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12 **IN THE UNITED STATES DISTRICT COURT**  
13 **FOR THE DISTRICT OF ARIZONA**

14 Roy and Josie Fisher, et al.,  
15 Plaintiffs,  
16 v.  
17 Tucson Unified School District No. 1, et al.,  
18 Defendants.  
19 Maria Mendoza, et al.,  
20 Plaintiffs,  
21 v.  
22 Tucson Unified School District No. 1, et al.,  
23 Defendants.

4:74-cv-0090-DCB  
(Lead Case)

4:74-cv-0204 TUC DCB  
(Consolidated Case)

23 **OBJECTION TO SPECIAL MASTER'S**  
24 **REPORT AND RECOMMENDATION**  
25 **REGARDING THE REVISIONING OF**  
26 **STUDENT SUPPORT DEPARTMENTS**  
**(ECF 2403)**

1           The Special Master filed a report and recommendation regarding the structure and  
2 operation of the District’s African American Student Support Department and its Mexican  
3 American Student Support Department. [ECF 2403.] The recommendation represents a  
4 significant departure from the District’s post-unitary operating plans for those  
5 departments filed on August 30, 2019. [ECF 2265-2 and 2265-2, respectively.]

6           The District objects to the Special Master’s recommendation to the extent that it  
7 differs from the District’s post-unitary operating plans. If the Special Master’s  
8 recommendations are truly for post-unitary operations – after the District is declared  
9 unitary and the Court has dissolved the current injunction – then there is by definition no  
10 basis for imposition of the Special Master’s recommendation. The District’s commitment  
11 to providing extra support and enrichments for students of certain racial and ethnic groups  
12 is beyond question. The District has operated these two student support departments (and  
13 other student support departments for other racial and ethnic groups not at issue in this  
14 litigation) for years. But the particular support services provided, the manner in which  
15 they are provided, and the structure of the departments providing them, are all matters  
16 which, by definition in a post-unitary status, are committed to the sound judgment of  
17 District’s educators and its elected Governing Board.

18           Second, the District believes that its own post-unitary operating plans are a better  
19 approach to providing student support to the African American and Hispanic students of  
20 the District. The District does not believe that the concerns expressed by the Special  
21 Master about these departments bears out in practice. The District believes that valuable,  
22 important and worthwhile direct services can be provided to students, families and  
23 teachers by these departments, focusing on those who need it most, as provided in the  
24 District’s post-unitary operating plans. The District believes that the ability to deliver  
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1 those direct support services in a culturally responsive way as done by these departments  
2 is important, and that the value of the direct services provided by these departments is not  
3 limited to those circumstances where schools cannot provide the same services. The staff  
4 of these departments have not experienced issues with teachers or other professionals in  
5 the District not taking “advice” from them, as theorized by the Special Master. These  
6 departments are well respected within the District for professional, culturally relevant  
7 skill sets and connections to the communities they serve. Finally, the services and duties  
8 laid out in the post-unitary operating plans are not duplicative of services provided by  
9 other departments. Most services provided by the departments are not even of the same  
10 type provided elsewhere in the District; some services may be of the same type but replace  
11 services provided by other departments, in a more culturally responsive way for African  
12 American and Hispanic students, but there is no duplication of services.

13 Third, the elimination of functions and services from the AASSD and the MASSD  
14 in the Special Master’s recommendations will not necessarily have the effect of “saving”  
15 money as contended by the Special Master. For example, in the District’s operating plan,  
16 each department has an ALE program specialist, who focuses on increasing participation  
17 and success of African American and Hispanic students, respectively, in ALEs provided  
18 by the District. The District believes that this function is important and, if the Court were  
19 to order this function removed from the student support departments, the District would  
20 likely need to move the function (and personnel) over to the ALE Department, so that the  
21 continued effort and focus on this area is not lost. Similarly, both departments have parent  
22 and community outreach program specialists as an actual field position (conducting  
23 outreach and empowerment for African American and Hispanic families), not merely  
24 doing research on best practices and advising other departments. The District believes

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1 that this culturally relevant outreach to parents and the community is an important  
2 function, and, if the Court were to order this function removed from the student support  
3 departments, the District would likely need to move this function (and personnel) over to  
4 the FACE Department. The discipline/behavioral support program specialists who  
5 provide direct services in each department would likely need to be moved to the Student  
6 Relations Department, if the Court ordered them removed from the student support  
7 departments; the academic intervention specialists would likely need to be moved to the  
8 Curriculum and Instruction department. Combined with adding eight master’s level or  
9 higher new equity specialists, the recommendation may actually involve a net increase in  
10 costs.

11 For these reasons, the District respectfully objects to the Special Master’s  
12 recommendation on the “revisioning” of the AASS and MASS Departments, and urges  
13 the Court to approve the District’s post-unitary operating plans filed on August 30, 2019.

14 Dated this 6<sup>th</sup> day of January, 2020.

15 Respectfully submitted,

16 /s/P. Bruce Converse

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of January, 2020, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic filing to all CM/ECF registrants.

/s/ P. Bruce Converse