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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 RECOMMENDATION REGARDING**  
2                                   **WITHDRAWAL OF MAGNET STATUS (WITH REVISED ATTACHMENT)<sup>1</sup>**

3           In January 2015, the Court established a set of criteria for determining whether magnet  
4 schools should retain their magnet status and said that all magnet schools should be both  
5 integrated by the 2016-17 school year and should meet specific academic criteria (Doc. 1753).

6           In the Unitary Status Plan, the plaintiffs and the District agreed that criteria for  
7 determining whether a school was integrated would include the provision that no school could  
8 have more than 70 percent of students of a single race/ethnicity. The Court recognized that it  
9 would be very difficult to integrate an entire school that was not integrated – *i.e.* that was  
10 “racially concentrated” – so it required that the criteria that magnet schools needed to meet would  
11 only apply to the entry grade in that school (*i.e.*, K, 6 and 9) and that that goal should be sustained  
12 as the student cohort moved through the school.

13           The Court’s January 2015 Order tasked the Special Master with making recommendations  
14 to the Court as to whether individual magnet schools and programs should lose their magnet  
15 status if they failed to meet their goals. The Special Master deferred in making recommendations  
16 in the fall of 2015 thus providing an opportunity for schools that did not meet the integration  
17 criteria established by the Court to do so the following year.

18           The Special Master examined magnet school enrollment data in 2015-16 and 2016-17 to  
19 determine whether the racially concentrated magnet schools had enrolled no more than 70 percent  
20 Latino in their entering classes. Six schools did not meet the criteria for integration in both 2015-  
21 16 and 2016-17: Cholla, Ochoa, Robison, Pueblo, Safford, and Utterback. *See* Ex. A – Table 1  
22 for relevant data.

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23           <sup>1</sup> This filing supersedes the November 14, 2016 filing captioned “Special Master’s  
24 Recommendation Regarding Withdrawal of Magnet Status.” The sole difference between the  
25 instant filing and the November 14 filing is the correction of certain data in the attached Exhibit  
26 A.  
27  
28

1 Three other schools fell short of reaching 70 percent or less of one race target: Carrillo,  
2 Drachman and Roskruge. Carrillo and Drachman have been “A” schools and have experienced  
3 some progress in moving toward integration status. Roskruge is a dual language school and dual  
4 language is a high priority in the USP.

5  
6 The Special Master recommends that Cholla, Ochoa, Robison, Pueblo, Safford, and  
7 Utterback lose their magnet status this fall of 2016. There is no reasonable way to argue that  
8 these six schools met the integration criteria set by the Court.

9 Magnet funding for the current year may be sustained unless the District proposes  
10 otherwise through the established budget reallocation process. Future funding for the six schools  
11 will be resolved in the budget process for the 2017-18 school year.

12  
13  
14 Respectfully submitted,

15  
16 /s/

\_\_\_\_\_  
Willis D. Hawley  
Special Master

17 Dated: November 15, 2016

**CERTIFICATE OF SERVICE**

I hereby certify that on November 15, 2016, I electronically submitted the foregoing **SPECIAL MASTER'S RECOMMENDATION REGARDING WITHDRAWAL OF MAGNET STATUS (WITH REVISED ATTACHMENT)** for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Andrew H. Marks for  
Dr. Willis D. Hawley,  
Special Master