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

Roy and Josie Fisher, et al.,
Plaintiffs
and
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District, et al.,
Defendants,
and
Sidney L. Sutton, et al.,
Defendants-Intervenors,

No. CV-74-00090-TUC-DCB
(Lead Case)

Maria Mendoza, et al.,
Plaintiffs,
and
United States of America,
Plaintiff-Intervenor,
v.
Tucson Unified School District, et al.
Defendants.

No. CV-74-0204-TUC-DCB
(Consolidated Case)

ORDER

1 On December 17, 2019, the Defendant Tucson Unified School District (the District)
2 submitted a Notice and Request for Approval (NARA) to begin a district-wide conversion
3 from K-5 schools to K-6 schools. First, the District intends to add a modified sixth grade
4 at targeted elementary schools. Second, it will decrease the size of targeted middle schools.
5 Moving sixth grade to elementary schools instead of middle schools, allows sixth grade
6 students a smoother transition in familiar surroundings to middle-grade departmentalized
7 instruction that occurs in grades seven and eight, and may reduce loss of students which
8 occurs at this transition. Smaller school size will allow a greater level of staff-student focus
9 to improve academics and social-behavioral skills to improve discipline and better prepare
10 students to transition to high school. (NARA (Doc. 2393) at 2-3.)

11 The Mendoza Plaintiffs asked that the District begin its efforts after identifying “the
12 middle schools that could most benefit from reduced size and a greater focus on the overall
13 academic and social experience of its seventh and eighth graders, or that have discipline
14 issues greater than those in other middle schools.” (Mendoza (Doc. 2410) at 2-3.)

15 The Special Master recommended the Court grant the District’s NARA proposal to
16 add sixth grades to elementary schools that are pathways to middle schools, but
17 recommended some up-front preparation be undertaken by the District in SY 2020-21
18 before beginning reduction in size for middle schools, which he recommends should
19 commence in SY 2021-22.

20 The District responded to the Mendoza Plaintiff’s concerns by modifying its
21 proposal to move sixth grade to only five, instead of nine, schools to focus on the feeder
22 pattern to Valencia MS, a Racially Concentrated school, and Doolen MS, which has an
23 African American population twice the size of the District average. (Reply (Doc. 2419) at
24 2.) The elementary schools are: Banks (I), Oyama (RC) and Davidson. *Id.*

25 The District did not reply to the Special Master’s recommendation, therefore, the
26 Court assumes that the District agreed to revise its plan by October 2020 for
27 implementation by SY 2021-22, as follows:

28 A timeline for restructuring all the elementary and middle schools, reflecting
priorities such as: schools that post-restructuring will fall closest to low-end

1 of range of benefit (350-500) students; those most in need to either retain
2 diversity or to improve academic achievement, etc.

3 Consider the possibility that larger middle schools might be divided into two
4 “houses” on-site rather than physically being split off to another site.

5 Outline preparation for teachers and administrators to maximize the benefits
6 of smaller middle schools, including professional learning to prepare
7 teachers and administrators to collaborate with one another and work with
8 students in different ways using culturally responsive pedagogy, PBIS, and
9 social and emotional learning (SEL); develop a plan for embedded
10 professional learning, and develop cultures of stability and inclusiveness.

11 (R&R (Doc. 2446) at 3,4.)

12 The Desegregation Impact Analysis (DIA) reflects that the reconfigurations as
13 planned for the original nine schools, including the five schools contained in the plan as it
14 is now modified, will not impact diversity at these schools nor will the reconfigurations
15 significantly affect surrounding schools or negatively impact the District’s ability to fulfill
16 its obligations under the USP. As recommended by the Special Master, the Court, therefore,
17 approves the NARA, as modified.

18 **Accordingly,**

19 **IT IS ORDERED** that the NARA Re: Middle School Revitalization and K-6 Grade
20 Reconfiguration, as modified is APPROVED.

21 **IT IS FURTHER ORDERED** that the plan revisions recommended by the Special
22 Master shall be submitted simultaneously to the parties and to the Special Master for review
23 by October 1, 2020, with the Special Master being responsible for bring any further
24 concerns to the attention of the Court.

25 Dated this 24th day of June, 2020.

26 

27 Honorable David C. Bury
28 United States District Judge