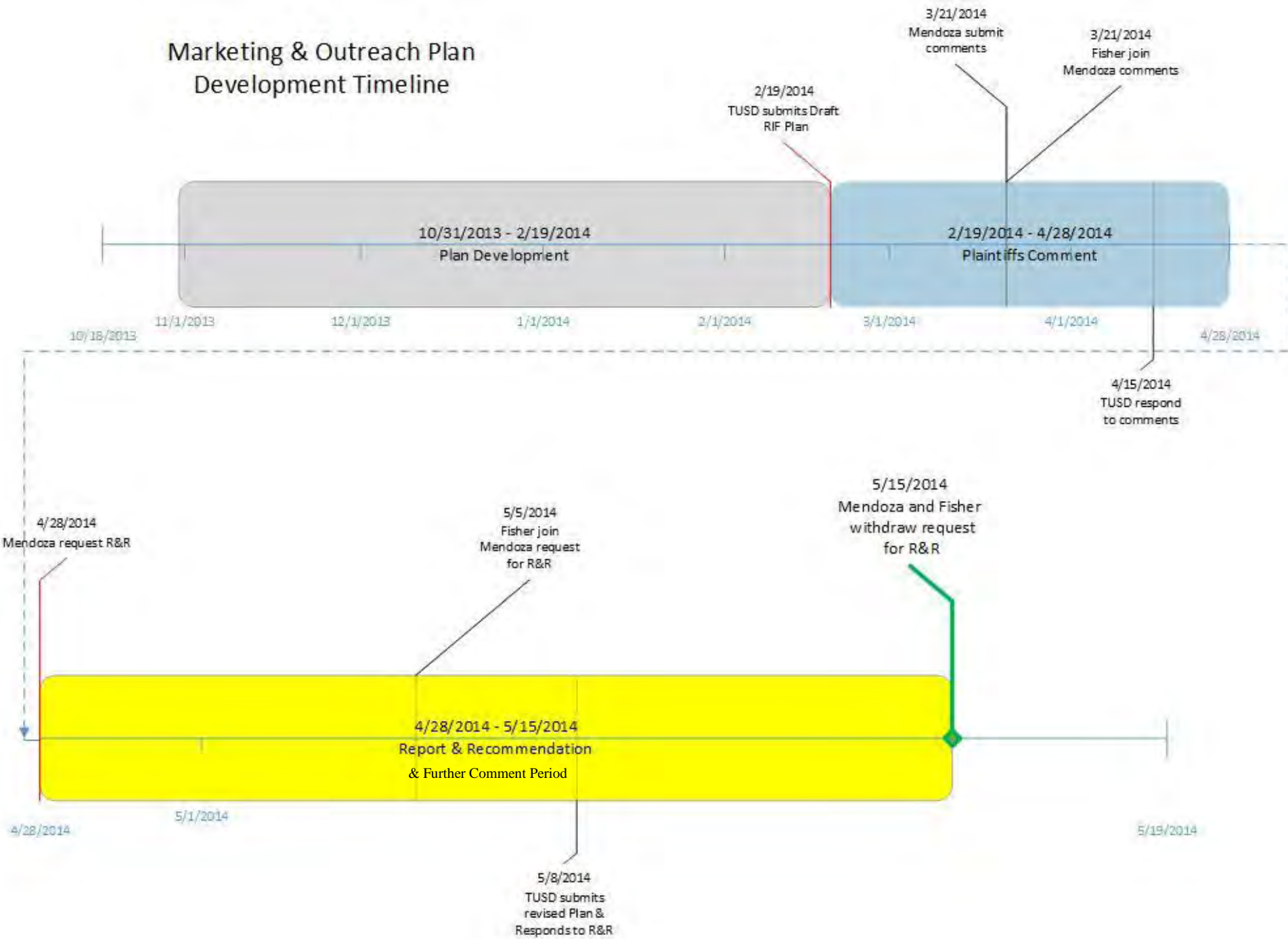
# Dropout & Prevention Plan Development Timeline



