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**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Roy and Josie Fisher, et al.,

Plaintiffs,

v.

United States of America,

Plaintiff-Intervenor,

v.

Anita Lohr, et al.,

Defendants,

and

Sidney L. Sutton, et al.,

Defendants-Intervenors,

CV 74-90 TUC DCB
(Lead Case)

Maria Mendoza, et al.,

Plaintiffs,

United States of America,

Plaintiff-Intervenor,

v.

Tucson Unified School District No. One, et al.,

Defendants.

CV 74-204 TUC DCB
(Consolidated Case)

1 **SPECIAL MASTER’S REPORT AND RECOMMENDATIONS**
2 **ON OBJECTIONS TO THE 2016 BUDGET**

3 On July 29, 2015, in response to request for an extension by the District to respond to
4 objections by the plaintiffs to the 2015-2016 USP Budget, the Court ordered the Special Master to
5 provide his comments on the objections allowing the District to respond both to the Plaintiffs’
6 objections and to those of the Special Master. This was to be submitted on August 17, 2015.
7 This led to a draft by the Special Master to the parties on August 10, 2015 in an effort to resolve
8 some of the differences and avoid sending all of the objections to the Court. This led to further
9 clarifications and the resolution of some of the objections.
10

11 The Department of Justice has filed no objections to the 2015-16 USP Budget passed by
12 the Governing Board on July 14, 2015. The Fisher and Mendoza objections were filed on July
13 24, 2015. The Fisher objections are attached hereto as Exhibit A and the Mendoza plaintiffs
14 objections are attached as Exhibits B1 and B-2. The District submitted a summary of the Board-
15 approved Budget to the Court on July 15, 2015. Because the District only filed a summary
16 budget, the full budget is attached as B-2 (which was an appendix to the Mendoza objections).
17

18 The Special Master received comments from both the Fisher and Mendoza plaintiffs as
19 well as from the Department of Justice and from the District by August 14, 2015 (*see* exhibits C,
20 D, E, & F). The Fisher and District comments are provided in the Special Master’s draft R&R so
21 that draft is included as Exhibit B2. The Special Master is attaching every exchange of
22 information.
23

24 **Objections and Recommendations**

25 The District Failed to Provide Information Requested

26 The Fisher and Mendoza plaintiffs assert that they were not provided information they
27 believe they needed to make recommendations relating to the Budget, or if such information was
28 provided, it was not provided in a timely manner. While there is merit to these objections, some

1 of the information requested has now been provided (since the objections) and the Special Master
2 does not believe that the information requested, had it been provided in a timely way, would have
3 altered the objections discussed below (though the information may have shaped the arguments).
4 The Special Master therefore does not believe the Court should hold up approval of the Budget
5 until all of the information requested but not yet provided is made available.
6

7 This concern about the adequacy of information continues to negatively affect the review
8 and comment efforts by the plaintiffs and Special Master. Some part of this problem seems
9 inevitable in part because what the District views as adequate response is not seen as adequate by
10 the plaintiffs or the Special Master in particular cases. Sometimes, responses give rise to
11 additional questions after decisions are made and/or timelines have expired. Changes in the
12 budget seen by the District as minor and those that are made incrementally go undiscovered until
13 late in the process.
14

15 The Special Master will ask the Budget expert, Dr. Vicki Balentine, who is also a member
16 of the Implementation Committee, to do a thorough review of the strengths and weaknesses of the
17 budget process just completed to include tracing each of the requests for information by the
18 plaintiffs and Special Master and matching those requests to the responses of the District. The
19 purpose of this exercise is to identify problems that can be remedied, which might include a better
20 way of tracking comments and objections and responses.
21

22 This information problem is related to the schedule for approving the Budget.
23 Understandably, the different versions of the Budget change significantly throughout the spring
24 months. The District, in working through the Budget and trying to respond to some of the
25 comments by the plaintiffs, the Special Master and the Board, continues to make changes in its
26 Budget until (and after) submission to the Board. The Special Master will ask the Budget expert
27 to look at the process implemented at the request of the Court to suggest ways to improve that
28

1 process.

2 Since these objections relating to the inadequacy of information deal with specific
3 expenditures, some that seem relevant to the substantive issues relating to the proposed
4 expenditures are discussed below.

5
6 The District's Decision to Freeze Hiring for Positions Approved by the Court

7 The Fisher and Mendoza plaintiffs object to the District's actions during the past fiscal
8 year that froze (or "put on hold") positions that had been provided for in the 2014-15 Budget
9 approved by the Court.

