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

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SPECIAL MASTER'S REPORT AND RECOMMENDATION WITH RESPECT TO INCLUSIVE SCHOOL ENVIRONMENTS

Overview

On September 6, 2018, the Court directed the District to conduct a study of the extent to which the absence of inclusiveness and the presence of bullying pose problems in the District. Assuming that this study shows positive results (it did), the District is to identify those strategies it utilized to improve inclusive school environments. Further, the District – in collaboration with the Special Master – is to determine the effectiveness of such strategies overall and/or by race and to identify any additional strategies to improve inclusiveness. In addition, the District was directed to develop and implement a professional learning plan for evidence-based strategies aimed at creating cultures of civility.

On December 6, 2018, the District filed its response to this order. However, in its response, the District cites the Special Master's completion plan rather than the provisions of the Court order. In its filing, the District does not identify particular strategies used nor does it cite research underlying the strategies it proposes to implement through the professional learning plan. And contrary to the Court order, the District did not collaborate with the Special Master in the development of its proposal to receive partial unitary status for inclusiveness.

<u>Analysis</u>

The District conducted a well-designed study of students' perceptions relating to inclusiveness and bullying over a three-year period ending in 2017-18. While there are no national or state data on inclusiveness, which can be defined in many ways, there is national data on bullying that can be compared with the findings of the TUSD study. These national data indicate that at least 23% of students experience bullying and 70% witness it. In TUSD less than 20% of students experience bullying and the differences among students of different races is less

than 3%. The data also indicate that there has been a decrease in bullying over the three years studied. The data on inclusiveness are similar to those about being bullied. The Special Master concludes that inclusiveness and bullying are not serious problems in TUSD. This is not to say that these matters do not warrant continuing attention to further increase inclusiveness and reduce bullying.¹

The District has prepared a professional development plan but it is not specifically linked, as the Court ordered, to the strategies that have enabled the District to facilitate inclusiveness and reduce bullying. The strategies that are listed in the professional development plan are not explicitly evidence-based. Among the strategies listed by the District, restorative practices is evidence-based, and one could make an argument that SPARKS targeted training is grounded in research insofar as it is based on culturally relevant pedagogy. It may be that there is evidence to support the utilization of other strategies but, as noted, no such evidence is provided. It is almost certain that some of these practices will have little effect on achieving the goals the District wishes to attain. For example, multicultural curriculum has not been identified as an inclusiveness practice in the sense that the term is used in the USP. More obvious, the chances that anti-bullying lectures at school assemblies would result in the desired outcome is zero.

In its December 6 filing, the District says that it will monitor and evaluate the effectiveness of professional development. However, the monitoring it proposes is simply to identify whether individuals participate in the professional learning options. The PD rubric identified as a source of evaluation describes the processes by which professional development is identified and delivered. Most of the proposed interventions in the professional development plan do not meet the criteria set forth in the professional development rubric, at least as described in

¹ Almost certainly the national data understates the degree of bullying in urban areas where a substantial number of families are low income, as is the case in Tucson.

the District's proposal.

The District does employ practices that could reasonably be linked to inclusiveness and the reduction of bullying. In addition to restorative practices, these include the district-wide development of teachers' capacity to employ culturally responsive pedagogy, culturally relevant courses, social and emotional learning at project more and elsewhere, PBIS, and the Superintendent's initiative for creating school cultures of high expectation.

Recommendations

The Court should acknowledge that the District has met a reasonable test of its inclusiveness and the effectiveness of efforts to reduce bullying. However, the District should go back to the drawing board in the development of its professional development plan to focus attention on evidence-based practices and to use the available data to target schools where support is needed² (the plan does specify particular schools in which it plans to implement some practices but the rationale for these priorities is unstated). There is no evaluation plan that would allow the District to focus its resources on those practices that are most promising.

Respectfully submitted,

Willis D. Hawley Special Master

Dated: February 13, 2019

² There is an abundance of information available on effective strategies for reduction of bullying and or reducing interpersonal tensions and conflict. For example, the What Works Clearinghouse – which applies a very high standard of evidence-based outcomes – identifies more than a dozen programs. Social and emotional learning has been extensively researched and is being employed, apparently with some success, in Project MORE. The Southern Poverty Law Center has an entire section on its website dealing with bullying in which programs are identified and professional development materials are provided.

CERTIFICATE OF SERVICE I hereby certify that on February 13, 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