# Extra-Curricular Access Plan Development Timeline



# Marketing & Outreach Plan Development Timeline



# Reduction In Force (RIF) Development Timeline

2/10/2014  
Mendoza  
Request R&R

2/3/2014  
TUSD submits Draft  
RIF Plan

2/3/2014 -  
2/10/2014  
Plaintiffs  
Comment

10/21/2013 - 2/3/2014  
Plan Development

10/18/2013      11/1/2013      12/1/2013      1/1/2014      2/1/2014      2/10/2014

2/13/2014  
Fisher notices  
Intent to  
Object to Plan

2/18/2014  
Mendoza respond  
Open to avoiding  
R&R

3/4/2014  
Mendoza renews  
Request for R&R

3/10/2014  
Mendoza provide  
clarification of  
remaining issues

3/19/2014  
Mendoza withdraw R&R  
Pending GB  
Adoption of Plan

4/22/2014  
TUSD notifies Parties GB has adopted Plan

2/10/2014 - 4/22/2014  
Report & Recommendation  
& Further Comment Period

2/10/2014

2/13/2014  
TUSD responds to  
Request R&R

2/14/2014  
TUSD reaches out  
SM re: Disputes

2/27/2014  
TUSD submits  
revised Plan

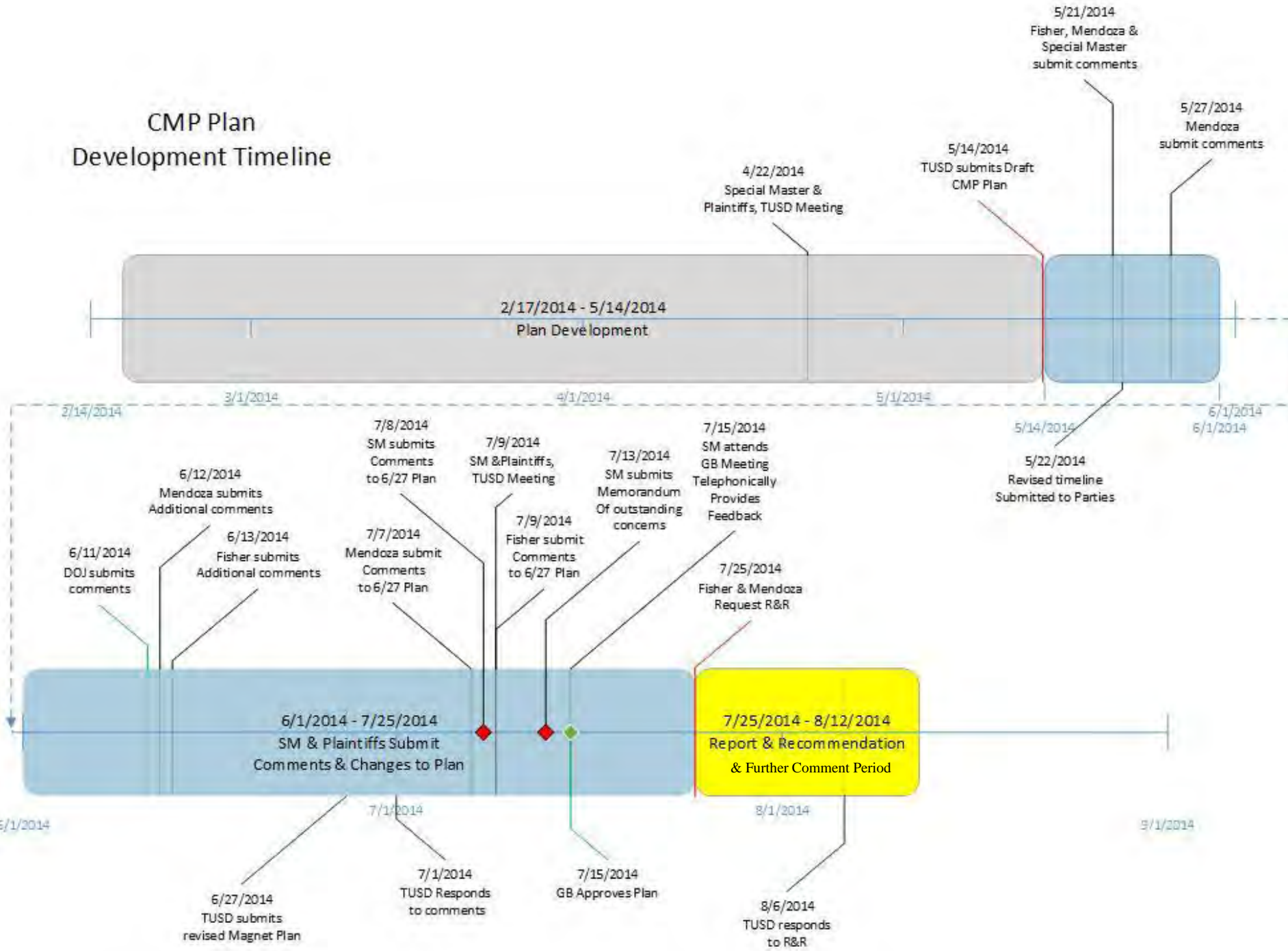
3/18/2014  
TUSD submits  
revised Plan

3/1/2014

4/1/2014

4/30/2014

# CMP Plan Development Timeline



# Ohio Desegregation Lawsuit – Legal Counsel to Special Master NOT Permitted:

“[W]e [the Court] do not approve the practice of appointing legal advisors to a master or the court.”

“To the extent that the master was not qualified to make recommendations to the court because of a lack of experience in constitutional law, he should have submitted such legal issues to the court. The court could rely on his own experience and learning and the assistance of his staff and all counsel in the case. . . . to the extent that he relied on advice received in chambers from a "legal expert" there was a partial abdication of his role. . . the adversary system as it has developed in this country precludes the court from receiving out-of-court advice on legal issues in a case. He must depend on his own resources, which include the work of his staff and the offerings of counsel.”

