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15
 16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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19
 20 **EMMA C.,**
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 Plaintiff,
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 v.
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DELAINE EASTIN, ET AL.,
 24
 Defendant.
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3:96-cv-04179-TEH
**JOINT STIPULATION RE.
 AMENDMENT OF DISPUTE
 RESOLUTION TIMELINES IN FIFTH
 JOINT STATEMENT**
 Judge: The Honorable Thelton E.
 Henderson

26
 27 The parties, by and through their attorneys, agreed in their Fifth Joint Statement to a
 28 framework for dispute resolution for challenges to (1) CDE’s state-level monitoring system, and

1 (2) the SESR Findings and Corrective Actions Statement. (Court Docket [CD] 1799.) As the
2 parties have been engaging in these two processes, they have agreed to amend the framework to
3 allow for the opportunity for a meaningful exchange of information between the parties and with
4 the hope that the issues can be narrowed and/or resolved during the meet-and-confer period. To
5 further these goals, the parties stipulate to the amendment of the following timelines set out in the
6 Fifth Joint Statement:

7 **A. Dispute Resolution for CDE's State-Level Monitoring System**

8 1. Pursuant to IV.B. and VII.C. of the Fifth Joint Statement, the parties were to engage
9 in a meet-and confer discussion within ten days of plaintiffs' January 25, 2013 submission
10 challenging the adequacy and efficacy of the design of CDE's state-level monitoring system. Due
11 to the volume of plaintiffs' objections and CDE's desire for transparency, the parties agreed to the
12 following framework:

- 13 • CDE provided further information about its monitoring system by February 22, 2013.
- 14 • After reviewing CDE's response, plaintiffs submitted written comments and
15 additional questions to CDE by March 8, 2013.
- 16 • After review of plaintiffs' comments and questions, CDE provided a further written
17 response by March 22, 2013.
- 18 • After a brief meet-and-confer on March 28 and 29, 2013, plaintiffs requested, and the
19 parties agreed, that plaintiffs will submit their final statement of objections to CDE's
20 monitoring system by April 12, 2013.
- 21 • CDE is to provide a response, if any, to plaintiffs' final statement of objections by
22 April 19, 2013.
- 23 • Meet-and-confer discussions are currently scheduled for April 23 and April 25, 2013.

24 2. Pursuant to VII.D. of the Fifth Joint Statement, submission to the Monitor of issues
25 still in dispute is to occur within a week of the expiration of the meet-and-confer period. The
26 parties have agreed that the deadline for this submission is April 26, 2013. However, the parties
27 recognize that meet-and-confer discussions are currently scheduled and likely to continue beyond
28 April 19, 2013, and until the Monitor receives the parties' submissions of issues still in dispute.

1 **B. Dispute Resolution for SESR Findings and Corrective Actions Statement**

2 1. Pursuant to II.E. of the Fifth Joint Statement, CDE was to issue the Findings and
3 Corrective Actions Statement by January 31, 2013. CDE issued this statement on February 1,
4 2013.

5 2. Pursuant to V.B. of the Fifth Joint Statement, plaintiffs were to be granted access to
6 District records within seven days of plaintiffs' February 8, 2013 request. To accommodate the
7 schedules of the parties, plaintiffs and the District agreed that these records will be available for
8 plaintiffs' review beginning on April 11, 2013.

9 3. Pursuant to V.B. of the Fifth Joint Statement, CDE was to provide a written response
10 within seven days of plaintiffs' February 8, 2013 request for evidence relied upon by CDE as a
11 basis for conclusions in the SESR Findings and Corrective Actions Statement. CDE provided
12 this information on March 1, 2013, with a supplemental response (with the CASEMIS data) on
13 March 7, 2013.

14 4. Pursuant to VI.A. of the Fifth Joint Statement, the parties are to state objections to the
15 SESR Findings and Corrective Actions Statement within thirty days of receiving all evidence and
16 student records. The parties have agreed that this thirty day timeline will begin on April 11,
17 2013, with the deadline for this submission on May 13, 2013.

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19 IT IS SO STIPULATED.

20 DISABILITY RIGHTS EDUCATION & DEFENSE FUND, INC.

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23 *Attorneys for Plaintiffs*

24 YOUTH AND EDUCATION LAW PROJECT

25 By: /s/ William S. Koski
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