10 In its response to the Special Master's draft R&R, the District says that it did not freeze
11 positions, a position contradicted by a memorandum from the District dated August 11, 2014,
12 putting all "...out of classroom positions... on hold." As Exhibit G (which was provided by the
13 District on May 29, 2015) clearly shows, the District did call for a hold on several positions in the
14 USP Budget.

15
16 Recommendation

17 Regardless of whether the District restricted the hiring of personnel provided for in the
18 2015 USP Budget—an investigation of counterclaims would be time consuming and costly—the
19 Court should prohibit deviations from Court-approved Budgets and the activities they involve
20 without notification to and approval by the Court. It might be noted that the parties agreed at
21 meetings held in March 2015 that the District could reallocate funds if it shared such proposed
22 actions with the plaintiffs and Special Master, thus allowing for objections prior to
23 implementation of the action being proposed. Such reallocations could be noted in the annual
24 reports of the District and the Special Master.
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1 Objections Related to the Proposed In-School Intervention (ISI) and District
2 Alternative Education (DAE) Programs.

3 In response to concerns by the plaintiffs and the Special Master relating to both the
4 number of suspensions and potentially discriminatory nature of suspensions, as well as general
5 guidance from its consultant on school dropouts, the District has modified existing policies and
6 strategies relating to both short-term and long-term suspensions. The Fisher and Mendoza
7 plaintiffs object to (1) the fact that the development of these new strategies were not submitted to
8 the plaintiffs and the Special Master in accordance with the provisions of Section I.D.1 of the
9 USP and (2) that students in the program may be assigned to racially concentrated schools.

10
11 The Fisher plaintiffs have additional objections arguing that: (1) the substance of the
12 plans were not approved by the Governing Board so that the Governing Board had no opportunity
13 to know of the plaintiffs' objections, (2) that the proposed program violates provisions of the
14 Guidelines for Student Rights and Responsibilities GSRR), (3) that these programs give too little
15 attention to the training and climate development that would prevent behavioral problems that
16 might lead to suspensions.

17
18 The Mendoza objections focus on what appear to be inconsistencies or omissions in the
19 proposed programs and inconsistencies with the approved dropout prevention plan. Because
20 suspensions are highly correlated with dropping out and failing to graduate, it is important that
21 policies and practices with respect to suspensions and dropout prevention are coherent. One
22 product of the draft R&R that the Special Master submitted to the parties was that the District
23 clarified and made some commitments (*see* Exhibit F) that led to withdrawal by the Mendoza
24 plaintiffs of several of their objections. The objections that remain are:

- 25
26 1. Identify an approach to Social Emotional Learning other than The Seven Habits of
27 Highly Effective Teams or provide an evidence-based rationale for the use of the
28 proposed the "7 Habits" program for character development.

- 1 2. Clarify the role of social workers in the ISI program that is consistent with the
2 proposed role of social workers in the dropout prevention plan.
- 3 3. Identify the elements of the “success plan” for students leaving the ISI program
4 that includes the components set forth in the dropout prevention plan.

5 The Fisher and Mendoza plaintiffs object to placing students at sites where such
6 placement would result in a racially concentrated school or school becoming more racially
7 concentrated. This concern is predicated on the proposed plan’s provision to locate students with
8 long-term suspensions at Project More as an alternative to sending them home. However, these
9 placements are meant to be temporary. If students in need of the services to be provided were to
10 be assigned to different schools, those schools would have to be staffed appropriately. Class size
11 at Project More is less than half what it is at other schools and the school is quite small in total
12 enrollment. Staff are specially trained to work with troubled and troubling students. To assign
13 students in the DAE program—students whose offenses fall into the most serious categories of
14 violations to other schools would be very expensive, likely lead to family flight unless a wholly
15 new school was developed, and could result in a racially concentrated school given the racial
16 composition of the students who would be candidates for DAE.

