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 CV 74-90 TUC DCB (Lead Case) v. 14 Anita Lohr, et al., 15 Defendants, 16 and 17 Sidney L. Sutton, et al., 18 Defendants-Intervenors, 19 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

REPORT OF SPECIAL MASTER ON STATUS OF DRACHMAN AND ROSKRUGE K-8 MAGNET SCHOOLS

Overview

The Special Master has visited all five of the schools that have been identified as potentially losing their magnet status this year. He believes that it is important to eliminate uncertainty among families and staff about the future of these schools as soon as possible. In this Report, the Special Master recommends to the Court that the magnet status of Drachman and Roskruge be confirmed, subject to the stipulations identified below.

Drachman

Drachman is a Montessori school that had been awarded a grade of A by the State of Arizona prior to the addition of middle school classes to the school. In the recent grades assigned by the Arizona Department of Education, the school initially received a grade of F, which was later changed to a C grade as a result of an appeal by the District.

The Drachman principal attributes the loss of grade A status to two factors. First, because Montessori programs do not use computers as important learning resources, students in the school had trouble answering the questions on the computer-based state test which requires some facility in the ability to use a computer. The school has modified the curriculum to incorporate computer-based learning and has provided each student with access to a computer throughout the learning day.

The second factor that the principal believes explains the lower scores of students in the school is that in bringing middle school students into the school who were not familiar with self-directed learning that is part of the Montessori strategy, those students failed to learn at a rate comparable to the students who had the Montessori experience. Indeed, the principal says that when the scores of students in grades K-5 are counted, the school's scores on state tests would be

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

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

Roskruge

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

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

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27 28 And, because the rigor of the curriculum in the later grades is greater than in the early grades, students who do not have Spanish capability when they enter the second grade often will not perform well in later grades, even if they learn some Spanish in the school, because they lack the same capability in Spanish that their peers developed in early grades or had when they entered the school.

The District is proposing that the school lose its magnet status, and the Special Master concurs. However, because the USP places a priority on dual language programs, it is important that Roskruge program be sustained. This means that it must retain many of the resources and funds that go along with magnet status and that are provided to other TWDL schools. Accordingly, the students enrolling in this school should have transportation provided by the District and the funds for support staff and teaching staff should be retained. However, all of the teachers who now teach students without Spanish facility will not be needed except, perhaps, these teachers during the transition years.

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

¹ Note that Native American students will almost certainly further integrate any school in which 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.

The school is not now integrated, and there is reason to believe that it will not be integrated in the future. However, the Mendoza plaintiffs and the school principal believe that the changes proposed above will make the school more effective and more attractive to families throughout the district. Therefore, the Special Master recommends that Roskruge retain its magnet coordinator through the following school year, at which time an assessment can be made as to whether the school could be on its way to being integrated. The possibilities this will result in a positive outcome may well depend on the availability of an express bus from the eastern areas of the district. Respectfully submitted, Willis D. Hawley Special Master Dated: January 23, 2019

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