

2019 WL 10744892

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United States District Court, D. 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,
Maria Mendoza, et al., Plaintiffs,
United States of America, Plaintiff-Intervenor,
v.
Tucson Unified School District No. One, et al.,
Defendants.

CV 74-90 TUC DCB (Lead Case), CV 74-204 TUC
DCB (Consolidated Case)

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Signed 12/23/2019

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SPECIAL MASTER'S REPORT AND RECOMMENDATION REGARDING THE REVISIONING OF STUDENT SUPPORT DEPARTMENTS

Willis D. Hawley, Special Master

*1 As the redesign of the Student Support Departments (SSDs) is reconsidered, it is important to know what they cannot do. First, key personnel cannot provide direct services to individual teachers or students relating to routine instruction and professional performance because there are just too few of these key staff. Second, in order to provide training or advice to District leaders, key personnel will have to have more expertise and experience than is being called for in the proposals offered by the District thus far. Serious professionals do not like to take advice from people they feel are not as experienced or as well-qualified as they are. It is also important to recognize what the staff of SSDs do not need to do – which is to duplicate activities that are the responsibility of other organizational units and personnel.

The Special Master has worked with District staff and has had discussions with Fisher and Mendoza plaintiffs to arrive at a reorganization of the SSDs that will enhance the contributions they can make to enhancing student outcomes. In that process there have been a number of drafts exchanged. The most recent proposal from the District specifies that the key personnel in the reorganized departments have excessive numbers of responsibilities (as many as 13), which makes it difficult for staff of the two departments to work together, describes activities the departments would undertake that involve direct services to individuals at the school level similar to those already being delivered, and appear to include management

activities.

The proposal herein being offered by the Special Master seeks to prioritize certain responsibilities that are described in previous proposals for reorganizing the departments. Pursuant to the Court's order (Doc. 2359), this reorganization proposal does include some activities that do not duplicate work now being done by the District. This proposal also seeks to align the activities of key personnel in both departments so that collaboration is facilitated, technology shared, and common action can be pursued when appropriate.¹ Of course, some issues that need to be addressed would be particularly relevant to students of a given race, such as issues in which language facility is involved or outreach to families and community organizations.

Key Personnel and Primary Responsibilities

Both departments would have a director, an assistant director and an administrative assistant. In addition, each department would have four "equity specialists" who would be required to have at least a master's degree in education or counseling, or in another related field involving work with young people and experience related to their responsibilities. These specialists would be responsible for one of the following domains in each department:

- *2 1. Mathematics achievement,
- 2. Literacy achievement,
- 3. Discipline, including restorative practices, PBIS and school culture, and
- 4. Community and family engagement (including student truancy).

Each department would have three "Equity Facilitators" (positions to be retitled by the District) with responsibilities such as:

- 1. College and career exploration and success,
- 2. Public relations and community events, and
- 3. Implementation of activities and programs that do not involve direct services that could more effectively be performed by other departments (e.g.,

student leadership development, teacher cadet programs and mentoring programs not related to academic subject matter).

Facilitators would not necessarily require a master's degree. The District may define the specific responsibilities of each of the facilitators and may determine that one of these positions is not necessary.

Priority Responsibilities for Each Equity Specialist within Their Domains:

- 1. Review and synthesize research on best practices and develop an inventory of promising practices in other Districts similar to TUSD.

Coordinators would be expected to attend one or two major national conferences and pursue opportunities to present at such meetings. They would serve as resource professionals for senior leaders and professional learning communities in schools.

- 2. Monitor trends in student outcomes identifying exceptional performance of the students in particular schools or subjects as well as of potential concern.

They would share their analyses with District leaders.

- 3. Identify needs for professional enhancement and assist in the development and provision of professional learning opportunities within their domain of expertise.

Secondary Responsibilities for Each Equity Specialist:

When the District has implemented this new reorganization and determined how much time is required to perform the primary duties of the equity specialists and equity facilitators (listed above), it may add responsibilities within each domain so long as these responsibilities do not duplicate services or provide direct services to individuals and schools on a continuing basis. An exception to this stipulation that arises from the Court (Doc. 2359) when direct student services may be assigned *"only when such services cannot be more effectively*

provided by the school staff.” Such services could include Saturday academies, the supervision of college student mentors for high school students, support for Teacher Cadet programs, support for MTSS Leads, and Latinx and African American male and female mentoring and leadership programs, including needed personnel for this last program.

Responsibilities for Collaboration

Department staff would have responsibility for sharing their expertise and developing working relationships with District leaders responsible for the various domains in which the student support departments work, but they would have no authority to direct the personnel in other departments who may be responsible for related domains of expertise. Further, the professional staff in each department should work collaboratively with their counterparts in the other department. The department directors would ensure that they and staff in their departments spell out interrelationships.

Formal and Informal Organizational Structures

***3** The USP specifically gives the responsibility to the Superintendent for the organization of units within the District. But if these departments are to have a significant effect they must have direct access to top-level leadership in the District. The formal organization of each department would be headed by the Department Director who would report to a Senior Director for Equity who, in turn, would report to the Assistant Superintendent for Curriculum and Instruction. The equity specialists and facilitators would report to their respective directors. Informally, the ES in both departments might be considered collectively as a single Equity Specialist Team (EST). There would be a team leader for each EST who would report to both the department Directors and the Senior Director for Equity. This unusual organizational arrangement is intended to maximize the access that expertise of the departments will have to District leaders. The Senior Director for Equity would be a member of the Superintendent’s leadership team.

All Citations

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Footnotes

- ¹ Most of the District schools serve both African-American and Latino students and improvement of student achievement or other outcomes could not be undertaken by focusing only on students of one race.