17
18 Recommendations

19 With respect to the Fisher objections relating to the process of review, it is arguable that
20 Section I.D.1 of the USP would not apply because the proposals could be seen as modifications of
21 existing programs and policies. The parties are in discussion about clarifying the comment and
22 review processes pursuant to a recent order of the Court. While that order encouraged the
23 submission to the Board of comments by the plaintiffs and the Special Master when major
24 policies are being considered, the procedures for implementing this order have not yet been
25 approved. The Special Master recommends that the Court not reject the expenditures for the ISI
26 and DAE programs on procedural grounds. The fact that the Board does not require detailed
27 and DAE programs on procedural grounds. The fact that the Board does not require detailed
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1 explanations for expenditures (it did not review magnet school plans either) is a matter of Board
2 policy that apparently delegates substantial autonomy to the Superintendent on budget matters.
3 But this does not relieve the District of the responsibility to justify its expenditures to the
4 plaintiffs. In this case, however, the only option at this point would be to put the program on
5 hold. The urgency of providing options to out of school suspension and to in-school suspensions
6 that have no educational value trump putting the program on hold.
7

8 The Special Master recommends that the Court not reject the DAE plan because it may
9 assign students to a racially concentrated school.¹ The Department of Justice supports this
10 recommendation (see Exhibit E).

11 With respect to the argument that the provisions of these programs violate the provisions
12 of the GSRR, the Special Master does not believe this to be the case.

13
14 The Fisher plaintiffs argue correctly that the ISI and DAE plans do not deal with the
15 prevention of student behaviors that result in suspension except in so far as the strategies to be
16 employed affect the students suspended. This concern of the Fisher plaintiffs was addressed in a
17 report I made to the Court as a result of earlier objections by the Fisher plaintiffs about the
18 inadequacy of discipline related professional development. This led to a revision of the District
19 plan for professional development and an appropriate action would be to monitor the
20 implementation of this revised plan. A member of the Implementation Committee has been
21 engaged in such monitoring and a report from the special master will be forthcoming that
22 concludes, among other things, that additional work by the District with respect to professional
23 development that would reduce student misbehavior is warranted. There is no need for Court
24 action in this regard.
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¹ Project More is not at the moment racially concentrated but it is close. It could become racially
28 concentrated if the proportion of DAE students assigned to Project More was more than 70 percent Latino.

1 Regarding the three (of eight) objections by the Mendoza plaintiffs to the ISI/DAE plans
2 not withdrawn, the Special Master sees no need for the Court to act on concerns related to the role
3 of social workers or the elements of the success plan for students. These concerns seem to be
4 addressed adequately, if not comprehensively, by the District in its response to my draft R&R (*see*
5 Exhibit F at 6 and 7).

6
7 With respect to the objection of the Mendoza plaintiffs to the proposed approach to social
8 and emotional learning (SEL), the Special Master recommends that the Court direct the District to
9 identify an approach to SEL other than The Seven Habits of Highly Effective Teens or provide an
10 evidence-based rationale for the use of the proposed the “7 Habits” program for character
11 development.

12 The District’s effort to introduce SEL to the ISI and DAE programs is to be applauded.
13 However, in its order relating to the 2014-15 budget, the Court endorsed prohibiting the District
14 from spending 910g funds for the Lindamood Bell approach to enhancing the reading skills of
15 Latino students because there was no research on the efficacy of this program and there was
16 evidence of research-based alternatives. That is exactly the situation with respect to the 7
17 Habits...based program being proposed by the District. The DAE plan seeks to address the needs
18 of the most troubled and troubling students in TUSD. Proposing to address these needs on the
19 basis of a best-selling book about which no research is cited in the 50 endorsements on its website
20 and is not even mentioned in the recently published Handbook for Social Emotional Learning or
21 the guides for middle and high schools published by the Collaborative for Academic, Social and
22 Emotional Learning is a speculative—to be kind—response to a serious problem. There are other
23 programs with track records that the District could use or build upon. If the District can develop a
24 plan centered on a pop self-help book, it can build a program on research.
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1 Funding for Magnet Schools

2 Both the Fisher and Mendoza plaintiffs object to specific funding decisions for particular
3 magnet schools but the nature of their objections are quite different.

4 The Fisher plaintiffs object to the funding of magnet coordinators at Ochoa and Cragin on
5 the grounds that they will lose their magnet status in 2016-17. The Mendoza plaintiffs are
6 concerned that some magnet schools that are at risk of losing their magnet status are underfunded.
7

8 While Ochoa may well lose magnet status if it cannot integrate its entry class, that
9 decision has not been made. The District made a commitment to Cragin's families and staff in
10 2014-15 to implement a new magnet school at the site. The District now feels that this decision,
11 which was opposed by the Fisher and Mendoza plaintiffs and the Special Master, should be
12 withdrawn. The Special Master believes that this commitment, which is reflected in the hiring of
13 personnel, should be honored for the current budget year. None of the magnet funds are allocated
14 to recruitment and theme development. All are focused on enhancing the learning opportunities
15 for students in the school. This should help the school maintain its integrated status. Cragin is a
16 weak C school.
17

