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16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

19 EMMA C., et al.,  
 20 Plaintiffs,  
 21 vs.  
 22 DELAINE EASTIN, et al.  
 23 Defendants.  
 24

Case No. C-96-4179 THE  
**CLASS ACTION**  
**FINAL JOINT STATEMENT AND  
 STIPULATION CONCERNING RSIP  
 BENCHMARK AND COMPLIANCE  
 FRAMEWORK**

25  
 26 In response to this Court’s June 30, 2010 order, the Parties submit this joint statement of  
 27 stipulated terms concerning an RSIP compliance deadline and benchmark framework.  
 28

1 **STIPULATED TERMS AND PROVISIONS**

2 **I. Final Deadline for RSIP Compliance.**

3 Plaintiffs, Defendant Ravenswood City School District and related defendants (District) and  
4 Defendants California Department of Education, Delaine Eastin and the Superintendent of Public  
5 Instruction (State Defendants), have agreed that the final deadline date for full RSIP compliance should  
6 be July 2014 as to all outstanding RSIP items, except as to item 13.4.1 due to its five-year maintenance  
7 period.  
8

9 **II. Measurement of RSIP Compliance and Benchmarks.**

10 Attached as Exhibit A is a list of all RSIP items and requirements for which the District has not  
11 reached full compliance and/or completed the requisite maintenance period. An RSIP item that has met  
12 maintenance period requirements and so is no longer monitored by the Court Monitor is not subject to  
13 this benchmark framework.

14 Exhibit A states specified dates by which specified benchmarks must be obtained for the  
15 indicated RSIP items. The Court Monitor will issue an annual report following each such benchmark  
16 period which shall state the District’s compliance status with each such benchmark. The Parties  
17 understand that the applicable date for measurement of compliance with the initial benchmark for certain  
18 RSIP items will be July 31, 2011, and the level of compliance with that initial benchmark will be  
19 published in the Annual Trends Report filed by the Monitor in October 2011 (2011 Trends Report).

20 **III. Interventions.**

21 **A. Designated Dates**

22 The parties have agreed to the general principle that if a benchmark has not been met by the  
23 designated date, the District will be subject to interventions. Exhibit A contains suggested or possible  
24 interventions for Tier 1 and Tier 2, and is not an exhaustive list of interventions for each tier. In accord  
25 with this Court’s order, the interventions are graduated between the two tiers, with Tier 2 interventions  
26 introducing a greater level of severity. (CD 1480.)

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1           **B.     The Trigger for Tier 1 or Tier 2 Interventions.**

2           The parties agree to the triggering of Tier 1 and Tier 2 interventions on the following bases:

3           1.     Tier 1 interventions would be triggered the first time the District is determined  
4 noncompliant with one of the established benchmarks, under the process described in Section C below.  
5 Tier 1 interventions will also be applied if the District fails to meet the established benchmarks for a  
6 particular RSIP item for two consecutive benchmarking periods, but for the second such period, the  
7 District has made progress and reached or exceeded the level of the first benchmark.

8           2.     Tier 2 interventions would be triggered when the District has been found not to have met  
9 the established benchmarks for a particular RSIP item for two *consecutive* benchmarking periods and the  
10 District has not met or exceeded the level of the first benchmark for the second consecutive  
11 benchmarking period.

12           **C.     The Process for Applying Interventions.**

13           The process by which an intervention will be selected is as follows:

14           1.     Within seven days following the Court Monitor’s issuance of the annual report regarding  
15 compliance with the benchmarks, each party shall submit to all Parties and the Court Monitor a proposed  
16 intervention selected from either the Tier 1 or Tier 2 list, as appropriate, for each of the items for which  
17 the District was found non-compliant.

18           2.     Within fourteen days following the Court Monitor’s issuance of a report regarding  
19 compliance with the benchmarks, the parties shall meet and confer in an effort to reach agreement on the  
20 appropriate intervention for each non-compliant item.

21           3.     If resolution cannot be reached on an appropriate intervention for any non-compliant  
22 items, such dispute shall be submitted to the Monitor immediately following the Parties’ meet-and-confer  
23 and the Monitor shall make a determination regarding the appropriate intervention for each non-  
24 compliant item within seven days following submission of the dispute.

25           4.     Any Party may request that the Court review the Monitor’s determination(s) within seven  
26 days following issuance of the determination.

27           5.     All agreed-upon interventions and all final determinations regarding interventions shall  
28 become orders of the Court.



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