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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 ON MAGNET SCHOOLS**

2 **Introduction**

3 This Report is responsive to the provisions of the September 6, 2018 Court Order (Doc.
4 No. 2123 at pp. 25-26) related to magnet schools. The Court’s Order states:

5 *The Special Master is currently responsible for recommending the termination of*
6 *noncompliant magnet schools or programs, with the exception of any school or program*
7 *where the District has prepared an improvement plan... which has been approved by the*
8 *Special Master.... The Special Master shall expressly identify the criterion guiding these*
9 *determinations as being relevant to improving: 1) integration, 2) the minority*
10 *achievement gap, and 3) the school’s student achievement profile....*

11 *The Special Master shall base his recommendation on express criteria and guidelines for*
12 *identifying a successful magnet program. Such criteria and guidelines developed by the*
13 *Special Master, shall be provided to the District for incorporation into the CMP for future*
14 *use.*

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16
17 In this Report, the Special Master does not recommend that the Court take any action at
18 this time. In its recent order, the Court gave the District explicit direction regarding magnet
19 schools and tasked the Special Master with responsibilities for evaluating magnet schools by
20 making recommendations with respect to their future status. The Special Master is asking that the
21 parties treat this report as directions to be acted upon as he and the parties work collaboratively to
22 implement the recommendations herein. Of course, should they object to any of the Special
23 Master’s proposals, the parties should inform him accordingly, and he will initiate a meeting
24 among the parties in order to facilitate efficient progress over the next three months and beyond.
25 The Court has ordered the District to submit a comprehensive magnet plan by the end of the
26 school year. At that time, plaintiffs and the Special Master will have an opportunity to advise the
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1 Court about aspects of the plan they do not support.

2 The Special Master will then report to the Court and the parties with respect to the
3 progress the District is making to improve the magnet schools identified in this report as being at
4 risk of maintaining magnet status. That may include a recommendation that the Court direct the
5 District to develop transition plans for specific schools that do not appear to be making progress
6 necessary to demonstrate that they are able to remedy to a reasonable extent the concerns
7 identified by the Special Master in this report. However, the Special Master assumes that in most,
8 if not all cases, it will be necessary to know how well students perform on the 2019 AZ Merit
9 tests of academic performance before a decisive judgment can be made about the magnet status of
10 any school.

11
12 This somewhat unusual approach is motivated by awareness that some of the schools
13 identified in this report have not yet been advised of their vulnerability and that, in any event, the
14 schools deserve the time – even if it is short – to demonstrate that they have the capability to
15 move effectively to improve the educational opportunities and outcomes of their students and to
16 do so in ways that are consistent with the USP.

17 **Criteria**

18
19 The criteria identified in the USP for determining magnet status fall into two categories:
20 integration and academic quality.

21 *Integration*

22
23 A school is considered integrated if no race exceeds 70% of the school's student
24 population and the students of any other race do not comprise plus or minus 15% of the District-
25 wide proportion of students of each race in schools with similar grade structure to the school
26 being evaluated (*e.g.*, a K-5 school, etc.). However, it would be very difficult for a school to alter
27 its racial composition for the entire school in a short time. Therefore, the Court approved – for
28

1 the purposes of retaining and attaining magnet status – that the integration criteria would apply to
2 the entry grade in a given school (*e.g.*, K) with a requirement that that integration status be
3 sustained in subsequent years (*e.g.*, 1 and beyond).

4 *Academic Quality*

5 Academic quality for purposes of determining magnet status involves five measures:

- 6 1. The letter grade assigned to the school by the state. The state uses student performance on
7 statewide standardized tests as a major consideration in determining these grades. Letter
8 grades that are acceptable are A and B. *See* Table I.
- 9 2. Whether the state test scores of the of African American and Latino in a particular school
10 exceed the average test scores of African American and Latino students in schools
11 throughout the District with similar grade structures (*e.g.*, K-5). *See* Table II.
- 12 3. The size of the achievement gap in mathematics and English language arts (ELA)
13 comparing test scores of white students to those of African American and Latino students.
14 *See* Table III.¹
- 15 4. The extent to which the school has narrowed or eliminated the achievement gaps. *See*
16 Tables III and Table IV.
- 17 5. Improvement in the passing scores on state tests of African American and Latino students.
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21 While these different measures usually point in the same direction, that is not always the case.
22 Gaps may differ for African American and Latino students and for different subjects. Schools
23 with high overall performance may have larger achievement gaps than schools where students
24 achieve at lower levels. When such ambiguity exists, the Special Master may use other factors
25

26 ¹ The achievement gap is calculated for purpose here by subtracting the average passing (proficient
27 and highly proficient) scores of African American and Latino student’s on state tests in mathematics and
28 English/language arts from the scores of white students. Sometimes researchers adjust test scores to take
into account non-school influences on student learning. That is not done here.

