	Case 4:74-cv-00090-DCB Document 2020	Filed 05/10/17 Page 1 of 7				
1						
2						
3						
4						
5	UNITED STATES DISTRICT COURT					
6	DISTRICT OF ARIZONA					
7						
8	Roy and Josie Fisher, et al.,					
9	Plaintiffs,					
10	V.					
11	United States of America,					
12	Plaintiff-Intervenor,					
13	V.	CV 74-90 TUC DCB (Lead Case)				
14	Anita Lohr, et al.,					
15	Defendants,					
16	and					
17	Sidney L. Sutton, et al.,					
18	Defendants-Intervenors,					
19 20						
20	Maria Mendoza, et al.,					
21	Plaintiffs,					
22	United States of America, CV 74-204 TUC DCB					
23	Plaintiff-Intervenor,	(Consolidated Case)				
24	V.					
25	Tucson Unified School District No. One, et al.,					
26	Defendants.					
27						
28						

# **RECOMMENDATION OF SPECIAL MASTER REGARDING VERSION 3 OF 910G BUDGET**

# 3 <u>Introduction</u>

1

2

4 Consistent with past practice, the Special Master makes two sets of recommendations: 5 one for action by the Court and the other for the District. Because the District has not yet finalized 6 its plans and budgets for magnet schools, there are no recommendations for magnet funding. 7 Recommendations for the Court 8 1. **Student Success Specialists** 9 The Special Master does not object to the proposed allocation for resources for Student 10 11 Success Specialists. However, the Special Master believes that the functions served by SSS could 12 be better used. See Addendum A. This position is included here because at least one of the 13 plaintiffs has indicated that they will oppose the District's proposal. 14 2. **Best Discipline Practices Resource** 15 It does not appear that the District has provided sufficient funds to create an online 16 researchable file of effective practices related to student discipline. The District says this will not 17 18 cost anything to develop. The Special Master does not accept this assertion and doubts that the 19 District knows what this will cost since it does not have a plan for the development, much less for 20 the implementation and maintenance, of such a resource. The creation and on line searchability 21 of this resource requires a development plan and significant resource allocation. 22 3. Mentors 23 The formula that the District has developed for determining the appropriate number of 24 mentors for beginning teachers generally, first-year teachers serving in low-performing schools, 25 26 and CRC teachers has been generally, but not explicitly, described. But it is not possible to 27 determine whether the District has used these formulae to arrive at the budget numbers for 28

#### Case 4:74-cv-00090-DCB Document 2020 Filed 05/10/17 Page 3 of 7

mentors. Given that there have been differences in the past about the adequacy of the number of
mentors, the budget for mentors should not be approved until the District demonstrates how it
arrived at its estimates. The number of mentors budgeted should be determined using this
formula and the calculations involved should be made explicit.

6

4.

#### Research-based Programs

No programs should be implemented that are not based on solid research or have not been 7 demonstrated as effective in TUSD. In the case of programs found to be effective in TUSD, the 8 9 District should provide the empirical evidence of such effectiveness. Asking users what they 10 think or conducting surveys that yield problematic responses for various reasons is not sufficient 11 evidence of effectiveness. Among the programs that appear to fail this test are: Seven Habits of 12 Highly Effective Teens; Fred Jones classroom management; Club Z tutoring; Courageous 13 Conversations; and Capturing Kids' Hearts. The District should not be trying out unproven 14 practices on its students. Moreover, the District seeks to be evidence driven. When it implements 15 16 questionable practices and programs it undermines a culture of professionalism is says it want to 17 nurture.

18

#### Cluster GATE

5.

19 The District should fund 12 additional cluster GATE programs over the next three years, 20 with at least four new programs being introduced in each of the next two years. It is not 21 necessary to fund programs in every grade, though this is obviously desirable. These programs 22 will, if located strategically, significantly increase the opportunities for Latino, and especially, 23 24 African American students, to participate in ALE. The District recently reduced the number of 25 cluster GATE programs. Those should be restored—though not necessarily at the same locations. 26 Cluster GATE is one of the most effective ways to increase the number of African American and 27 Latino students who experience more rigorous instruction and curricula. 28

-3-

### Recommendations for the District

2 3

4

5

6

7

1

#### 1. <u>Seven-Period Day at Dodge</u>

If the seven-period day is very expensive, as the District asserts in its response to the Mendoza plaintiffs' related RFI, making this investment in a high-performance school like Dodge as compared to a vulnerable magnet school or a low-performing school seems unfair and not strategic.

