

## **The Coalition for Accountability, Respect, and Excellence (C.A.R.E.)**

August 29, 2018

TUSD Governing TUSD Board Members:

C.A.R.E. objects to the statement in the TUSD April 11, 2018 filing that calls for the Court to "immediately and completely terminate the Mendoza case." This is our second letter referring to this issue and we have only received a response from a single member of the Board. We are asking that you remove the offending statement from the filing or stand up and be counted as supporting it. We are also asking that you change from Steptoe and Johnson to a different, local law firm that ALREADY UNDERSTANDS this case (the District cannot afford another 1 million dollars for the lawyers to come up to speed).

Perhaps you agree with the only respondent, who was perplexed that we were so concerned about such an "insignificant" issue. There is nothing insignificant about this desired termination of the Mendoza case. We would remind you that lawyers do not charge \$1 million a year to just add abstract legal ideas: every word in a court filing is actionable, and as such, the filing represents the Board's intentions and demands. In this case, this statement refers to 29,000 TUSD students (a majority of its enrollment) who would lose the Mendoza Plaintiff's representation throughout the remainder of the desegregation case. We would also remind you that after forty years of discrimination, it is outrageous to the affected community that such a demand could represent the will of the TUSD Governing Board.

To date, no one on the Board has indicated that they either knew such a statement would be included or even knew such a statement HAD BEEN included (although the demand was presented on page five not, as has been widely stated, buried at the end of a fifty-page report). Either the Board is not, in fact, managing or even listening to what legal counsel is doing in the Boards' name, or it is in support of this filing. In terms of accountability, this means the Board is either negligent or racist, or both.

The statement that the District has not discriminated against Mexican American students and the Mexican American community in decades is indefensible, in addition to being outrageous, shameful and offensive. Even the very recent history of the desegregation case belies this information. (In fact, its hard to believe that the District must pay so much for such a legally tenuous argument.) There is no point to repeating it here, but some of the more egregious issues have been mistreatment and defunding of magnet schools, removing an entire course of study, the Mexican American Studies, under false pretenses; blocking Mexican American students from equal access to Advanced Learning Opportunities, limited offering of dual language offerings, etc. In fact, the last time the District tried to argue that it no longer discriminated against the Mexican Americans and African Americans, it was sent back to the drawing board under strict instructions to put

together a plan for desegregation, resulting in the USP in 2013 (a mere five years ago). Since that time there have been almost too many court filings, stipulations, legal fees and District legal teams to count. And finally, there has been that annual \$64,000,000 that the District has willingly received for decades. This year, protecting those funds was voted the most important legislative lobbying priority. Did TUSD take that money to correct segregation and discrimination that no longer existed? If so, is the District prepared to return those funds?

We are disturbed and outraged that the Board has not seen fit to handle this issue up to this point. We do understand that you all have limited time and are volunteers. Whether or not the Court takes action, this court filing offers a record of how TUSD would like to treat the majority of its students. If no one on the TUSD Board will take responsibility for the positions in the filing, you must admit Board negligence in allowing the lawyers to write in your name without your authorization and remove the offending language. Otherwise, own up to a racially divisive filing that intentionally tries to remove the largest plaintiff group and explain to the community why you would like to see those 29,000 students lose the protections they have received from the Mendoza plaintiffs. Regardless of which you do, the legal team should be changed. They are unduly expensive, clearly do not communicate adequately with the TUSD Board, and may well have made this outrageous statement without your authorization.

We demand these resolutions because the community which elects you to office and will soon be paying the full desegregation fees out of its own pocket deserves to know where the Board stands on this crucial issue. We look forward to increased transparency and direct responses to our inquiries in this matter.

Sincerely,

**The Coalition for Accountability, Respect, and Excellence (C.A.R.E.)**  
[care4tUSD@gmail.com](mailto:care4tUSD@gmail.com)