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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 **ON RELATING TO COURT DIRECTIVES THAT DEAL WITH**
3 **FUNDING OF TRANSITION AND UNDERPERFORMING SCHOOLS**

4 Discussion

5 In September 2019, the Court adopted the USP budget for the current year including the
6 Special Master’s recommendation for an integration contingency set-aside of \$1 million (ECF
7 2272). The purpose of this set-aside was to fund any initiatives that the District proposed to take
8 during the current year to demonstrate its commitment to integration. The District did not budget
9 this money and, indeed, over budgeted the 910G funds by \$1.3 million on the assumption that it
10 would use unspent budget items for new integration initiatives and for transportation (which was
11 under budgeted). The Special Master and the budget expert approved the budget with the
12 understanding that, as had been the case in previous years, more than enough budgeted funds
13 would not be spent to cover these costs. This seemed desirable to ensure that 910G funds were
14 spent because they cannot be carried over to the next budget year.

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16 Because the District did not propose any additional integration strategies, this seemed to
17 free up the \$1 million set-aside although there was, in fact, no money to free up unless unspent
18 funds were available. The District’s hiring processes, retention efforts and budgeting improved in
19 efficiency so that the District requested a substantially smaller number of reallocations thus far
20 this year than it has in the past.

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22 In 2018-19, the District invested \$2 million from 910G funds in the six transition schools.
23 In 2019-20, the District invested \$1 million from 910G funds in these transition schools. In
24 addition, the District also refunded activities in those schools that the District had supported with
25 910G funds in 2019-20 from other sources. The funds involved amount to \$550,000. The
26 Special Master has encouraged the District to fund new initiatives, as well as continuing
27 programs, from funds other than 910G because of the likelihood that the state will terminate the
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1 910G program. In short, the transition schools are receiving about three-fourths of the funds this
2 year that they received in the previous year.

3 In a second Order of September 2019 (*see* ECF 2289-3). The Court ordered the Special
4 Master to propose how to use the \$1 million from 910G funds that were not used in the transition
5 schools and indicated that some of this funding should be allocated to the transition schools or
6 other underachieving schools. As noted, while the District did not use the full \$2 million in 910G
7 funds to sustain programs in the transition schools, it did use one million and more than half a
8 million from other funds to continue initiatives in the transition schools. But the District did use
9 \$1.6 million from 910G funds to support seventh period days in eight more underperforming
10 schools. This extra time for staff is to be used for professional development and implementation
11 of professional learning communities (whose primary purposes are to improve student academic
12 performance and remedy any issues related to discipline). Having the seventh period day in
13 underperforming schools is also likely to increase retention among teachers.

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16 **Recommendation**

17 The District has met the requirements ordered by the Court related to the funding of
18 transition and underperforming schools. While there is likely to be a small amount of funds that
19 have gone unspent, these funds will be necessary to fund the under-budgeted costs of integration-
20 related transportation.

21
22 Respectfully submitted,

23 _____
24 /s/
25 Willis D. Hawley
26 Special Master

27 Dated: March 9, 2020
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CERTIFICATE OF SERVICE

I hereby certify that on March 9, 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

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