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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**  
2                   **RE EXTRACURRICULAR ACTIVITIES**

3                   **Overview**

4                   On September 20, 2019, the Mendoza plaintiffs filed objections to the District’s  
5 completion plan for extracurricular activities asserting that the District had not provided  
6 information required by the Court in its September 6, 2018 order. On October 10, 2019, the  
7 District responded to the Mendoza plaintiffs’ objections. While the District provided substantial  
8 information requested by the Court, the way the information was provided raises questions that  
9 need answering if the Court’s intentions are to be adequately addressed.

11                  The Court directed the District to identify any extracurricular activities that were not  
12 providing students the opportunity to participate in positive ways with students of other races.  
13 The Mendoza plaintiffs drew attention to this mandate and the District responded by indicating  
14 there were four single race nonathletic extracurricular activities in 2016-17, two in 17-18 and  
15 eight in 2018-19.<sup>1</sup> Many of these schools were racially concentrated. But as the District reports  
16 this information, it seems that the activities in 2016-17 cease to exist in subsequent years, and the  
17 eight activities listed in the 2018-19 school year were initiated that year. Given the nature of the  
18 activities – such as the Boy Scouts. If it is true, there is substantial instability in the  
19 extracurricular activities TUSD.  
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24 \_\_\_\_\_  
25 <sup>1</sup> The District excluded athletic activities because participation is competitive all students  
26 are not able to participate. However one might also argue that some of the activities listed are  
27 also restricted to individuals with particular talents, such as mariachi groups. Moreover you not  
28 know if the term single race is literal since the District does not provide the racial composition of  
particular activities that each school we cannot know if the activities have so few students of one  
or more races that limit the opportunities to receive the benefits of multiracial extracurricular  
activities.

1           The information provided by the District on extracurricular activities is quite difficult to  
2 analyze in the form in which it is presented. There are five pages of listings of the schools with  
3 no headings on the last four pages and the schools are listed randomly. The types and number of  
4 activities vary significantly from school to school (something not noted) depending, it seems, on  
5 whether teachers (some paid but others volunteer) are willing to sponsor and oversee particular  
6 activities. This suggests that nonathletic extracurricular activities are very limited at many  
7 schools.  
8

9           On page two of its response to the Mendoza plaintiffs, the District says, “High numbers of  
10 students participate in athletics, fine arts and clubs at all schools.” This is clearly not the case.  
11 For example, Sabino and Tucson High have numerous nonathletic extracurricular activities but  
12 Catalina has only three, Rincon has only one, and Santa Rita has none.  
13

14           There are good reasons to compare the availability of extracurricular activities at different  
15 schools. Research suggests a correlation between participation and student achievement,  
16 especially in non-athletic activities. The Court also asked the District to provide information  
17 about how activities are funded. As noted, many are supported by teachers and some teachers  
18 receive stipends, others apparently do not. There is a high school activities fund but only five  
19 activities at four schools appear to receive funding from this source.  
20

#### 21 Recommendation

22           So that the questions posed by the court can be reliably answered, the District should  
23 provide the information below listing schools by the four grade structures in the District and  
24 alphabetically. While the information should be as accurate as possible, the District should  
25 indicate which estimates are most problematic.  
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The Special Master suggests the following formatting of needed information:

	School Name	Number of Participants				Funding Source
		Anglo	African American	Latino	Other	
Activity A Name						
Activity B Name						

Respectfully submitted,

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

Dated: October 30, 2019

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**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.

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