1 that affect the learning environment schools, such as the levels of school discipline problems.

2 **Summary Recommendation**

3 The Special Master recommends that no magnet school lose its magnet status at this time.
4 However, the Special Master recommends that five of the 13 magnet schools be informed that
5 they might not retain their magnet status beyond the current year depending on whether the
6 District takes appropriate action to address problems in these schools during the current school
7 year.
8

9 The five schools that are vulnerable to losing magnet status before the beginning of the
10 2019-20 school year. Those schools are: Booth-Fickett, Holladay, Borton, Roskruge, and
11 Drachman. The reasons for their vulnerability and general improvements that would be required
12 to sustain magnet status are discussed below.

13
14 The fact that only five schools are identified as vulnerable does not mean that all of the
15 other eight magnet schools do not have work to do. This will be discussed in the conclusion of
16 this report.

17 **Analysis**

18 **Integration**

19 Three magnet schools were not integrated at the beginning of the 2018-19 school year –
20 Roskruge, Holladay, and Mansfield. Mansfield is six percentage points closer to integration than
21 Holladay. In the two previous years, Holladay was within one point of integration, and it is
22 possible that this year's enrollment pattern is an aberration. But, on academic criteria, Holladay
23 and Mansfield are on different paths. Mansfield was a B school the last two years and is stronger
24 this year than last year. Holladay moved from being a C school to a D school and other measures
25 of academic quality are consistent with the pattern of the school's letter grades.
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1 **Academic Quality**

2 Before discussing the individual schools that are vulnerable to losing magnet status
3 primarily because of academic criteria, it seems worth noting that the oft-cited contention that the
4 achievement gaps in TUSD are not narrowing is not completely correct, at least with respect to
5 magnet schools. As Table II indicates, half of the 12 schools that have a number of African
6 American students large enough to permit comparison (Davis does not) saw a decrease in the
7 achievement gap between African American and white students in both math and ELA. Bonillas
8 achieved an astounding 55 percentage point decrease in the mathematics achievement gap over
9 the last three years and a 31 percentage point drop in the gap between African American and
10 whites in math proficiency. The success in narrowing the mathematics achievement gap between
11 African American and white students at Carrillo was an extraordinary 81 percentage points
12 (although there was a small number of African American students). Seven of the 13 schools
13 narrowed the gap between ELA test scores of Latino and white students. In four schools the
14 mathematic gap was narrowed markedly. However, in four of the remaining nine schools the
15 gaps widened but only marginally – no more than 2.5 percentage points. The most successful
16 schools in narrowing the achievement gap between Latinos and whites are Bonillas and Carillo.
17 Table III provides more detailed information than Table II.

18
19
20 Taking all the data available to him over the last three years, the Special Master groups the
21 five schools that are at risk of retaining magnet status beyond the current school year into two
22 categories: schools that require major revisioning and schools that require revitalization that will
23 likely require significant investments in current themes and curriculum.

24 **A Caveat**

25 The data from which conclusions are drawn here are based in some cases on small
26 numbers of students, especially African American students and white students in fewer cases.
27
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1 But no conclusion rests on only one measure of academic performance. And, with respect to
2 achievement gaps, where the gaps are large for African Americans there is often a gap between
3 Latino and white students. Moreover, when small numbers of students are tested, one can
4 examine trends and beyond that, look more deeply at other evidence of student achievement other
5 than state tests. In any event, there does not appear to be objections from the parties to the
6 conclusion that these five schools need significant improvement.
7

8 **Schools in Need of Major Revisioning**

9 The three schools in need of major revisioning are: Booth-Fickett, Borton, and Holladay.
10 Holladay is at the bottom of most of the measures of academic quality identified above. Booth-
11 Fickett is a D school and Borton is a C school with large achievement gaps for both African
12 American and Latino student in both subject tests. All of these schools lack clear themes. But
13 they are reasonably well integrated. All serve much larger percentages of African American
14 students than does the District as a whole, a reality that warrants continual and more strategic
15 investment.
16

