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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 among the highest in the district. This problem will be ameliorated to some extent as students
2 who attend the school in the early grades move into the middle school. In addition, the school
3 should admit to grades 6 to 8 only those students who have prior Montessori experience or who
4 are interviewed by the staff and are determined to be able to manage the self-directed learning
5 experiences that characterize the Drachman's Montessori curriculum. To provide admission to
6 the students who do not have the readiness to prosper from the Montessori curriculum would
7 undermine not only the school but the education of the children themselves. In addition, to
8 modify the Montessori curriculum to accommodate students unable to handle it will likely lead
9 families attracted to the school to seek out a more conventional Montessori school. (There are
10 two Montessori charter schools serving Tucson families).
11

12 The more Drachman again is characterized by fidelity to the Montessori model, the higher
13 student achievement and state grades will be and the more attractive it will be to families
14 throughout the district, thereby increasing integration of the school.
15

16 **Roskruge**

17 Roskruge is a dual language school that uses a model of bilingual education called Two
18 Way Dual Language (TWDL). While TWDL may be the best approach to learning a second
19 language, student success is dependent on students having a working knowledge of the language
20 being learned no later than the beginning of the second grade. This complicates efforts to
21 integrate the school.
22

23 Students that enter the school after the first grade who do not have a working knowledge
24 of Spanish or who are unable to pass a screening test that measures Spanish fluency struggle with
25 the curriculum. The school has admitted students with limited English in later grades but must
26 provide those students with intensive Spanish instruction. This means that these students are
27 unable to take the full range of classes and subjects that Spanish-capable students experience.
28

1 And, because the rigor of the curriculum in the later grades is greater than in the early grades,
2 students who do not have Spanish capability when they enter the second grade often will not
3 perform well in later grades, even if they learn some Spanish in the school, because they lack the
4 same capability in Spanish that their peers developed in early grades or had when they entered the
5 school.

6
7 The District is proposing that the school lose its magnet status, and the Special Master
8 concurs. However, because the USP places a priority on dual language programs, it is important
9 that Roskruge program be sustained. This means that it must retain many of the resources and
10 funds that go along with magnet status and that are provided to other TWDL schools.

11 Accordingly, the students enrolling in this school should have transportation provided by the
12 District and the funds for support staff and teaching staff should be retained. However, all of the
13 teachers who now teach students without Spanish facility will not be needed except, perhaps,
14 these teachers during the transition years.

15
16 The District wants to eliminate the boundaries for admission to Roskruge. The Special
17 Master concurs in part but believes that there is no reason not to give priority to the admission of
18 students to grades K-1 from the current neighborhood boundaries. Moreover, students now
19 enrolled in Roskruge should be allowed to continue until they graduate from the school or
20 otherwise leave. Providing priority admission to current students will minimize disruption in the
21 lives of the neighborhood families. It is important to note that some Roskruge neighborhood
22 students are Native Americans whose families have been negatively affected by past school
23 closings.¹

24
25
26 _____
27 ¹ Note that Native American students will almost certainly further integrate any school in which
28 they enroll. This will, according to existing District policy, give them priority in oversubscribed schools
and make them eligible for transportation to their chosen school.

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2019, 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

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