

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**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 demonstrate that it is difficult to maintain the integrity of different programs when they are
2 merged together in the same physical environment. Moreover, what negative beliefs exist about
3 Utterback because of its D rating would deter enrollment at the L/D program if located there.

4 Housing the Program at Utterback Would Save the District \$2 to \$2.5 Million Needed to
5 Renovate the Now-closed Wakefield Site

6 The District acknowledges that there would be such costs. While these funds would not
7 be allocated from 910G funds, they could obviously be invested elsewhere. The District's
8 position is that this new school will improve the quality of teaching in the District's middle
9 schools (a problem that exists in many Districts) and that the relationship with the University of
10 Arizona will lead to other collaborations. Whether the District is right about these claims cannot
11 be determined now. However, the Special Master believes that the success of this effort located
12 at Utterback would be even more problematic and he recommends that if the Court decides to
13 deny the District's request for locating the new program at Wakefield, that the District abandon
14 the idea.

15 Utterback is a D School and Requires Substantial Investments for Improvement

16 The District has prioritized the improvement of academic achievement at Utterback. To
17 that end, it brought in new leadership and a schoolwide AVID program. The school principal and
18 central administrators who oversee the school's progress believe that these efforts are taking hold
19 and that bringing an entirely different program into the school would undermine the possibilities
20 that the AVID program will be successful.¹

21
22
23
24
25
26
27 ¹ AVID has a relatively strong research base establishing its effectiveness. If properly
28 implemented, a schoolwide AVID program does not mean that each student is treated the same, but it is
based on the assumption that needs in a given school are substantial. That is the case at Utterback.

1 There is Little Chance that the Proposed School can be Integrated

2 Before Wakefield was closed a few years ago, it was racially concentrated. However,
3 Utterback is now and has been racially concentrated and lost its magnet status accordingly. If
4 marketed effectively, the proposed school – especially if it is renamed – has a chance of being
5 integrated because (a) it promises to offer a teaching-rich environment in which the bulk of the
6 teachers will be exceptionally capable (b) the instructor to student ratio in the new school will be
7 the lowest in the District and (c) the relationship with the University of Arizona will appeal to
8 many families. And, the District is committed to providing express buses when this would
9 enhance integration.
10

11 **What is the Argument for Locating the Lab/Demonstration School at Wakefield?**

12 Middle schools are challenging places to teach and difficult places in which to learn.
13 Students are going through developmental stages and curricula seem to some students to be
14 fragmented and incoherent. The District is trying to “Re-Vision” its middle schools to be
15 relatively small community-oriented learnings environments. For this initiative to be successful,
16 it will have to recruit and retain excellent teachers. Having the L/D be a professional
17 development site for new teachers is an important step in improving the quality of teaching and
18 increasing the stability of the teaching corps.
19

20 It will be much easier to recruit both students and master teachers to the school if it starts
21 from scratch with a clear message of its goals and how they can be achieved. The master teacher
22 cadre will not only facilitate the preparation of student teachers, the school will serve as a venue
23 in which educators from throughout the District and from outside of the District can witness and
24 learn more about exceptional culturally responsive pedagogy.
25

26 The school will also serve to demonstrate the benefits of collaboration between the
27 District and the University of Arizona. The potential benefits of collaboration between the
28

1 District and the University have not been adequately explored to the extent they should be and the
2 school is an excellent opportunity to show how collaboration benefits both parties.

3 **Recommendation**

4 The Special Master recommends that the Court approve the District's proposal for a L/D
5 school at the site that was once the Wakefield school. If the Court decides not to do so, the
6 Special Master recommends that the Court not direct the District to locate the proposed teacher
7 development program at Utterback. The reason for this, as noted, is that placing the new school
8 within Utterback is likely to undermine the potential success of the new initiatives at Utterback as
9 well as the new school. The Special Master believes that the prospects for success at the former
10 site of the Wakefield school will be significantly enhanced if the development of the program
11 starts with a blank slate. This means, among other things, that the school should be renamed
12 though that decision should rest with the District. Conveying that the school is a totally new
13 endeavor focused on quality teaching and staffed by exceptional master teachers will increase the
14 likelihood that the school can be integrated. To foster integration, the District promises to
15 provide express buses and to modify the lottery program to maximize its effect on integration.

16 The primary argument against locating the L/D program at Wakefield is that this involves
17 a substantial investment in renovation. However, this is a one-time cost. Reallocating up to \$2.5
18 million to a different school improvement strategy (other than facility renovation) is likely to
19 commit the District to a very substantial continuing cost for which there is now no obvious
20 source. The argument that the school proposed by the District cannot be integrated should be
21 discounted because moving the proposed program to Utterback would ensure that the school and
22 the program are racially concentrated.
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Respectfully submitted,

/s/
Willis D. Hawley
Special Master

Dated: January 28, 2020

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CERTIFICATE OF SERVICE

I hereby certify that on January 28, 2020, 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