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11 Attorneys for Mendoza Plaintiffs

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13 **UNITED STATES DISTRICT COURT**

14 **DISTRICT OF ARIZONA**

15 Roy and Josie Fisher, et al.,

16 Plaintiffs,

17 v.

18 United States of America,

19 Plaintiff-Intervenors,

20 v.

21 Anita Lohr, et al.,

22 Defendants,

23 Sidney L. Sutton, et al.,

24 Defendant-Intervenors,

Case No. 4:74-CV-00090-DCB

**DECLARATION OF JUAN  
RODRIGUEZ IN SUPPORT OF  
MENDOZA PLAINTIFFS' OPPOSITION  
TO TUCSON UNIFIED SCHOOL  
DISTRICT NO. 1 MOTION FOR  
PARTIAL UNITARY STATUS**

Hon. David C. Bury

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1 Maria Mendoza, et al.,  
2 Plaintiffs,  
3 United States of America,  
4 Plaintiff-Intervenor,  
5 v.  
6 Tucson United School District No. One, et  
7 al.,  
8 Defendants.

Case No. CV 74-204 TUC DCB

9  
10 I, Juan Rodriguez, declare as follows:

11 1. I am a staff attorney with the Mexican American Legal Defense and  
12 Educational Fund and one of the lawyers representing the Mendoza Plaintiffs in the  
13 captioned matter. I submit this declaration in support of the Mendoza Plaintiffs'  
14 Opposition to the Tucson Unified School District No. 1 ("TUSD" or "District") Motion  
15 for Partial Unitary Status. The facts set forth below are based on my own personal  
16 knowledge, review of the Court record by myself and Lois D. Thompson, co-counsel for  
17 the Mendoza Plaintiffs, matters of public record, and documents and information  
18 exchanged among the parties in this litigation. If called upon to testify as a witness, I  
19 could and would testify competently thereto.

22 2. In support of its Motion, the District relies exclusively on documents that  
23 already are part of the Court record. I submit this declaration to provide the Court with  
24 certain additional information and documents not yet part of the record. In certain  
25 instances, for ease of access by the Court, I also attach documents that are in the record  
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1 but cumbersome to access because they are parts of extensive Court filings (generally,  
2 appendices to TUSD Annual Reports).

3 3. Attached as Exhibit 1 is a true and correct copy of a document that I received  
4 from TUSD in connection with this litigation. It is “TUSD INTEGRATION  
5 INITIATIVES” and is dated May 13, 2016.  
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7 4. Attached as Exhibit 2 is a true and correct copy of a document I received  
8 from TUSD. It is the 2017-18 USP Budget Narrative, dated January 20, 2017.

9 5. Review of the Annual Report sections on Transportation referenced by  
10 TUSD in its Motion reveals that the data that is provided in the Annual Reports is limited.  
11 Further, its usefulness is hampered by the inconsistency in data submission from year to  
12 year. For example, in its first Annual Report for 2012-13, TUSD included a chart setting  
13 forth by reason (*e.g.*, magnet, GATE, etc.) and by race/ethnicity the number of students  
14 offered transportation together with a breakdown by school indicating how many students  
15 of each race/ethnicity were offered each type of transportation to that individual school. A  
16 true and correct copy of that information (Appendix 25 to the 2012-13 Annual Report) is  
17 attached as Exhibit 3-A. That very informative information has not been included in any  
18 subsequent Annual Report. In 2013-14, the District failed to provide a chart like that  
19 which had been in the 2012-13 Report. In 2014-15 and 2015-16, the District provided  
20 charts similar to that appended to its 2012-13 Annual Report but not the by-school  
21 breakdown. True and correct copies of those charts (Appendix III-3 to the 14-15 Annual  
22 Report and Appendix III-7 to the 15-16 Annual Report) are attached as Exhibits 3-B and 3-  
23 C).  
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1           6.       Data concerning actual bus routes and the ridership of those routes broken  
2 down by race and ethnicity is not included in the Annual Reports. The closest the District  
3 has come to providing such information is a series of map showing bus stops and transfer  
4 points included in the 2014-15 Annual Report but no other.

5           7.       According to the TUSD website (Governing Board June 14, 2016 Agenda  
6 Item to Approve SunTrans Passes for 2016-17), approximately 3500 students receive  
7 SunTrans passes for use to travel to and from school. The Motion provides no information  
8 concerning the race and ethnicity of the students who receive those passes.

