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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 TEACHER EVALUATION TOOLS**

3                   The District uses at least a dozen different forms for recording teacher effectiveness. This  
4 fact was brought to the attention of the Court by the Special Master. In its order, the Court  
5 directed the Special Master to identify the discontinuities among these various ways of describing  
6 teacher effectiveness<sup>1</sup>.

7  
8                   The Special Master and Dr. Rebecca Montano, who is a member of the Implementation  
9 Committee, examined the following forms (some are rubrics some are checklists) that are used in  
10 assessing teacher practices:

- 11                   1.       The modified Danielson instrument – this is the primary teacher evaluation rubric
- 12                   2.       The technology integration observation tool
- 13                   3.       The AVID elective classroom observational form
- 14                   4.       The Cholla High School instructional visit form (many schools have their own
- 15                               forms).
- 16                   5.       The culturally responsive pedagogy and instruction form.
- 17                   6.       The Observable behavior and reflection instrument for 2019-20
- 18                   7.       SPARKS—a summary of culturally responsive teaching behaviors
- 19                   8.       The Mexican-American student services classroom checklist
- 20                   9.       ALP monitoring notes
- 21                   10.      Schoolwide restorative practices assessment instrument
- 22                   11.      The AVID consultant K-12 classroom observation tool
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27                   <sup>1</sup> There are well over 100 different descriptions of teaching practices on the several forms, but not  
28 one specific description appears more than once.

1           There are other forms that the Special Master and Dr. Montano did not assess including  
2 the site-based walk-through observation instruments, the AVID tutorial observation and feedback  
3 tool and additional forms used in dual language classes.

4           In most of these forms, teacher practices are described in somewhat different ways and  
5 different strategies are prioritized. While it is possible to match some of these practices on  
6 different forms, the terms used are different in many cases, which makes them subject to different  
7 understandings.<sup>2</sup> The District says that these various measures determine priorities for  
8 professional development but it is not clear which reports should be used for designing  
9 professional learning opportunities. The ambiguity involved in these different messages about  
10 teacher practice also makes it difficult for evaluators to provide consistent information to teachers  
11 about what they need to do to improve.

#### 12           Recommendation

13           The most important school school-based influence on student learning is teacher  
14 effectiveness. If the tools used to identify what teachers need to know and be able to do are  
15 inconsistent and convey different priorities for improvement, the ability of the District to enhance  
16 student cognitive and social development is undermined.

17           The District should align the various descriptions of effective teaching using the same  
18 terminology to describe the same practices whenever possible. To the extent possible, the  
19 practices being assessed should be aligned with the revised Danielson instrument because that  
20 tool is the most comprehensive, the best validated, the one with the formal role in rating teacher  
21 expertise and the one shaped by District teachers and administrators. This alignment exercise  
22 should be completed before the beginning of the 2021-22 school year.

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27           <sup>2</sup> When ambiguity characterizes messages, the person receiving the messages will tend to fit the  
28 meaning of those messages into their current understanding of what their responsibilities are.

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This recommendation should not, however, be mandated by the Court. The USP is silent about the ways the District should evaluate teachers.

Respectfully submitted,

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/s/  
Willis D. Hawley  
Special Master

Dated: March 18, 2020

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 18, 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