

February 23,, 2012

From: Willis D. Hawley, Special Master

To: Judge David C. Bury

Re: Mendoza Plaintiffs Petition to Reinstate Courses Offered by the Mexican American Studies Department, Tucson Independent School District

On February 2, 2012, lawyers for the Mendoza plaintiffs petitioned the Special Master to the Court to declare the Tucson Unified School District out of compliance with the Post Unitary Status Plan and to order the District to resume teaching courses by the Mexican American Studies Department offered prior to the Governing Board's action on January 10, 2012 suspending these courses.

It is clear that the PUSP provides for the delivery of courses by the MASD. It is also clear that this Court has ordered that the PUSP govern the actions of the district until a Unitary Status Plan is approved by the Court. The order appointing the Special Master also provides that he shall "oversee the PUSP". Oversight implies that I report to the Court any instance in which the District does not implement provisions of the PUSP. Therefore, I recommend that you explicitly acknowledge that the Governing Board action in suspending the delivery or courses by the Mexican American Studies Department represent a violation of the Orders of the Court. Should you choose to take such action, I recommend that you note (1) that the Board's suspension of the courses does not restrict the Mexican American Study Department from acting to develop practicable strategies for meeting the academic and social-developmental needs of Mexican American students and (2) that your action does not necessarily imply that specific language or provisions relating to the MASD and its functions must be incorporated into the Unitary Status Plan under development,

However, I do not recommend that you order that the courses be reinstated at this time. Such reinstatement would further disrupt the education of the students involved and would impede the development of the Unitary Status Plan. The USP I will send to the Court will include comprehensive strategies for moving forward to ensure a quality education for all of the district's students, the majority of whom are Mexican American. To place the focus on the USP process, you may want to direct all parties, once again, to participate fully in developing the USP as described in your September 14 and January 6 Orders.

There is no question that courses rich in the historical and contemporary experiences—both negative and positive—of the different racial and ethnic groups represented in the TUSD should be available, if not required, for all students in the district. In my consideration of how best to implement a district-wide ethnically and culturally relevant curricula, I will consult with and take into account the perspectives of members of the Tucson community, district staff, the Governing Board, and nationally prominent scholars, and will make effective use of research relating to such learning experiences.

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