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 FOR ROSKRUGE

Introduction

Roskruge is a dual language magnet K-8 school. It is not a strong academic school and no evidence has been presented as to how well its students learn Spanish. In the last several years, Roskruge has been one of the most racially concentrated schools in the District. In 2018-19, 78% of students were Latino. Students at Roskruge now may participate in a program that is similar to the one proposed by the District for all students in the future or a second track that involves intensive Spanish instruction. The Special Master, consulting with a statistician employed by the District prior to his retirement, undertook an analysis of all District schools holding constant the percentage of students on free and reduced lunch. Students at Roskruge significantly under performed on AZ merit tests. The reason for this poor performance may lie in the fact that the Spanish intensive track essentially substitutes Spanish courses for others that would be more relevant to the content of the AZ merit test.

Analysis

In its most recent filing, the Mendoza plaintiffs are urging that the District have two strands or tracks of TWDL and one of intensive Spanish. They want to rename the theme of the school as a world language venue. Intensive Spanish is not dual language. The District asserts that adding a third strand would require six additional classrooms that the school does not currently have. It is true that at one time there were 100 more students at Roskruge but classrooms were overcrowded. The only way to accommodate this third strand would be to increase class size, not the best practice in an Advanced Learning Experience like dual language.

¹ Such analysis is called value added and seeks to hold constant non-school influences on student achievement. In the analysis undertaken by the Special Master, the only influence taken into account was the percentage of students on free and reduced lunch.

Renaming the school as World Language magnet, as proposed by the Mendoza plaintiffs, would be wholly inappropriate. Only one language would be available other than English and that, of course, is Spanish. There is no intention on the part of any of the parties to add a language to its offering in dual language and the District would not have the capability to do so in any case.

At the urging of the Mendoza plaintiffs, the District hired a nationally prominent consultant to evaluate its dual language programs. This consultant paid particular attention to Roskruge and recommended that all students enrolled at Roskruge participate in a version of dual language called two-way dual language (TWDL). According to research, TWDL is the best model for dual language learning.

To participate effectively in TWDL, students must have a reasonably strong understanding of Spanish by the time they enter the second grade. Students in grades two and above who have not had a dual language experience prior to their enrollment at Roskruge must pass a screening exam. This means that students who live within the current boundary of the school and enter the school after the first grade without any Spanish capability. Indeed, some students who attend Roskruge as their neighborhood school are not interested in dual language learning. Because the school is a magnet school and is open to students from throughout the District, but especially in the neighborhood, a substantial number of students in the school participate in the Spanish language intensive track at Roskruge.

In order to provide students and their families with the best possible model for learning dual language and facilitating enrollment from throughout the District,² the District has adopted the model proposed by their consultant and has urged the elimination of a local boundary (priority would not be given to neighborhood students excepting kindergarten and first grade). The

² In-boundary students have priority in admission.

Mendoza plaintiffs object to the elimination of the Spanish intensive program and seek to maintain the local boundary in order to assure that students who live relatively close to the school as well as students who once attended Ritchie elementary school (this school, which is now closed, served a substantial number of American Indian students). It is difficult to know what the effects of the District's proposal will be on integration. As noted, Roskruge now, and has been, racially concentrated.³ The Special Master agrees with the District's position that (1) eliminating the local boundary and (2) providing parents with assurances that the approach to dual language instruction their students will experience is best practice, will enhance the chances that the school can become integrated.⁴

Recommendation

The Special Master urges the Court to support the District's proposal. The Mendoza proposal is akin to changing the curriculum at a Science, Technology, Engineering and Math (STEM) so that a large number of students do not have to take the most rigorous courses at that school.

Respectfully submitted,

/s/ Willis D. Hawley Special Master

Dated: September 12, 2019

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³ The Mendoza plaintiffs argue that the reason that rosters have not been integrated is because the District has not tried hard enough. The District has no incentive to not try hard to integrate the school. The Mendoza plaintiffs argue that the fact that Davis, a K-5 magnet school is not racially concentrated (though it is closed) indicates that it would be possible to integrate Russ Cruise. While the fact that the percentage of Latino students that roster was reduced significantly in 2018-19, as the school moves closer to integration, the challenges to change enrollment patterns get more difficult.

However, Davis has a special reputation within the District built up over many years that this dual language school provides a quality education to its students.

⁴ Parents who attended community meetings at the school, who were primarily parents whose students were already enrolled at Roskruge favor maintaining the status quo. Teachers favor the District's proposal.

CERTIFICATE OF SERVICE I hereby certify that on September 12, 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