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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 safer to focus on more recent data. Moreover, actions needed to implement many provisions of  
2 the USP were not in place until more recent years.

3           Implicit throughout the Fisher plaintiffs' critique of the SMAR is the charge that the  
4 Special Master – and the District – lack commitment to improve outcomes for African American  
5 students. It is difficult to know how to respond to this general disposition.

6           The Mendoza plaintiffs raise 15 objections to the SMAR, although they ask the Court to  
7 direct the Special Master to revise and supplement the SMAR in nine ways. Some of these would  
8 involve re-computing many of the calculations, a task that is problematic given the challenges in  
9 comparing early data to the more recent three years. In other cases, the amount of work required  
10 by the District and the Special Master would be excessive – such as providing the racial  
11 composition of the students riding each bus from home to school.<sup>2</sup>

12           Both the Mendoza and the Fisher plaintiffs' argument that the Special Master should be  
13 making more definitive conclusions with recommendations for change is understandable. Within  
14 the next several days, data for the last three years – in some cases four years – will be available  
15 and firmer conclusions can be reached. In the 2015-16 SMAR, the Special Master has made  
16 several recommendations to the District that may be more appropriate to make to the Court if  
17 problems have not been resolved. In some cases, however, there may not be a practicable  
18 solution to the inability of the District to meet certain criteria.

#### 19 Recommendation to the Court

20           In the District's next annual report, to be provided on October 1, the District must  
21 undertake analyses of the extent to which it has met the provisions of the USP. The Court should  
22 direct the Special Master to reexamine the issues that the plaintiffs believe that the Special Master

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23 <sup>2</sup> Not only is this task extraordinarily difficult involving thousands of students, but students  
24 who ride school buses include, but are not limited to, the students about whom the Mendoza  
25 plaintiffs are most concerned in this request, those bussed to promote desegregation.



**CERTIFICATE OF SERVICE**

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I hereby certify that on, August 11, 2017, I electronically submitted the foregoing  
**SPECIAL MASTER’S RESPONSE TO OBJECTIONS TO THE SPECIAL MASTER’S 2015-16 ANNUAL  
REPORT** for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF  
registrants:

- J. William Brammer, Jr.  
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Andrew H. Marks for  
Dr. Willis D. Hawley,  
Special Master