18 With respect to the schools that the Mendoza plaintiffs have identified as vulnerable--
19 Ochoa, Robison, Utterback and Holladay—they argue that these schools need additional funding.
20 It should be noted that all of these schools have more funding in the current year than they did in
21 the previous year. It is not unreasonable to argue that even more funds would help these schools
22 but the District confronts a difficult dilemma. If the District assumes, based on a careful analysis
23 of past experiences with respect to both integration and student achievement, that these schools
24 are likely to lose magnet status, a heavy investment in those schools without revised plans seems
25 problematic. If some schools do lose magnet status, and the special master may make such a
26 recommendation based on enrollment data within the next few weeks, the District should engage
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1 in a plan to meet the academic performance needs of the students in those schools and not invest
2 further in either futile efforts to attract a more integrated student population or the development of
3 the themes that putatively differentiate them as magnets. If magnet status is withdrawn, funds
4 aimed at recruitment of diverse student populations for the current year can (and should) be
5 reallocated to enhancing academic achievement.
6

7 While the District should be given wide latitude in developing school level magnet plans,
8 virtually every comprehensive approach to improving the achievement in schools where students
9 are performing well below standards, especially if the students are from low income communities,
10 places an emphasis on family engagement. In general, the school level plans for magnet schools
11 and programs serving underperforming students appear to give inadequate attention to enhancing
12 family engagement in ways that are consistent with the essential elements of culturally responsive
13 pedagogy.
14

15 The Mendoza plaintiffs also object to the lack of transparency in school level budgets and
16 asks the Court to direct the District to provide the expenditures budgeted for each magnet school
17 and program and file such information with the Court and post such information on the District
18 website as provided for in section X.B.6 of the USP.

19 Recommendations

20 The Special Master recommends that the Court not require the District to alter its 910g budget
21 for magnet schools as requested by the Fisher and Mendoza plaintiffs. However, it is difficult to
22 know exactly what the budget calls for because the budget provisions do not reconcile well with
23 the expenditures listed in the school level plans submitted by the District to the Court. Therefore,
24 the Court should require the District to:
25

- 26 1. Fully fund the activities identified in the school level plans embodied in the
27 Comprehensive Magnet Plan submitted to the Court whether these funds come
28 from 910g or other sources. Or, the District should modify its school-level magnet
plans and resubmit these to the plaintiffs, the special master and the Court.

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2. Direct the District to identify the expenditures budgeted for each magnet school program in sufficient detail to allow the public to understand how the activities in the plan will be supported. This information shall be posted on the District website as provided for in the USP.
3. Ensure that activities needed to implement the academic improvement plans in magnet schools now identified as C and D schools include family engagement. These family engagement activities may be funded from other sources than 910g and may be part of the District's overall family engagement plan.

Additional Objections by the Fisher Plaintiffs

The Fisher plaintiffs object to fully funding the position of Director of Planning Services from 910g funds. They also object to funding a portion of the salary of Richard Foster (who serves as Interim Assistant Superintendent for Curriculum and Instruction) and ask the Court to direct the District to revise its budget to show that it has eliminated all instances of salary supplanting that is exemplified by this particular instance.

Recommendation

In response to a question from the Special Master, the District indicated on July 7, 2015 that 50 percent of the Director of Planning's Work involves the implementation of the USP. Therefore, the Court should limit 910g funding to 50 percent of the Director of Planning's salary and benefits. The Fisher plaintiffs' proposal that the District be required to identify in detail the role that each administrator or professional educator, or other employee play in implementing the USP does not seem feasible.² Moreover, this could well lead to funding more central administration positions from 910g funds. The activities required by the USP are embedded in the day-to-day work of the vast majority of employees in the District. The parties have established collaboratively some guidelines for determining when funding involves supplanting

² Why would this position be partially funded and not others? Because in this case the District is able to distinguish different aspects of the functions performed by the person holding the position with respect to their centrality to USP activities.