17 **Booth-Fickett**

18 Booth-Fickett is underperforming academically and, in addition, is characterized by
19 student disruption, low staff morale, and other maladies undermining the quality of education that
20 the school's students experience. These problems and others cannot be remedied without
21 substantial changes, including changes in school staffing, strengthening instruction, especially
22 Culturally Responsive Pedagogy (CRP); dealing with student misbehavior and the lack of civility,
23 including the strengthening of PBIS; family engagement; and making extensive and effective use
24 of data available in the EBAS. The case could be made that Booth-Fickett should cease to be a
25 magnet school. However, the significant changes that are necessary at the school will be much
26 easier to implement if it retains its magnet status now.
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1 **Holladay**

2 Until last year, Holladay was integrated as defined by the USP (about 69 or 70 percent
3 Latino). In the last year, the percentage of Latino students entering the school was almost 79% of
4 the kindergarten class. The percentage of magnet students (those not living in the neighborhood
5 of the school), was about 20 percent. This may be an aberration but, as will be seen by examining
6 the academic performance of the school, Holladay is one of the weaker magnets academically
7 (*e.g.*, the state grade for the school dropped from C to D in 2018).
8

9 **Borton**

10 On three out of five measures of academic performance, Borton is weak and it is just
11 barely above the District average. Moreover, achievement gaps are among the highest in the
12 District (*see* Table III).
13

14 **Re-visioning Summary**

15 The District should be well aware of the problems confronting these three schools.
16 Tweaking existing practices is not likely to bring about the substantial improvement necessary to
17 justify their magnet status. The District shall work with the Special Master and the
18 Implementation Committee in the development of a preliminary plan for these schools by
19 November 4, 2018. This plan shall be reviewed within two weeks by the plaintiffs and the
20 Special Master. This plan shall be revised for initial implementation no later than June 2019.
21 This plan shall be consistent with the Comprehensive Magnet Plan (CMP) ordered by the Court.
22

23 **Schools in Need of Revitalization: Roskruge and Drachman**

24 **Roskruge**

25 Student performance at Roskruge is well below the District average. It is a C school. On
26 some tests and in some grades students at Roskruge score below the District average while the
27 student test scores are higher than the District average in other grades and subjects. Moreover,
28

1 there is little chance that school can become integrated. However, Roskruge is a dual language
2 school, and the USP calls for the District to enhance student opportunities to participate in dual
3 language programs. The District has been studying how it can improve access to dual language
4 opportunities for TUSD students. Students who gain from learning a second language at
5 Roskruge should not be paying a price in terms of quality education. It is hard to find a reason
6 justifying that Roskruge retain its magnet status except to facilitate transportation to a dual
7 language school. But if that is the case, the District should be proposing support for
8 transportation to dual language schools. Such transportation might well be contingent on the
9 effects that transportation-facilitated enrollment has on integration. Rather than consider
10 Roskruge as a magnet school, it seems sensible to ensure, as best the District can, that Roskruge
11 play an important role in a comprehensive dual language plan.

14 **Drachman**

15 Three years ago, the successful implementation of its Montessori theme resulted in
16 Drachman making progress in achieving integration, and it received a grade of A from the state
17 based on academic performance. Seeking to build on the success, the District added three grades
18 to Drachman in 2017-18. Perhaps because Montessori instruction is typically undertaken in the
19 early grades, adding middle school grades seems to have overwhelmed the school, and its student
20 population became less integrated, its academic performance declined and the achievement gaps
21 widened. The District has indicated that it is rethinking the school's structure and curriculum to
22 return to a more conventional Montessori program. Despite its recent decline academically,
23 Drachman students score above the District average in both ELA and math. Should Drachman
24 return to its K-5 status, it will have a well-defined curriculum and approaches to instruction that
25 are likely to find a continuing number of parents interested in its approach. It seems likely that
26 most families in TUSD have a limited understanding of Montessori education.
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1 **Conclusion**

2 The Court has made it clear that it is time to strengthen the magnet schools overall. Those
3 schools that are not facilitating integration or providing their students a quality education should
4 lose magnet status so that resources can be used more effectively in other schools or programs.
5 The Special Master believes that little is to be gained by recommending to the Court at this time
6 that several schools lose magnet status. While the reasons for the vulnerability of the schools
7 identified in this report should be clear to all, the stakeholders in some of these magnet schools
8 apparently had not, until recently, received specific direction for improvement targeted to
9 provisions of the USP and related action plans for magnet schools that have implications for their
10 future magnet status. And, the criteria identified by the Special Master are in some ways different
11 from those identified prior to this report. However, even if the schools were judged only by past
12 standards, the Special Master would have come to similar conclusions.²

