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

SPECIAL MASTER'S REPORT AND RECOMMENDATION RE INTERNET ACCESS

The concerns expressed about Internet access by the Mendoza plaintiffs deal with what was not done in the past. The District has made significant upgrades in Internet access in all schools and the access is than adequate in all District schools. The Fisher plaintiffs assert that students do not have access to the Internet because the District has failed to install software that would block access to pornography. This assertion is no longer true. The necessary software is in place.

The current status of Internet access should be the focus of the common of the concerned by this court.

The Mendoza plaintiffs want the District to add Internet access scores to the Facilities Condition Index. The District indicates that this is unnecessary because all schools would receive a passing score. But that is not a reason not to include the scores in any assessment of access and use of technology. It is not possible to anticipate what the need for Internet access will be in the future. Indeed, the District points to an example of a substantial recent change in the use of the Internet TUSD. What is adequate today may not be adequate in the future, e.g., technologists vary in their prediction of the consequences of moving from 4G to 5G capabilities in Internet transmission but all believe that it will be quite significant.

Recommendation

The District should add a measure of Internet access for each school to the FCI and assess the status of access at each school in the next regular testing of capability.

Respectfully submitted,

/s/ Willis D. Hawley Special Master

Dated: October 30, 2019

CERTIFICATE OF SERVICE I hereby certify that on October 30, 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