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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 **RELATING TO PRINCIPAL AND TEACHER EVALUATION**

3 **INTRODUCTION**

4 On July 20, 2015, the District provided the plaintiffs and the Special Master copies of the
5 teacher and student evaluation plans passed by the Governing Board. (*See* Exhibit A).

6 On July 30, the Mendoza plaintiffs requested a Report and Recommendation on issues
7 related to the teacher and principal evaluation plans (*see* Exhibit B). On August 10, the District
8 responded to the request for an R&R (*see* Exhibit C). On August 13, the Special Master
9 submitted a draft R&R to the parties in an effort to resolve some of the objections without taking
10 them to the Court (*see* Exhibit D). The Mendoza plaintiffs responded to the draft R&R (*see*
11 Exhibit E). The Fisher plaintiffs and the Department of Justice have not weighed in on the
12 submitted plans. The Special Master submitted an R&R to the Court on August 28, 2015.

13
14 However, because the draft submitted to the parties was labeled as a draft and not the final, the
15 District did not respond, waiting for the ten day “alignment” process with the formal provided for
16 in court orders to respond. In short, the R&R submitted to the Court on August 28, 2015 was
17 premature. The parties agreed to set the date for realignment as September 15. On that date, the
18 District agreed with several proposals made by the Special Master (*see* Exhibits F & G). The
19 Mendoza plaintiffs responded to these realignment proposals on September 22, 2105 (*see*
20 Exhibits H & I). Therefore, this R&R deals only with (a) an unresolved issue regarding principal
21 evaluation and (b) clarification of a request that the District evaluate the weight of the student
22 survey in evaluating teachers. It is the understanding of the Special Master that the Mendoza
23 plaintiffs agree to limit their objections to these two matters. It should be noted that the District
24 contends that the Mendoza plaintiffs do not base their objections on the most recent versions of
25 the plans. The Mendoza plaintiffs contest that (*see* Exhibits H & I). In any event, the Special
26 Master’s comments deal with provisions of the July 20 plans.
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1 **CONTEXT**

2 Research tells us that the two most important in-school influences on student outcomes are
3 teacher and principal effectiveness. Moreover, these are interrelated. Any district's ability to
4 foster improvement of teacher and principal performance depends on having good knowledge of
5 the level of effective practice. Thus, teacher and principal evaluation plans are critically
6 important to achieving the goals of the USP.
7

8 The development of teacher and principal evaluation plans has been a challenge of
9 considerable controversy and has given visibility to the tensions involved in requirements that
10 District practices be reviewed by the plaintiffs, the Special Master, and the Court. For many
11 months, the District refused to submit teacher and principal evaluation plans for review, and a
12 court order in January 2015 was needed to require the District to develop such plans (Doc. 1760).
13 The District collaborated extensively with the Special Master in the development of the
14 observational instruments that are central to the evaluation. However, the reticence of the District
15 to be responsive to other concerns about the evaluation of teachers and principals and the
16 difficulties in resolving issues among the parties is illustrated by its response to the Mendoza
17 plaintiffs' objections in which the District claims it is not required to do many things the plaintiffs
18 are concerned about even when it does not object to doing some of them. For example, the
19 District denies an obligation to:
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- 22 1. Develop evaluation processes that are fair, accurate and meaningful.
- 23 2. Consider whether principals are effective evaluators of teachers.
- 24 3. Revise instruments for evaluating teachers and principals because the instruments
25 are not part of the evaluation process (despite the wording of Section IV.H.1 of the
26 USP).
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1 score are derived from the combination of the teacher and principal surveys. No doubt this
2 reflects the wishes of principals. It seems incongruous to have student surveys account for 10%
3 of teacher evaluation but only 4% of evaluation of principals. It is doubtful that teachers believe
4 that their judgments about principal behaviors and school conditions should be given weight that
5 District staff identifies correctly as negligible. The District's principal evaluation plan says that
6 the views of teachers and students don't count.
7

8 The Special Master believes that minimizing the influence of teacher and student feedback
9 on teacher effectiveness not only reduces the validity of the evaluation, but is also a clear
10 violation of Section IV.H.1.iii of the USP that provides for "...responses from student and teacher
11 surveys..." The instrument to be used to account for more than half of a principal's evaluation
12 score includes numerous items that can be better, and perhaps only, assessed by teachers and
13 students. This is true for several domains in the principal instrument, especially, but not only,
14 with respect to those items referred to as "School Behaviors." (*See* Exhibit B in TUSD's
15 "alignment response, which is Exhibit G). Many of these items require the evaluator to determine
16 what teachers and students believe and experience. How might they do that? Interviewing a few
17 teachers or students in each school is hardly fair to the principals themselves much less a valid
18 way of determining reality. A great deal of emphasis in virtually all school improvement efforts,
19 and certainly in the USP, is placed on the importance of creating (1) school cultures that are
20 inclusive, respectful, supportive, and reflect high expectations and (2) fostering teacher
21 collaboration, supporting teachers' professional growth, retaining effective teachers, and
22 developing a sense of physical and psychological safety that enhances teaching and student
23 learning. What better way to measure whether principals have accomplished these things than by
24 asking teachers and students.
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CERTIFICATE OF SERVICE

I hereby certify that on, September 25, 2015, I electronically submitted the foregoing **SPECIAL MASTER'S REPORT AND RECOMMENDATIONS RELATING TO PRINCIPAL AND TEACHER EVALUATION** for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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