*Reed v. Cleveland Board of Education*, 607 F.2d 737, 747-748 (6th Cir. Ohio 1979).

# TUSD Hearing Requests in the Past Year

<u>Date</u>	<u>Hearing Requested</u>	<u>Granted</u>	<u>Denied</u>
11/26/2013	UHS Admissions R&R		X
12/13/2013	Objection to UHS Admissions R&R		X
12/16/2013	Motion for Reconsideration of Process Order		X
12/17/2013	Shortened Objection to UHS Admissions R&R		X
12/17/2013	Motion for Reconsideration of UHS Admissions Order		X
12/31/2013	Motions for Attorney's Fees and Limited Discovery		X
01/03/2014	Motion for Reconsideration of Order striking shortened objection		X
02/12/2014	Motion for Limited Stay		X
03/12/2014	Replies to Motion for Stay		X
04/09/2014	Response to Order to Show Cause re: Implementation Addendum		X
05/12/2014	Special Master's Request for Expedited Briefing on Legal Counsel		X
05/19/2014	Special Master's First Request for Legal Counsel		X
05/28/2014	Motion for Reconsideration of Expedited Briefing Order		X
05/29/2014	Response to Special Master's Withdrawal of Legal Counsel		X
06/06/2014	Objection to R&R on Boundary Review Process		X
06/09/2014	Motion to Correct Docket		X
06/16/2014	Objection to R&R on Outreach, Recruitment and Retention Plan		X
07/01/2014	Objection to Special Master's Second Request for Legal Counsel		X
07/31/2014	Motion for Clarification/Reconsideration of Order Granting Special Master's Second Request for Legal Counsel		TBD



RUSING LOPEZ  

---

 & LIZARDI  
ATTORNEYS AT LAW

Update:  
Fisher/Mendoza  
Desegregation Case

6363 N. Swan Rd. Suite 151  
Tucson, Arizona 85718  
P: 520.792.4800  
F: 520.529.4262  
[www.rllaz.com](http://www.rllaz.com)