1 rather than supplementing – such as the so-called formula plus rule. In Dr. Foster’s case, the
2 District had proposed to fund one fourth of his salary. No doubt at least one fourth of his work is
3 directly related to the implementation of the USP but to specify the exact amount would be very
4 difficult. The District has agreed to pay all of Dr. Foster’s salary from M&O, as it has in the past
5 and as it did for Assistant Superintendent for Curriculum and Instruction. Thus, the particular
6 Foster objection is moot.
7

8 The Special Master recommends that the Court not require the District to specify the
9 particular time that each employee allocates to implement the USP. The implicit understanding
10 among the parties has been that positions the District would have absent a USP (such as a
11 Director for Professional Development), would be funded by M&O funds. If this were not the
12 case, 910g funds would be supporting almost every employees in the District because almost all
13 employees have some role to play in implementing the USP.
14

15 The Use of 910g Funds at University High School

16 The Fisher plaintiffs are concerned that 910g funds are used to support the 30 percent of
17 the UHS students who do not live in the District.

18 Recommendation

19 On July 17, 2015, the District provided the Special Master with an explanation of how
20 910g funds were used at UHS. It appears that much of this funding is focused on recruitment of
21 resident African American and Latino students and the provision of services to these students to
22 ensure their success at UHS. The Special Master recommends that the Court ask the Special
23 Master to examine whether 910g funds are used to support students who do not reside in TUSD
24 and to make a report to the Fisher plaintiffs accordingly no later than October 15, 2015. It may be
25 that some nonresident students who are struggling at UHS would receive services concomitantly
26 with TUSD resident students and if this were the case it would not seem inappropriate to fund
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28

1 such support.

2 Objection to the Extent of 910 G Funding for Gifted and Talented Education (GATE)

3 The Fisher plaintiffs assert that the District intends to fund 60 percent of the cost of GATE
4 classes from 910 G funds and 40 percent of its GATE classes from the M&O budget. On the face
5 of it, this ratio does not seem justifiable but in the absence of a careful analysis, it would be
6 difficult to specify the percentage of funding for GATE programs that should come from M&O
7 funding. Clearly, the USP calls for increased recruitment, enrollment and retention of African
8 American and Latino students in such classes.
9

10 There are different types of GATE programs that deploy teachers in different ways. It
11 would not be feasible to withdraw 910g funding from GATE programs already in place. This
12 would violate commitments to families and staff if the consequence was, as the District says it
13 would be, to eliminate a substantial number of GATE offerings.
14

15 Recommendation

16 The Court should direct the District to undertake a careful analysis of the rationale for the
17 use of 910g funding for GATE classes, including applying the formula plus rule, and prepare a
18 preliminary report to be submitted to the plaintiffs in January, 2016. For example, applying the
19 formula plus rule *could* result in (a) for self-contained programs, the costs of smaller than 27
20 classes would be fundable from 910g, as would teacher training and special materials; (b)
21 classroom teachers doing GATE programs part time in their classrooms would not be funded but
22 their training, as well as special materials, would be; and (c) itinerant GATE teachers and
23 resources and training they needed would be funded from 910g. In addition, costs of testing and
24 other strategies to increase enrollment and success among African American and Latino students
25 could be funded for 910g. If these strategies resulted in increased enrollment, some of these costs
26 could be funded from 910g.
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1 910g funding for the Pan- Asian and Refugee Student Services Department (APIRSSD)

2 The Fisher plaintiffs assert that because Asian students are not covered by the USP, the
3 department providing services to such students should not be funded from 910g. The District
4 argues that this department also is responsible for supporting refugee students, a significant
5 number of whom are from Africa and such students are classified as African American. The
6 Fisher plaintiffs argue that the African American Student Service Department provides services to
7 African refugees.

9 African/African American refugee students (62 percent) and Latino refugee students
10 (2 percent) combine to constitute approximately 64 percent of the refugee students served by
11 APIRSSD. The District says that this does not sufficiently reflect the level of services received
12 by African refugees and their families, in particular. The District says that although the African
13 American Student Services Department (AASSD) and Mexican American Student Services
14 Department (MASSD) serve primarily African American and Latino students, African and Latino
15 refugee students have particularly unique needs (such as language and cultural barriers) that are
16 best served by the refugee services staff who deal with these issues on a daily basis with all
17 refugee students and families. The provision of these services under this department is based on
18 an organizational decision made by the District in order to provide services in an efficient and
19 effective manner.
20

21
22 Although the majority of the time is spent with students of refugee status and Asian and/or
23 Pacific Island descent, APIRSSD provides additional Tier 2 service aligned with TUSD's Multi-
24 Tiered System of Support to any student in the schools where staff is housed. The District reports
25 that in the first semester of 2014-15, APIRSSD provided services for students in the following
26 demographics: 34.3 percent Hispanic, 28.8 percent African American, 20.25 percent Anglo, 11.5
27 percent Asian/Pacific Island, 4.1 percent Multiracial, and 1.2 percent Native American.
28

1 It appears that a substantial proportion of the services provided by the APIRSSD go to
2 meet the needs of students covered by the USP. In any case, altering the funding for this
3 department now would likely result in undermining the educational opportunities of the students
4 served.