8

# 2. <u>Consultants</u>

9 The District should justify the employment of any outside consultant. It seems clear that 10 many of the consultants used do not align their advice to the ongoing approaches being promoted 11 by the District. This is abundantly clear, for example, with respect to culturally responsive 12 pedagogy. Moreover, when consultants come in to provide workshops for 1-3 days (and the like), 13 they often provide their own take on the topic, and there are no opportunities for follow-up. 14 When the consultant comes to the District as a trainer of trainers dealing with an integral part of 15 16 what staff are to know and be able to do, this can be valuable. However, in justifying the 17 consultant for EEI, the District indicates that this person will provide one-on-one training. 18 Typically, consultants are hired to build the system capacity (e.g., training trainers). TUSD seems 19 to be proposing the opposite.

20 21

# 3. <u>Self-Contained GATE</u>

It appears that implementing a self-contained GATE program at Wheeler may have some
integrative affect. This effect will be greater if this is an open GATE program like the one at
Tully. A self-contained program at Roberts Naylor is unlikely to have integrative outcomes.

25

4.

# Incentives for MTSS Lead

A \$1000 incentive for MTSS Leads appears to be inadequate and to communicate that
MTSS is not important. Leads seem to have substantial responsibility.

-4-

#### Summer Learning 5.

1

2	One of the reasons why it is so difficult for the District to reduce the achievement gap is				
3	that students from low income families and communities lose achievement developed during the				
4 5	school year in the summer. Summer learning loss affects low income students significantly more				
6	than their better-off peers. This common problem can be addressed by a summer school program;				
7	there are many models to be implemented. This should be an extraordinarily high priority for the				
8	District, and such programs should be located in communities that have a significant number of				
9	African American children. Of course, such programs would benefit Latino children as well, but				
10	African American students, overall, are achieving at lower levels than Latino students and				
11	therefore should have priority for this proven academic intervention. It is too late to implement a				
12	previously unplanned summer program unless the staff of a given school has interest in doing this				
13	now.				
14 15	Respectfully submitted,				
15 16					
17	<u>/s/</u>				
18	Willis D. Hawley Special Master				
19	Dated: May 10, 2017				
20					
21					
22					
23					
24					
25					
26 27					
27 28					
28					
	-5-				

	Case 4:74-cv-00090-DCB Document 2020 Filed 05/10/17 Page 6 of 7						
1	CERTIFICATE OF SERVICE						
2							
3	I hereby certify that on, May 10, 2017, I electronically submitted the foregoing						
4	<b>RECOMMENDATION OF SPECIAL MASTER REGARDING VERSION 3 OF 910G BUDGET</b> for filing						
5	and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:						
6	J. William Brammer, Jr.						
7	wbrammer@rllaz.com						
8	P. Bruce Converse <u>bconverse@steptoe.com</u> ,						
9	Oscar S. Lizardi						
10	<u>olizardi@rllaz.com</u>						
11	Michael J. Rusing						
12	mrusing@rllaz.com						
13	Patricia V. Waterkotte						
14	pvictory@rllaz.com						
15	Rubin Salter, Jr. <u>rsjr@aol.com</u>						
16	Kristian H. Salter						
17	kristian.salter@azbar.org						
18	Zoe Savitsky						
19	Zoe.savitsky@usdoj.gov						
20	Anurima Bhargava Anurima.bhargava@usdoj.gov						
21	Lois D. Thompson						
22	<u>lthompson@proskauer.com</u>						
23							
24							
25	Andrew H. Marks for						
26	Dr. Willis D. Hawley, Special Master						
27							
28							
	-6-						

	Case 4:74-cv-00090-DCB	Document 2020	Filed 05/10/17	Page 7 of 7
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				