

**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 AND RECOMMENDATION DEALING**
2 **WITH MIDDLE SCHOOL CREDIT FOR HIGH SCHOOL COURSES**

3 **Overview**

4 On December 6, 2018, the District filed its Court-ordered plan for ensuring that all middle
5 grade students have access to at least one course for which they could receive high school credit.
6 In its filing, the District requested that the Court provide partial unitary status for this aspect of
7 the September 6, 2018 Court order.

8 The Mendoza plaintiffs objected on the grounds that (1) it was not clear what was
9 being proposed at which campuses and asked for relevant data for the 2018-19 school year and
10 (2) evidence was needed regarding the efficacy of online learning in TUSD currently and in the
11 future.

12 In its January 22 response, the District provided the requested data and cited the success
13 of TUSD students who had taken online courses. This response related to the level of student
14 learning is unlikely to satisfy the Mendoza plaintiffs who want evidence that when online courses
15 are used going forward that they are effective.

16 Since the students who were cited by the District take the same exam as other students in
17 face-to-face courses, the assumption of future efficacy seems reasonable. Moreover, it is likely
18 that the average online student, who is coming from a school where the number of students taking
19 the advanced courses is small, is no more and probably less well prepared to take these courses.
20 But it would be difficult to undertake a definitive study of the effectiveness of online courses in
21 the District. It would be necessary to pair like students in the two conditions and record the
22 fidelity of implementation of conventional and online courses. Teachers make a difference.
23 There is research on the efficacy of online courses. Student outcomes vary but are generally
24

1 positive when the courseware is engaging and students have appropriate guidance from qualified
2 instructors.¹

3 In the District's online courses, the teachers are "highly-qualified" and certified in the
4 relevant subjects. Each teacher works with students from different schools contemporaneously,
5 with each student logging on and receiving individualized instruction on their own schedule,
6 progressing at their own pace. The largest class has a 1:11 teacher to student ratio.
7

8 **Recommendation**

9 The Special Master recommends that the Court grant partial unitary status to the District
10 for its compliance with the Court's order that middle grade students in all schools with middle
11 grades have access to at least one course for which they could receive high school credit.
12

13 Respectfully submitted,

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15
16 /s/
Willis D. Hawley
17 Special Master

18 Dated: February 1, 2019
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26 ¹ The Special Master has taught and designed online courses. He has taught both online and face-
27 to-face courses in the same subject. Student achievement depends less on the delivery mode than it does
28 on the extent to which students maintain a steady pace in their movement through the courses. It is almost
certain that in the future learning opportunities will be available in digital formats so that the experience of
learning online may benefit those students in comparison to students in traditional courses.

CERTIFICATE OF SERVICE

I hereby certify that on February 1, 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