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

Roy and Josie Fisher, et al.,
Plaintiffs
and
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District, et al.,
Defendants,
and
Sidney L. Sutton, et al.,
Defendants-Intervenors,

Maria Mendoza, et al.,
Plaintiffs,
and
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District, et al.
Defendants.

No. CV-74-00090-TUC-DCB

No. CV-74-0204-TUC-DCB

ORDER

Report and Recommendation Re: SY 2016-17 reallocating unspent 910G funding

1 The parties have agreed, with one exception, to reallocate unspent 910G funds
2 from the current budget to several activities and projects. The one exception is the
3 proposal to use unspent 910G funds for facility upgrades at Carrillo K-5 Magnet School.
4 The Plaintiffs object because this involves the inappropriate supplanting of other
5 revenues with 910G funds. The supplanting restriction exists to prevent 910G funds from
6 becoming a District slush fund. The Special Master, however, recommends the Court
7 approve the use of the 910G funds “[b]ecause Carrillo is a high performing magnet
8 school that is making gains towards becoming integrated, it is important that serious
9 deficiencies in facilities (e.g., a leaking roof) be repaired in order not to deter families
10 from choosing Carrillo, which would impede the integration of that school.” (R&R (Doc.
11 2008) at 2.) Carrillo is an important component to the USP because it is a successful
12 magnet school. Therefore, the Court agrees that the surplus 910G funds should be used
13 for this proposed facility repair project.

14 **Accordingly,**

15 **IT IS ORDERED** that the Report and Recommendation (Doc. 2008) is approved
16 and adopted by the Court.

17 Dated this 10th day of April, 2017.

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22 Honorable David C. Bury
23 United States District Judge
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