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14 **DISTRICT OF ARIZONA**

15 Roy and Josie Fisher, et al.,
 16 Plaintiffs,
 17 v.
 18 United States of America,
 19 Plaintiff-Intervenors,
 20 v.
 21 Anita Lohr, et al.,
 22 Defendants,
 23 Sidney L. Sutton, et al.,
 24 Defendant-Intervenors,

Case No. 4:74-CV-00090-DCB

**MENDOZA PLAINTIFFS' PARTIAL
OBJECTION TO REPORT OF SPECIAL
MASTER ON STATUS OF DRACHMAN
AND ROSKRUGE K-8 MAGNET
SCHOOLS (DOC. 2184)**

Hon. David C. Bury

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1 Maria Mendoza, et al.,

Case No. CV 74-204 TUC DCB

2 Plaintiffs,

3 United States of America,

4 Plaintiff-Intervenor,

5 v.

6 Tucson United School District No. One, et
al.,

7 Defendants.
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10 **Introduction**

11 Mendoza Plaintiffs submit the following partial objection to the Report of Special
12 Master on Status of Drachman and Roskruge K-8 Magnet Schools (“SM Magnet School
13 Filing”) (Doc. 2184) for the purpose of clarifying the record and to address the stipulations
14 on the basis of which the Special Master recommends that the “magnet status of ...
15 Roskruge be confirmed.” (SM Magnet School Filing at 2:8-9.)

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17 **Clarification of the Record and Request for Court Direction**

18 With respect to the clarification of the record, Mendoza Plaintiffs seek to confirm
19 that notwithstanding language in the SM Magnet School Filing stating that the Special
20 Master concurs with the proposal by the District that Roskruge lose its magnet status (SM
21 Magnet School Filing at 4:7-8), in this most recent filing, **the Special Master**
22 **recommends that Roskruge retain its magnet status for the 2019-20 school year.**
23 Mendoza Plaintiffs agree with and support that recommendation. Mendoza Plaintiffs
24 strongly object to the District’s proposal that Roskruge lose its magnet status and to the
25 Special Master’s SM Magnet School Filing to the extent it supports that District proposal.
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1 Further, they object to actions being taken by the District that suggest that a **decision**
2 already has been made that Roskruge will lose its magnet status. They therefore ask that
3 the District be expressly directed to take no actions and make no statements that are
4 inconsistent with Roskruge’s continued status as a magnet school.

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6 **The Stipulations Relating to Roskruge**

7 As noted above, the Special Master has recommended that “the magnet status of
8 ...Roskruge be confirmed, subject to [] stipulations identified” later in that SM Magnet
9 School Filing. Mendoza Plaintiffs believe that those stipulations require further
10 contextualization as they relate to Roskruge. More importantly, given the District’s past
11 failures with respect to Roskruge, they believe that those stipulations require additional
12 specificity to maximize the opportunity for Roskruge to become an integrated **magnet**
13 school.

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16 *Context*

17 Mendoza Plaintiffs join the Special Master in his concern that neighborhood
18 students, particularly those who were reassigned to Roskruge after the District closed
19 Richey Elementary School, not be forced to leave Roskruge as a consequence of any
20 changes to its attendance area.¹ However, they also believe that it is important to

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23 ¹ Based on documents that the District prepared in connection with a past boundary
24 review, the status of Roskruge’s boundaries (currently no boundary at any grade level or
25 no boundary only at the 6-8 grade levels) is unclear. However, the Draft Desegregation
26 Impact Analysis for a Range of Potential Options at Roskruge K-8 School (“Draft
27 Roskruge DIA”) that the District provided to the plaintiffs and Special Master on February
28 1, 2019, a copy of which is attached as Exhibit A, indicates that Roskruge is treated by
TUSD as having an attendance area for K-5 but no attendance area for the middle school
grades. What is important for the purposes of this filing is that regardless of the current or
future nature of the school’s boundaries/attendance area, it does not appear that this issue,
although referred to in the SM Magnet School Filing, has any bearing on the continued
status of Roskruge as a magnet school.

1 recognize that given its current enrollment, Roskruge is not a typical neighborhood school:
2 according to the District's 40th day enrollment figures for the 2018-19 school year fewer
3 than 15% of its current students are categorized as being from the "neighborhood" (90 out
4 of a total enrollment of 614). By contrast, 524 students are listed as "magnet" enrollment
5 students.

