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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 **SPECIAL MASTER’S REPORT AND RECOMMENDATION WITH**
2 **RESPECT TO INCLUSIVE SCHOOL ENVIRONMENTS**

3 **Overview**

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

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

18 **Analysis**

19 The District conducted a well-designed study of students’ perceptions relating to
20 inclusiveness and bullying over a three-year period ending in 2017-18. While there are no
21 national or state data on inclusiveness, which can be defined in many ways, there is national data
22 on bullying that can be compared with the findings of the TUSD study. These national data
23 indicate that at least 23% of students experience bullying and 70% witness it. In TUSD less than
24 20% of students experience bullying and the differences among students of different races is less
25 than 20% of students experience bullying and the differences among students of different races is less
26 than 20% of students experience bullying and the differences among students of different races is less
27 than 20% of students experience bullying and the differences among students of different races is less
28 than 20% of students experience bullying and the differences among students of different races is less

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

6
7 The District has prepared a professional development plan but it is not specifically linked,
8 as the Court ordered, to the strategies that have enabled the District to facilitate inclusiveness and
9 reduce bullying. The strategies that are listed in the professional development plan are not
10 explicitly evidence-based. Among the strategies listed by the District, restorative practices is
11 evidence-based, and one could make an argument that SPARKS targeted training is grounded in
12 research insofar as it is based on culturally relevant pedagogy. It may be that there is evidence to
13 support the utilization of other strategies but, as noted, no such evidence is provided. It is almost
14 certain that some of these practices will have little effect on achieving the goals the District
15 wishes to attain. For example, multicultural curriculum has not been identified as an
16 inclusiveness practice in the sense that the term is used in the USP. More obvious, the chances
17 that anti-bullying lectures at school assemblies would result in the desired outcome is zero.

18
19 In its December 6 filing, the District says that it will monitor and evaluate the
20 effectiveness of professional development. However, the monitoring it proposes is simply to
21 identify whether individuals participate in the professional learning options. The PD rubric
22 identified as a source of evaluation describes the processes by which professional development is
23 identified and delivered. Most of the proposed interventions in the professional development plan
24 do not meet the criteria set forth in the professional development rubric, at least as described in

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26
27 ¹ Almost certainly the national data understates the degree of bullying in urban areas where a
28 substantial number of families are low income, as is the case in Tucson.

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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