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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                   **RELATING TO THE REVITALIZATION OF MIDDLE SCHOOLS**

3                   Overview

4                   In the District’s proposal for middle school revitalization, there appear to be two major  
5                   assumptions underlying the proposed restructuring of middle schools (ECF 2393 and ECF 2419)

- 6                   1.       By adding sixth grades to elementary schools that now are pathways to middle  
7                   schools, the District will retain more students and better ready them to successfully  
8                   transition to high school-like middle school scheduling and curricula.  
9                   2.       Smaller middle schools will facilitate the development of a sense of community  
10                  and shared values that will improve student academic performance, enhance  
11                  students’ inclusion and belongingness and reduce problems of discipline.

12                  The first of these assumptions seems reasonable and relatively easy to implement. The  
13                  Special Master is prepared to recommend to the Court that the District be allowed to add sixth  
14                  grades to particular elementary schools in order to test this proposal.  
15                  16

17                  However, the Special Master is not prepared to recommend that the middle school  
18                  reduction in size be implemented in the 20-21 school year. Of course, adding a sixth grade to  
19                  some of the elementary schools will reduce the size of the relevant middle schools, but the small  
20                  number of students involved in the District’s proposal make this restructuring inconsequential.  
21                  And, because the number of students attending the middle schools will have changed little, this  
22                  will not be a test of whether the large middle schools the District is proposing to target will not be  
23                  able to develop the characteristics of learning communities that the District is seeking. Moreover,  
24                  there is not enough time to prepare teachers and administrators to learn new ways of relating to  
25                  students and to one another.  
26                  27  
27                  28

1 Optimal Size

2 The assumption that smaller schools would facilitate improvements in student learning  
3 and reduced discipline is sensible. While there is limited research on school size, the clear  
4 consensus is that the benefits of smaller middle schools are most likely to occur in schools that  
5 range from 350 to 500 students with more significant benefits at the lower end of this size of the  
6 student body.  
7

8 Realizing the Potential Benefits of Smaller Middle Schools

9 School districts throughout the nation often identify middle schools as environments that  
10 need improvement. If teachers and administrators carry out their responsibilities in smaller  
11 schools as they did in larger schools, we would, of course, expect little to change. Indeed, the  
12 TUSD middle schools that lost the most students in the last five years are now schools that are  
13 struggling in one way or another. What is needed before the restructuring of middle schools can  
14 attain the benefits of smaller size includes the following:  
15

- 16 1. Teachers and administrators need to be prepared to collaborate with one another  
17 and to work with students in different ways. For example, they need to know how  
18 to blend culturally responsive pedagogy, PBIS and social and emotional learning  
19 (SEL).  
20
- 21 2. Ways to undertake job embedded professional learning need to be developed.
- 22 3. How to develop cultures of stability and inclusiveness need to be understood.
- 23 4. The possibility that larger middle schools might be divided into two “houses”  
24 should be considered.  
25

26 The Importance of a Multiyear Plan for Phasing in the Restructuring of the Middle Schools

27 In an environment where families have multiple choices for where they send their students  
28 to school, uncertainty should be avoided. To call the schools pilot schools seems a misnomer. It

1 is clear from the District's proposal that it does not anticipate that evidence on outcomes in the  
2 target schools would result in abandoning the restructuring effort. And to do so or to leave that  
3 possibility open would almost certainly cause families to think about options other than TUSD.  
4 The schools might be named innovation schools or demonstration schools but not pilot schools.

5  
6 Why not Implement Middle School Restructuring in Schools Serving Low-achieving Students?

7 The Mendoza plaintiffs have urged the District to rethink where the new restructuring  
8 should be initially implemented. However, it is seldom a good idea to try to learn from the  
9 implementation of new strategies in schools that are troubled. The reasons why the schools are  
10 not succeeding need to be addressed directly so that whatever downside there is to implement  
11 innovations – which is sometimes difficult in the first year – does not negatively affect students  
12 who are underachieving or having difficulties that lead to discipline problems.

13  
14 Recommendation

15 The Court should approve the addition of sixth grades to schools identified by the District  
16 so long as this does not negatively affect integration (the District's analysis indicates little effect  
17 on integration). The District should resubmit its plans for reducing the size of middle schools  
18 with the goal of implementation in the 21-22 school year. This plan should include: (1) the  
19 outlines of how the District will go about preparing teachers and administrators to maximize the  
20 benefits of smaller middle schools and (2) timelines for restructuring all the elementary and  
21 middle schools. This revised plan should be submitted no later than October 2020 so that needed  
22 professional learning can be undertaken.

23  
24 Respectfully submitted,

25  
26 /s/  
27 Willis D. Hawley  
28 Special Master

Dated: March 11, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 11, 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.

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

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