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

5  
6 At the urging of the Mendoza plaintiffs, the District hired a nationally prominent  
7 consultant to evaluate its dual language programs. This consultant paid particular attention to  
8 Roskruge and recommended that all students enrolled at Roskruge participate in a version of dual  
9 language called two-way dual language (TWDL). According to research, TWDL is the best  
10 model for dual language learning.

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

20  
21  
22 In order to provide students and their families with the best possible model for learning  
23 dual language and facilitating enrollment from throughout the District,<sup>2</sup> the District has adopted  
24 the model proposed by their consultant and has urged the elimination of a local boundary (priority  
25 would not be given to neighborhood students excepting kindergarten and first grade). The  
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27 <sup>2</sup> In-boundary students have priority in admission.  
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1 Mendoza plaintiffs object to the elimination of the Spanish intensive program and seek to  
 2 maintain the local boundary in order to assure that students who live relatively close to the school  
 3 as well as students who once attended Ritchie elementary school (this school, which is now  
 4 closed, served a substantial number of American Indian students). It is difficult to know what the  
 5 effects of the District's proposal will be on integration. As noted, Roskruge now, and has been,  
 6 racially concentrated.<sup>3</sup> The Special Master agrees with the District's position that (1) eliminating  
 7 the local boundary and (2) providing parents with assurances that the approach to dual language  
 8 instruction their students will experience is best practice, will enhance the chances that the school  
 9 can become integrated.<sup>4</sup>

### 11 **Recommendation**

12 The Special Master urges the Court to support the District's proposal. The Mendoza  
 13 proposal is akin to changing the curriculum at a Science, Technology, Engineering and Math  
 14 (STEM) so that a large number of students do not have to take the most rigorous courses at that  
 15 school.  
 16

17 Respectfully submitted,

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

20 Dated: September 12, 2019

21 \_\_\_\_\_  
 22 <sup>3</sup> The Mendoza plaintiffs argue that the reason that rosters have not been integrated is because the  
 23 District has not tried hard enough. The District has no incentive to not try hard to integrate the school.  
 24 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.

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

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

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**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.

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Andrew H. Marks for  
Dr. Willis D. Hawley,  
Special Master