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

## RESPONSE OF SPECIAL MASTER TO THE DISTRICT'S OBJECTION REGARDING SPECIAL MASTER'S R&R ON INCLUSIVE SCHOOL ENVIRONMENTS

On March 15, 2019, the District filed an Objection [ECF 2207] to the Special Master's Report and Recommendation Regarding Inclusive School Environments. [ECF 2195.] The Special Master submits this Response to address various assertions made by the District in its Objection.

- 1. The District asserts that, contrary to the Special Master's claims, the District collaborated extensively with the Special Master regarding the study of inclusiveness. [ECF 2207 at 2.] But the Special Master did not make such a claim (there was collaboration) and in fact complimented the District on its study. The Court directed the District to work with the Special Master to develop a plan for professional development relating to inclusive school environments necessary for the District to achieve unitary status, but the District did not do so.
- 2. The District asserts that its plan for professional development is research-based and uses strategies that are used by many other school districts. [ECF 2207 at 3.] But, the District cites no specific strategies as required by the Court nor does it cite any research. If the strategies whatever they are are used by many other school districts, that would not in and of itself justify their use by TUSD. If many districts use the unnamed strategies, presumably there would be no crisis in bullying and schools would be a lot more inclusive.
- 3. The District asserts that "the Special Master's recommendation was made . . . without any finding or evidence that the inclusiveness and cultures of stability in the District or some of more problematic than the average District in the state or nation." [ECF 2207 at 3.] In fact, the Special Master, after examining the evidence presented by the District and data from national sources, concluded that the District had lower rates of bullying and higher rates of inclusiveness than national data suggest are common.

## **CERTIFICATE OF SERVICE** I hereby certify that on March 27, 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