5
6 Recommendation

7 The District is involved in a study of the roles being played by the African-American
8 Student Services Department and the Mexican American Student Services Department. This
9 study could lead to a significant restructuring of student services provision. The Special Master
10 recommends that the Court direct the District to describe how the needs of refugee students from
11 Africa and Latin America are being met and should be met in the future and what the Budget
12 implications of such an analysis should be for all of the student services departments. In its
13 proposals for the 2016-17 budget, the District should provide a detailed rationale for 910g
14 funding for the APIRSSD.
15

16 Proposed Allocation to Implement Recommendations of the African-American Academic
17 Achievement Task Force (AAAATF)

18 The Fisher plaintiffs argue that funding for the AAAATF is inadequate.

19 During the budget process for the 2014-15 Budget, the District agreed to set aside
20 \$500,000 for implementing the recommendations of the AAAATF. Draft three of the 2015-16
21 budget, lists an allocation of \$1,105,230 for Activity 514: AAAATF Recommendations. In the
22 final budget, the amount listed is \$724,702 and almost all of these funds are to be used by the
23 African-American Student services Department leaving no funds to implement the AAAATF
24 recommendations scheduled for this fall. Thus far, there are been no recommendations from the
25 task force and thus no expenditures.
26

27 The District says that the budget proposals represent inaccuracies related to
28 “crosswalking.” They commit to putting \$500,000 in the budget that will be available to fund

1 recommendations of the AAAATF.

2 Recommendation

3 There is no need for Court action on this objection because the District agrees to retain the
4 set aside for implementing recommendations of the AAAATF.

5 Additional Objection from the Mendoza Plaintiffs-Dual Language Programs

6 The Mendoza plaintiffs draw attention to the absence in the 2015-16 budget of funding to
7 expand dual language programs as provided for in the USP. They note that there are actually
8 fewer students now in dual language programs than when the USP was approved in 2013. In the
9 Special Master's R&R dealing with the Comprehensive Magnet Plan, it was recommended that
10 the District not be required to create an additional dual language magnet program because the
11 existing programs have failed to attract an integrated student population. However, that
12 conclusion does not excuse the District from aggressively pursuing the establishment of dual
13 language programs.

14 The District argues that it has done what it can to sustain enrollment and that the
15 percentage of all TUSD students in dual language programs in 2014-15 is similar to the
16 percentage prior to the approval of the USP. It also says that it has made substantial investments
17 in improving teaching in dual language programs.

18 Other Districts have found that dual language programs promote integration and, as
19 important, such programs have been found to enhance language skills and to promote cognitive
20 development generally. In short, the case for dual language programs is substantial. It does not
21 appear that the District has engaged in an in-depth study of what makes for effective dual
22 language programs for integration purposes nor has it examined whether locating dual language
23 programs in other sections of the District and in schools that do not have a Latino student
24 populations excess of 75 percent (in the case of Roskruge magnet school) would attract students
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1 of all racial and ethnic backgrounds.

2 The District argues that it is difficult to sustain dual language programs because of the
3 difficulty of recruiting bilingual teachers. However, the USP provides for financial incentives to
4 recruit and retain teachers in hard to staff subject areas. Except for offering opportunities to
5 attend conferences, such incentives have not been used recently to recruit bilingual teachers in
6 TUSD.
7

8 Recommendation

9 The Court should direct the District to develop plans for increasing student access to dual
10 language programs and should implement such plans for the 2016-17 school year. In developing
11 these plans, the District, as it has done in developing other plans, should engage one or more
12 nationally recognized consultants to assist in the study. The plan should be submitted to the
13 plaintiffs and the Special Master no later than January 2016 so that one or more new programs
14 could be initiated for the 2016-17 school year.
15

16 Respectfully submitted,

17
18 /s/
19 Willis D. Hawley
Special Master

20 Dated: August 24, 2015
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CERTIFICATE OF SERVICE

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I hereby certify that on, August 24, 2015, I electronically submitted the foregoing
**SPECIAL MASTER’S REPORT AND RECOMMENDATION ON OBJECTIONS TO
THE 2016 BUDGET** for filing and transmittal of a Notice of Electronic Filing to the following
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