

2020 WL 5775730

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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 03/11/2020

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SPECIAL MASTER'S REPORT AND RECOMMENDATION RELATING TO THE REVITALIZATION OF MIDDLE SCHOOLS

Willis D. Hawley, Special Master

Overview

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

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

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

However, the Special Master is not prepared to
recommend that the middle school reduction in size be

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

Optimal Size

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

Realizing the Potential Benefits of Smaller Middle Schools

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

1. Teachers and administrators need to be prepared to collaborate with one another and to work with students in different ways. For example, they need to know how to blend culturally responsive pedagogy, PBIS and social and emotional learning (SEL).
2. Ways to undertake job embedded professional learning need to be developed.

*2 3. How to develop cultures of stability and inclusiveness need to be understood.

4. The possibility that larger middle schools might be divided into two "houses" should be considered.

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

In an environment where families have multiple choices for where they send their students to school, uncertainty should be avoided. To call the schools pilot schools seems a misnomer. It is clear from the District's proposal that it does not anticipate that evidence on outcomes in the target schools would result in abandoning the restructuring effort. And to do so or to leave that possibility open would almost certainly cause families to think about options other than TUSD. The schools might be named innovation schools or demonstration schools but not pilot schools.

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

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

Recommendation

The Court should approve the addition of sixth grades to schools identified by the District so long as this does not negatively affect integration (the District's analysis indicates little effect on integration). The District should resubmit its plans for reducing the size of middle schools with the goal of implementation in the 21-22 school year. This plan should include: (1) the outlines of how the

District will go about preparing teachers and administrators to maximize the benefits of smaller middle schools and (2) timelines for restructuring all the elementary and middle schools. This revised plan should be submitted no later than October 2020 so that needed professional learning can be undertaken.

All Citations

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