

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**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**  
2                   **WITH RESPECT TO FAMILY ENGAGEMENT**

3                   **Overview**

4                   On December 6, 2018, the District responded to a September 6, 2018 Court order  
5 directing it to develop a plan for implementing a comprehensive family and community  
6 engagement program at the school level. In its submission to the Court, the District asked the  
7 Court to award it partial unitary status with respect to family and community engagement. The  
8 Mendoza plaintiff’s objected arguing that the plan has no provision for tracking the participation  
9 of families and community groups, provides inadequate attention to two-way communication  
10 with families and that partial unitary status should not be granted until the plan is effectively  
11 implemented.  
12

13                   In developing this plan, the District engaged the expertise of the National Network of  
14 Partnership Schools, which is located at Johns Hopkins University and is the acknowledged  
15 source of expertise on these matters. The plan is indeed comprehensive and while changes could  
16 be made there is every reason to believe that the District will do its best to implement this plan.  
17 For example, the District has agreed to work with the National Partnership to evaluate its work. It  
18 would be desirable to know that the plan was implemented with fidelity but it is almost certain  
19 that the extent of its implementation will vary from school to school over the next two or three  
20 years depending on the history of the school, stability of the staff, and most important, the  
21 leadership of the school. Should the plaintiffs insist that all of the schools meet the high  
22 standards set by the plan, partial unitary status would be deferred into the next decade. Therefore,  
23 the Special Master recommends that the Court approve the plan submitted by the District  
24 contingent on the stipulations outlined below in the section of this report dealing with  
25 recommendations.  
26  
27  
28

1 **Analysis**

2 The Special Master consulted with the District's expert (Dr. Joyce Epstein) in arriving at  
3 his conclusions.

4 With respect to the objections by the Mendoza plaintiff's to the plan that the District does  
5 not have a mechanism for tracking the participation of families from different ethnic groups in  
6 school activities, particularly those relating to academic performance and parent leadership  
7 development, the Mendoza plaintiffs provide no suggestion about what such a plan should look  
8 like. The Special Master is concerned that families with dubious immigration status would be  
9 deterred from participating should they have to sign in or otherwise record their presence at  
10 school activities. When the District sought to purchase an off-the-shelf program for such  
11 monitoring, this was opposed by the Fisher and Mendoza plaintiffs. The District is now in the  
12 process of developing its own tracking system but it is too soon to determine the adequacy of that  
13 endeavor. It should be noted that it is extremely unusual for schools to keep a record of parent  
14 engagement for other than parent-teacher conferences (which the District does now in most  
15 schools). In his recommendations, the Special Master suggests an additional alternative.

16 The District plan vests responsibility for family and community engagement with each  
17 school principal. That is appropriate but principals have too much to do and need support from  
18 the central office to effectively implement a multidimensional plan like the one being proposed.  
19 The National Partnership has conducted research indicating that a well-trained staff person in the  
20 central office can support up to 30 schools working with the principals and school family  
21 engagement teams comprised of parents, teachers and administrators (the District plan calls for  
22 the school level teams but not for the support personnel). Implementing the central support will  
23 require the equivalent of three FTE and could include part-time staff. Resources available to the  
24 District are, limited, of course. However, the Special Master and the member of the  
25  
26  
27  
28

1 Implementation Committee who oversees family engagement believe that the reallocation of  
2 existing resources is warranted because school level family engagement is where the payoff to  
3 student learning occurs.

4 Throughout the discussions of the nature of family engagement, the Special Master has  
5 urged, as have plaintiffs, that the District make a commitment to what is being called two-way  
6 family communication through which teachers and administrators learn from families how best to  
7 meet the needs of their children. The District appears to agree with the importance of this  
8 concept but has not fully modified its procedures and advice to teachers and administrators to this  
9 effect. Thus, the protocol for teacher-parent conferences is fundamentally a one-way process and  
10 while the guidelines for implementation mention two-way communication, the District needs to  
11 be clearer about the specifics of attaining this goal, with examples.

12  
13  
14 **Recommendations**

15 The Court should award partial unitary status to the District for family and community  
16 engagement when the district does the following:

- 17 1. Modifies the protocol for parent-teacher conferences to include clear directions and  
18 rationale for two-way communication.
- 19 2. Assigns the equivalent of three FTE to support school-level teams and principals.
- 20 3. Reduces the number of required reports from schools to central office (e.g., quarterly  
21 rather than monthly).
- 22 4. Strengthens the guidelines for family engagement to clarify the importance of two-way  
23 communication.
- 24 5. Posts any actions taken by Site Councils / school-level teams and all family newsletters on  
25 the school's website.  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

6. Develops a process for tracking the ethnicity of family participation in academically-related and leadership development-related school activities.<sup>1</sup>

---

Respectfully submitted,

/s/  
\_\_\_\_\_  
Willis D. Hawley  
Special Master

Dated: February 15, 2019

---

<sup>1</sup> This responsibility could be placed with school level teams. The teams are comprised of families, teachers and administrators and have no incentive to misrepresent family participation. Such a procedure could be handled with a common form that will allow easy comparison across schools for similar kinds of activities.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CERTIFICATE OF SERVICE**

I hereby certify that on February 15, 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