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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 REGARDING**
2 **THE ASSIGNMENT AND SUPPORT FOR BEGINNING TEACHERS**

3 **Introduction**

4 On May 22, 2019, the District submitted a Court-ordered Supplemental Notice and Report
5 of Compliance: Certification and Support for New Teachers at Certain Schools. The Mendoza
6 plaintiffs filed objections to this notice and report on June 5, 2019.

7 The USP requires the District to provide support for beginning teachers, and singles out
8 for special support teachers who are teaching in schools performing below the District average
9 and those that are racially concentrated. This means there are three types of teachers receiving
10 support: (1) first-year teachers serving in schools that are performing below the District average
11 and schools that are racially concentrated; (2) first-year teachers in other schools; and (3) second-
12 year teachers. In addition, the District provides extra support to all teachers who have been
13 identified as being inadequate in particular teaching domains.

14 For category two teachers, the District provides mentoring support in accord with a model
15 widely used and supported by reliable research. The same model of support is provided to
16 second-year teachers, with less time spent by the mentor with each second-year teacher
17 depending on the teacher’s needs for improved performance. Category one teachers are to be
18 provided with additional support from mentors, about twice the mentoring engagement of
19 category two teachers. All beginning teachers are required to take a range of courses available
20 that the District calls “job embedded.”¹ These courses are not job embedded though they are

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25 ¹ If beginning teachers are expected to take even a handful of these courses – assuming the
26 courses are worth taking – this would place more demands on them, absent significant mitigating
27 circumstances, than on more experienced teachers. It is somewhat concerning to have the District
28 to find these courses as job embedded. Job embedded means in the job. When courses are job
embedded, they will be linked to specific needs of individuals and part of the plan for
improvement derived from assessment of performance and warning will be enhanced by
colleagues and instructional coaches.

1 seemingly job related. The courses should not count as meeting the mentoring requirements of
2 the USP and the related action plan.

3 **Objections to the District's Plan**

4 The Mendoza plaintiffs argue that the District has provided conflicting information on the
5 number of teachers in the first category. In addition, they argue that the District should revise the
6 paperwork that:
7

- 8 1. Provides justification for placing beginning teachers in low performing schools and those
9 that are racially concentrated.
- 10 2. Confirms that the District did all it could to appoint more experienced teachers in low
11 performing schools and those that are racially concentrated.
- 12 3. Describes the "mitigating" conditions that would facilitate effective teaching by the
13 category one teachers (e.g., smaller class size).

14 The Special Master believes that the form developed by the District to capture the
15 information in the three points above is adequate. *See* Exhibit 1. Space could be provided for the
16 back of the form to allow more extended commentary. The purpose of this form is to provide
17 basic information to identify potential issues and problems. If it is determined that there are
18 issues that need to be resolved, that would require a more extensive inquiry in any case.
19 Experience will tell if there is any need for more extensive exposition in the initial process. The
20 proposed system lends itself easily to the capturing of information, its preliminary analysis and
21 recommendations for further action.

22 The Mendoza plaintiffs expressed concern that there is no mention here of how the
23 District would remedy teacher shortcomings that were identified in implementing this plan. The
24 District does have a process for helping teachers who are ineffective in particular ways in order to
25 improve their performance. There is no need for the Court to demand that the District do what it
26 is already doing.
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1 Recommendation

2 The Court should require the District to identify the number of teachers in each of the
3 three categories above over the past two years. Using its formula for assigning mentors to
4 teachers, the District should identify the number of mentors that it is necessary for the District to
5 hire using the agreed-upon formulas and, if necessary, immediately undertake a search for highly
6 qualified individuals.
7

8 The Special Master has consistently argued that there is no need to provide extra support
9 for first-year teachers in highly performing schools that are racially concentrated. There is no
10 reason to believe that first-year teachers working in high-performing schools must receive special
11 attention. To hold that first-year teachers in high performing racially concentrated schools
12 require extra support is to make the assumption that African American and Latino students are
13 inherently weak learners. First-year teachers in schools where African American and Latino
14 students have achieved above the average of students throughout the District for two consecutive
15 years in elementary, middle, K-8 and high schools need not receive the intensive mentoring to be
16 received by first-year teachers in low performing and racially concentrated schools. The Special
17 Master acknowledges that the Court has not approved a version of this proposal in the past. This
18 particular proposal changes the definition of high-performing school to focus on the achievement
19 of African American and Latino students.
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22 The Court should approve the District's completion plan for certification and support for
23 new teachers and granted the District partial unitary status for the relevant provisions of the USP
24 subject to confirmation.

25 Respectfully submitted,

26 _____
27 /s/
Willis D. Hawley
Special Master

28 Dated: August 7, 2019

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 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