6
7 *The Issue of Integration*

8 The Special Master suggests that being a two way dual language ("TWDL") school
9 "complicates efforts to integrate the school". (SM Magnet School Filing at 3:21-22.)
10 Mendoza Plaintiffs respectfully suggest that what has "complicated" the efforts to integrate
11 Roskruge has been the absence of a commitment to do so. While Davis Elementary
12 Magnet School and Roskruge may not be fully comparable, it is nonetheless noteworthy
13 that Davis is integrated notwithstanding that, like Roskruge, it is a two way dual language
14 Spanish immersion magnet school. (According to the 40th day 2018-19 enrollment figures,
15 it is 24% white/Anglo; 7% African American; and 63% Hispanic/Latino, plus 2% Native
16 American and 4% multi-racial.) While its proportion of neighborhood children
17 (approximately 30%) is higher than that at Roskruge, like Roskruge, the great majority of
18 its students are classified as "magnet" enrollees. Significantly, given the Special Master's
19 concern about attracting white/Anglo students to Roskruge, more than 87% of its
20 white/Anglo students (66 of 76 students) have elected to attend the school as magnet non-
21 neighborhood enrollees.

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23 The only stipulation or condition that the Special Master has set for Roskruge is that
24 it "retain its magnet coordinator." (SM Magnet School Filing at 5:4-5.) (He also appears
25 to suggest that it may be necessary to provide an express bus from the eastern parts of the
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1 District. (*Id.* at 7-9).) Mendoza Plaintiffs respectfully suggest that the stipulation(s) set by
2 the Special Master are necessary but not sufficient.

3 The District failed to fill the magnet coordinator position at Roskruge for the entire
4 2017-18 school year (2017-18 TUSD Annual Report (“2017-18 DAR”), Doc. 2124-1, at
5 II-12, fn. 9). Mendoza Plaintiffs believe that this manifests an absence of commitment to
6 integrating the school that the mere filling of the position, without more, will fail to
7 remedy.² In this regard, they again call out the comparison to Davis. A cursory
8 examination of the Davis website provides a direct link to a full description of its magnet
9 program, including a clear invitation to schedule a visit to the school, a description of what
10 will be covered on a typical visit, and a telephone number to call if one wants to set up a
11 visit for a day other than those set aside for group tours. No such information or invitation
12 is readily available on the Roskruge site. Further, included on this Davis site are links to
13 studies and articles discussing the benefits of dual language education (*e.g.*, “Why
14 Bilinguals Are Smarter”, etc.).³ Again, no comparable material appears on the Roskruge
15 site.⁴

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20 ² That the District’s failure to fill the magnet coordinator position in 2017-18 negatively
21 affected its integration status is confirmed by the data included in the District’s Draft
22 Roskruge DIA. In that document the District reports that Roskruge moved from being
23 85% Hispanic/Latino in 2012-13 to 77% Hispanic/Latino in 2017-18 but that its proportion
24 of Hispanic/Latino enrollment increased to 79% in 2018-19. (Draft Roskruge DIA at 3.)
Mendoza Plaintiffs believe that the absence of a magnet coordinator during the 2017-18
school year, focused on recruiting a more integrated student body for the 2018-19 school
year, goes a long way to explaining the reported upturn in relative Hispanic/Latino
enrollment reported for 2018-19.

25 ³ Some of the links appear to be old and nonfunctional (and therefore need updating) but it
26 nonetheless remains the case that Davis has done considerably more to inform the families
27 of potential students of the value of a bilingual education than has Roskruge. Mendoza
28 Plaintiffs have searched the District’s own websites and specifically the websites of its
Language Acquisition Department and have been disappointed to find no comparable
information on the educational and other benefits of a bilingual education. (*See* Mendoza
Plaintiffs’ Comments on Special Master Proposed Court Submission Re: Magnet Status for
Drachman and Roskruge K-8 Schools dated January 16, 2019, attached as Exhibit B, at 1-