15 As noted at the outset of this report, the five schools that are the focus of this report are
16 not the only magnet schools in need of substantial attention. The data in the tables in this report
17 suggest that Tully Elementary School and Palo Verde High School need to improve student
18 performance substantially. Tully is involved in a major experiment that showed great promise in
19 2016-17 but in its second year appears to have been much less successful. The reasons for this
20 slide need to be discovered. Palo Verde is weak academically but improved its state grade from
21 D to C. Even though Tucson High is a B school, achievement gaps are unacceptably high.

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26 ² The Court's September 6 Order directs the Special Master to develop standards to be used in
27 decisions related to the outcomes for magnet schools. The standards identified in this report is the first
28 step in that process. The District has indicated that it wants to withdraw its earlier endorsement of
academic measures that magnet schools must meet to retain or obtain magnet status.

1 **Next Steps**

- 2 1. The District shall provide the plaintiffs and the Special Master with a detailed plan for
3 implementing improvements in the five schools identified in this report by December 4.
4
- 5 2. The District shall provide a report on or before January 15, 2019 to the plaintiffs and the
6 Special Master on the progress made in implementing improvements in the five magnet
7 schools identified in this report.
- 8 3. The Special Master and the District shall seek agreement on whether academic criteria
9 shall be used in determining the status of magnet schools and, if so, what those criteria
10 shall be. A report on this collaboration shall be submitted to the plaintiffs for comment no
11 later than January 2019.
- 12 4. The Special Master shall issue a preliminary report to the parties on February 1, 2019
13 identifying further steps the District needs to take and what evidence it needs to present so
14 that the Special Master can make recommendations to the Court. This shall be followed
15 up on a monthly basis with reports to the parties about progress the district is making in
16 implementing its improvement plans for the identified schools.
- 17
- 18 5. During the spring term in 2019, the Special Master may recommend to the Court that any
19 particular school shall lose its magnet status if it is apparent that the school is making little
20 or no progress in successfully implementing its improvement plan.
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- 22 6. Shortly after data on student achievement for 2018-19 becomes available, the Special
23 Master shall submit a report to the Court about the maintenance of magnet status by the
24 five schools identified in this report and by other magnet schools.
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Respectfully submitted,

/s/
Willis D. Hawley
Special Master

Dated: November 15, 2018

TABLE I
ADE PRELIMINARY LETTER GRADES

SCHOOL	FINAL 2016-17	PROJECTED 2017-18
Carrillo Intermediate Magnet School	B	A
Bonillas Elementary Basic Magnet	B	B
Palo Verde High Magnet School	D	C
Drachman Primary Magnet School	F	C
Ida Flood Dodge Traditional Middle	B	B
Davis Bilingual Magnet School	B	B
Mansfeld Middle School	B	B
Tucson Magnet High School	B	B
Roskruge Bilingual Magnet Middle School	C	C
Booth-Fickett Math/Science Magnet School	D	D
Borton Primary Magnet School	C	C
Tully Elementary Accelerated Magnet	B	C
Holladay Intermediate Magnet School	C	D

TABLE II**AZMerit STUDENTS IN MAGNET SCHOOLS
COMPARED TO ALE TUSD STUDENTS PASSING**

SCHOOLS	ELA	MATH
Carrillo	52	61
Davis	54	60
Borton	42	40
All Elementary ELA	37	
Bonillas	32	44
All Math		39
Tully	31	31
Holladay	23	22
Drachman	32	35
K-8 District Ave Math		27
Booth-Fickett	26	20
K-8 District Ave ELA	28	
Roskruge	32	28
Dodge	55	56
Mansfeld	36	39
MS District Ave ELA AND MATH	28	28
HS District Ave ELA AND MATH	29	24
Tucson High	25	21
Palo Verde	17	14