9           8.       A true and correct copy of the District's Family and Community  
10 Engagement Plan is attached as Exhibit 4. (The Plan is part of Doc. 1852.)

11           9.       A true and correct copy of the District's Catalog of Schools, downloaded  
12 from the District website, is attached as Exhibit 5.

13           10.      Mendoza Plaintiffs made requests for additional information and clarification  
14 after they received the 2015-16 Annual Report. Attached as Exhibit 6 is a true and correct  
15 copy of the District's response to a question relating to the submission of magnet and open  
16 enrollment applications at Family Engagement Centers. It was assigned RFI No. 863 by  
17 the District.

18           11.      A true and correct copy of Appendix VII-1 ("Curricular Focus Training") to  
19 the District's 2015-16 Annual Report is attached as Exhibit 7.

20           12.      A true and correct copy of Appendix VII-6 ("Staff Trainings and Family  
21 Opportunities to Value Parents as Partners") to the District's 2015-16 Annual Report is  
22 attached as Exhibit 8.

1           13.    A true and correct copy of the District’s response to a Mendoza Plaintiffs’  
2 request for information about community liaisons at District schools, to which the District  
3 assigned RFI No. 1007, is attached as Exhibit 9.

4           14.    True and correct copies of the District’s responses to Mendoza Plaintiffs’  
5 requests for information concerning the District’s tracking of engagement activities, to  
6 which the District assigned RFI Nos. 1130-1132 , are attached as Exhibits 10, 11, and 12,  
7 respectively.  
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9           15.    Attached as Exhibits 13 and 14 are true and correct copies of the surveys  
10 conducted by the African American Student Services Department (Appendix V-216 to the  
11 District’s 2015-16 Annual Report) and Mexican American Student Services Department  
12 (Appendix V-217to the District’s 2015-16 Annual Report) in the 2015-16 school year,  
13 respectively. A true and correct copy of a District chart detailing quarterly information  
14 sessions at racially concentrated schools (Appendix V-214 to the District’s 2015-16  
15 Annual Report) is attached as Exhibit 15.  
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18           16.    A true and correct copy of the District’s “Analysis of the Scope and  
19 Effectiveness of Services” of family resource centers for the 2014-15 school year  
20 (Appendix VII-40 to the District’s 2014-15 Annual Report) is attached as Exhibit 16. A  
21 true and correct copy of the District’s “Analysis of the scope and effectiveness of services  
22 provided by the family centers for the 2015-16 school year” (Appendix VII-28 to the  
23 District’s 2015-16 Annual Report) is attached as Exhibit 17.  
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25           17.    A true and correct copy of Table 8.1 from page VIII-337 of the District’s  
26 2015-16 Annual Report (Doc. 1958-1 at 366 of 425) is attached as Exhibit 18. Attached  
27 as Exhibits 19 and 20 are the District’s enrollment reports for the 2013-14 and 2015-16  
28

1 school years (Appendix II-23 to the 2013-14 Annual Report and Appendix II-4 to the  
2 2015-16 Annual Report).

3 18. A true and correct copy of an Excel spreadsheet that presents 2015-16  
4 extracurricular activity participation broken down by school that the District provided to  
5 the Plaintiffs and the Special Master by email dated March 15, 2017 is attached as Exhibit

6 21. (The spreadsheet is not complete. It is missing information for at least the following  
7 schools: Banks, Maldonado, Miller, Mountain View, Oyama, Robison, Vesey, Cragin,  
8 Hudlow, and Whitmore.) Attached as Exhibit 22 is a second version of that spreadsheet,  
9 color coded by Mendoza Plaintiffs to identify racially concentrated schools and schools  
10 with white student enrollment that equal 25% or more of the schools' total enrollment, and  
11 that provides total enrollment numbers as found on Exhibit 20.

12 19. A true and correct copy of the District's response to Mendoza Plaintiffs'  
13 request for information concerning how participation in "fine arts" had been reported in  
14 prior years to which the District assigned RFI No. 869 is attached as Exhibit 23.

15 20. A true and correct copy of the District's response to Mendoza Plaintiffs'  
16 request for information concerning the statement in its 2015-16 Annual Report relating to  
17 "better data collection efforts" relating to extracurricular activities to which the District  
18 assigned RFI No. 871 is attached as Exhibit 24.

19 21. A true and correct copy of the District's response to Mendoza Plaintiffs'  
20 request for information concerning TUSD's proposed MYFP allocations in the draft 2017-  
21 18 910(G) budget to which the District assigned RFI No. 1133 is attached as Exhibit 25.