1 Mendoza Plaintiffs do not seek to belabor a comparison with Davis. However, they
2 believe that what the references to Davis do illustrate is that if Roskruge is to become
3 integrated, the magnet coordinator (and others at the school, including the principal, who
4 should be expected to drive the effort) should be directed to develop and implement – on
5 an expedited basis – a full program for outreach and recruitment and that the school,
6 working with the District’s Magnet School Coordinator and Language Acquisition
7 Department, should include within that program materials and messaging on the
8 educational benefits of a bilingual education.⁵ They therefore respectfully request that the
9 stipulations or conditions set by the Special Master be expanded to include such direction.
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12 2.) They therefore conclude that the District has failed to provide Roskruge with resources
13 to help it recruit a more diverse student body by showcasing the benefits of a bilingual
14 education and that a school like Davis has had to rely on its own personnel and initiative to
15 do this. Because they consider parental engagement critical to the success of a school,
16 Mendoza Plaintiffs further note that another area where District oversight and direction
17 appears to have been lacking is with respect to family engagement. They once again
18 compare Davis and Roskruge. In its 2017-18 Annual Report, the District claims to have
19 monitored family engagement activities at the magnet schools (Doc. 2124-1 at 24 of 161)
20 and points to Appendix II-14 for a compilation of such activities. Significantly, these
21 materials reveal a notable disparity between Davis and Roskruge and again manifest an
22 absence of oversight that, rather than resulting in a loss of magnet status for Roskruge,
23 should lead to explicit direction that the District expeditiously address and correct its past
24 omissions. Davis, with a 2017-18 40th day enrollment of 295, reported 31 engagement
25 activities with a total of 1487 participants. Roskruge, with a 2017-18 40th day enrollment
26 of 655, reported only 12 activities and a total of 200 participants. (*Compare* 2017-18
27 DAR, Doc. 2126-1 at 299 and *id.* at 308 of 364.) Significantly, too, the Davis report
28 expressly references bilingual newsletters and training in both Spanish and English. The
Roskruge report does not.

22 ⁴ Mendoza Plaintiffs further note that like Roskruge, which was 85% Hispanic/Latino in
23 2012-13, when the USP was adopted, Davis was reported to have had a Hispanic/Latino
24 enrollment of 85%. (See USP, Appendix C: Integration Criteria, Doc. 1448-1 at 76.) Yet,
25 with a dual language program that the Special Master suggests “complicates efforts to
26 integrate” (SM Magnet School Filing at 3:21-22), Davis, is now integrated with, as noted
27 above, an enrollment that is 63% Hispanic/Latino and 24% white/Anglo.

26 ⁵ Mendoza Plaintiffs cannot but conclude that the comparisons between Davis and
27 Roskruge reveal an absence of meaningful oversight of Roskruge, the consequences of
28 which the District should not be permitted to avoid by having Roskruge’s magnet status
eliminated (and the District’s obligation to work to attain integrated status for the school
consequently reduced). Rather, it should be mandated to provide the resources and
oversight to attain the results that Davis has been able to achieve.

1 The Special Master appears to assume that “teachers who now teach students
2 without Spanish facility will not be needed except, perhaps, these teachers during the
3 transition years”. (SM Magnet School Filing at 4:12-15.) Mendoza Plaintiffs believe that
4 this ignores the model for two way dual language at the middle school level in which it is
5 contemplated that some students who are not yet fluent in Spanish but wish to become so
6 will enroll at the school after fifth grade. Attached hereto as Exhibits C and D are screen
7 shots of the two models developed by the District for 6-8th grade for those with little or no
8 Spanish literacy and those with literacy at or near grade level. At the direction of the
9 Court, the District engaged an expert in dual language to advise it concerning the
10 implementation of a rigorous and effective dual language program in the District.
11 Mendoza Plaintiffs respectfully suggest that the District should be permitted to follow
12 those recommendations and the models it has developed rather than now be directed to
13 phase out teachers essential to its implementation.
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Conclusion

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2 For the reasons set forth above, this Court should clarify that Roskruge is to
3 maintain its status as a magnet school and direct the District to expeditiously develop and
4 implement a plan to integrate the school, including, but not limited to, communicating the
5 educational benefits of a bilingual education to the families of potential students and to the
6 larger school community. Further, Mendoza Plaintiffs request that the District be
7 expressly directed to take no actions and make no statements that are inconsistent with
8 Roskruge's continued status as a magnet school.
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12 Dated: February 5, 2019

/s/ Lois D. Thompson
Attorney for Mendoza Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on I electronically submitted the foregoing **MENDOZA PLAINTIFFS' PARTIAL OBJECTION TO REPORT OF SPECIAL MASTER ON STATUS OF DRACHMAN AND ROSKRUGE K-8 MAGNET SCHOOLS (DOC. 2184)** to the Office of the Clerk of the United States District Court for the District of Arizona for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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Dated: February 5, 2019

/s/ Juan Rodriguez

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