TABLE III**SIZE OF ACHIEVEMENT GAPS 2017-18**

SCHOOLS	2017-18 MATH			2017-18 ELA		
	White Tested	AA Tested	% diff W/AA	White Tested	AA Tested	% diff W/AA
Bonillas	22	20	-6	22	20	13
Borton	42	15	-34	43	15	-23
Carrillo	16	7	17	16	7	21
Davis	25	8	-5	25	8	-10
Holladay	5	21	-36	5	21	-86
Tully	14	29	-12	13	29	-22
Drachman	27	11	-17	27	11	-21
Booth-Fickett	165	128	-7	144	117	-9
Roskruge	39	18	-30	37	15	-13
Dodge	96	39	-35	84	36	-20
Mansfeld	139	91	-38	130	89	-35
Palo Verde	159	141	-17	164	152	-25
Tucson High	269	150	-28	251	113	-19

SCHOOLS	2017-18 MATH			2017-18 ELA		
	White Tested	Hispanic Tested	% diff W/Hisp.	White Tested	Hispanic Tested	% diff W/Hisp
Bonillas	22	122	5	22	122	3
Borton	42	139	-42	43	137	-36
Carrillo	16	120	-7	16	119	4
Davis	25	114	-25	25	113	-22
Holladay	5	67	-42	5	69	-83
Tully	14	113	-7	13	110	-17
Drachman	27	132	-11	27	131	-21
Booth-Fickett	165	368	-5	144	338	-4
Roskruge	39	431	-18	37	395	-15
Dodge	96	269	-18	84	253	-18
Mansfeld	139	694	-28	130	649	-24
Palo Verde	159	355	-11	164	362	-22
Tucson High	269	1350	-27	251	1431	-30

TABLE IV
CHANGE IN ACHIEVEMENT GAP IN MAGNET SCHOOLS

3 Year Change in AzMerit ELA Proficiency Achievement Gap Between White and African American Students 2015-16 & 2017-18		3 Year Change in AzMerit Math Proficiency Achievement Gap Between White and African American Students	
School	% diff in Proficiency White and AA	School	% diff in Proficiency White and AA
Drachman	-40.6	Drachman	-19.4
Holladay	-46.8	Holladay	-18.6
Borton	20.4	Borton	-11.3
Tully	-31.7	Tully	-9.3
Mansfeld	-6.9	Mansfeld	0.2
Palo Verde	-13.9	Palo Verde	-11.9
Tucson High	-7.8	Tucson High	-8.4
Carrillo	68.1	Carrillo	50.3
Roskruge	9.3	Roskruge	-5.3
Booth-Fickett	1.8	Booth-Fickett	17.4
Dodge	-0.6	Dodge	-14.9
Bonillas	23.0	Bonillas	13.1
Davis	-5.9	Davis	7.7

3 Year Change in AzMerit ELA Proficiency Achievement Gap Between White and Hispanic Students 2015-16 & 2017-18		3 Year Change in AzMerit Math Proficiency Achievement Gap Between White and Hispanic Students	
School	% diff in Proficiency White and Hispanic	School	% diff in Proficiency White and Hispanic
Drachman	-27.6	Drachman	-12.3
Holladay	-49.0	Holladay	-19.4
Borton	10.5	Borton	-12.4
Tully	-23.3	Tully	-10.9
Mansfeld	5.5	Mansfeld	-2.9
Palo Verde	-16.7	Palo Verde	-8.0
Tucson High	-2.3	Tucson High	-5.6
Carrillo	31.1	Carrillo	26.1
Roskruge	-6.8	Roskruge	-3.1
Booth-Fickett	1.9	Booth-Fickett	7.0
Dodge	-2.2	Dodge	1.7
Bonillas	3.4	Bonillas	4.2
Davis	-6.5	Davis	10.7

TABLE V
CHANGE IN PERFORMANCE IN MAGNET SCHOOLS

SCHOOLS	AA ELA 2015-16 & 2017-18	AA MATH 2015-16 & 2017-18	HISPANIC ELA 2015-16 & 2017-18	HISPANIC MATH 2015-16 & 2017-18
Carrillo	52	46	15	22
Davis	-4	15	2	18
Borton	11	-1	2	-2
Bonillas	11	21	-8	12
Tully	0	12	9	10
Holladay	9	8	7	7
Drachman	-56	-48	-43	-41
Booth-Fickett	1	-4	1	-14
Roskrige	20	3	4	5
Dodge	0	-11	2	5
Mansfeld	0	5	13	3
Tucson H.	-5	2	0	5
Palo Verde	-2	-4	-4	0

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CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2018, I electronically submitted the foregoing via the CM/ECF Electronic Notification System and transmittal of a Notice of Electronic Filing provided to all parties that have filed a notice of appearance in the District Court Case.

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