1           22.    A true and correct copy of an email dated March 2, 2017 from TUSD Senior  
2 Director for Desegregation Martha Taylor to the Plaintiffs and the Special Master relating  
3 to proposed 2016-17 budget reallocations is attached as Exhibit 26.

4           23.    A true and correct copy of Appendix IX-16 to the TUSD 2015-16 Annual  
5 Report is attached as Exhibit 27.

6           24.    A true and correct copy of Mendoza Plaintiffs' Reply to the TUSD  
7 November 28, 2016 Response to Their Request that the Special Master Bring Multiple  
8 Instances of Noncompliance with the USP and its Undertakings Related Thereto to the  
9 Court's Attention is attached as Exhibit 28.

10           25.    A true and correct copy of an email chain of communications on March 17,  
11 2016 among myself, District representatives, and others relating to a budget reallocation  
12 request concerning a number of TUSD schools is attached as Exhibit 29.

13           26.    A true and correct copy of an email dated April 3, 2017 from District  
14 representative Martha Taylor to the Plaintiffs and Special Master concerning TUSD's  
15 March 2, 2017 reallocation request is attached as Exhibit 30.

16           27.    A true and correct copy of Appendix IX-18 to the TUSD 2015-16 Annual  
17 Report is attached as Exhibit 31.

18           28.    A true and correct copy of the District's response to Mendoza Plaintiffs'  
19 request for information concerning the "District Master Facilities Plan" to which the  
20 District assigned RFI No. 884 is attached as Exhibit 32.

21           29.    Attached as Exhibit 33 is a true and correct copy of what purports on its face  
22 to be the District's "District Master Facilities Plan" which Mendoza Plaintiffs located on  
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1 the TUSD website as an Agenda Item for the TUSD Governing Board's June 14, 2016  
2 meeting.

3 30. Attached as Exhibit 34 is a true and correct copy of a TUSD Governing  
4 Board Action report for March 7, 2017 which Mendoza Plaintiffs located on the TUSD  
5 website.

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7 31. Attached as Exhibit 35 is a true and correct copy of Appendix IX-12 to the  
8 District's 2015-16 Annual Report.

9 32. A true and correct copy of the District's response to Mendoza Plaintiffs'  
10 request for information concerning TUSD's bandwidth and other issues related to its  
11 proposed Microsoft partnership to which the District assigned RFI No. 1013 is attached as  
12 Exhibit 36.

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14 33. A true and correct copy of the TUSD Multi-Year Technology Plan (Doc.  
15 No. 1778-1) is attached as Exhibit 37.

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17 34. In the 2015-16 Annual Report, the District quotes the provision of the USP  
18 that requires it to provide a summary of actions taken during the year pursuant to the  
19 Multi-Year Technology Plan (USP Section IX, C, 1, d), and states that there were no  
20 changes made to that Plan during the year, but provides no summary of any actions taken.  
21 (2015-16 Annual Report at IX 356-57.)

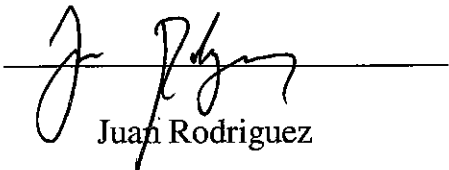
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23 35. To date, the District has not offered to demonstrate its Evidence-Based  
24 Accountability System to the Mendoza Plaintiffs.

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26 36. A true and correct copy of the Ochoa Transition Plan is attached as Exhibit  
27 38. At page 38 it budgets for a "data coach" to perform a number of tasks including "train  
28 teachers and administrators on data collection and analysis." The Ochoa Transition Plan



1 also indicates the extent to which online computer programs are being used for basic  
2 classroom instruction and interventions for students who have fallen behind. At page 21 it  
3 references “[i]mplementation of Imagine Learning and Big Brainz Technology Programs.”  
4 At page 26 it says [t]eachers will use ...Big Brainz which focuses on math procedural  
5 fluency and automaticity. A schedule will be developed to use available technology ...for  
6 implementation of Big Brainz for Tier II and Tier III interventions” and “ [t]eachers will  
7 use ...Imagine Learning to support ELA”.

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9 I declare under penalty of perjury that the foregoing is true and correct. Executed  
10 this 28<sup>th</sup> day of April, 2017, in Los Angeles, California.  
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14 Juan Rodriguez  
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