

1 KAMALA D. HARRIS
 Attorney General of California
 2 ISMAEL A. CASTRO
 Supervising Deputy Attorney General
 3 R. MATTHEW WISE, SBN 238485
 FERMIN VILLEGAS, SBN 245682
 4 Deputy Attorneys General
 1300 I Street, Suite 125
 5 P.O. Box 944255
 Sacramento, CA 94244-2550
 6 Telephone: (916) 327-7872
 Fax: (916) 324-5567
 7 E-mail: Matthew.Wise@doj.ca.gov
*Attorneys for Defendants Delaine Eastin,
 8 Superintendent of Public Instruction, California
 Department of Education, and California State
 9 Board of Education*

10 JOHN C. BEIERS
 COUNTY COUNSEL (SBN 144282)
 11 BY: AIMEE B. ARMSBY, DEPUTY (SBN 226967)
 Hall of Justice and Records
 12 400 County Center, 6th Floor
 Redwood City, CA 94063
 13 Telephone: (650) 363-4647
 Facsimile: (650) 363-4034
 14 Email: aarmsby@co.sanmateo.ca.us
*Attorneys for Defendant Ravenswood City School
 15 District and Related Defendants*

William S. Koski, Esq., SBN 166061
 Carly J. Munson, Esq., SBN 254598
 STANFORD LAW SCHOOL
 YOUTH & EDUCATION LAW PROJECT
 MILLS LEGAL CLINIC
 559 Nathan Abbott Way
 Stanford, CA 94305-8610
 Telephone: (650) 724-3718
 Facsimile: (650) 723-4426
 Email: bkoski@stanford.edu
Attorneys for Plaintiffs

Arlene B. Mayerson, Esq., SBN 79310
 Larisa M. Cummings, Esq., SBN131076
 DISABILITY RIGHTS EDUCATION &
 DEFENSE FUND, INC.
 2212 Sixth Street
 Berkeley, CA 94710
 Telephone: (510) 644-2555
 Facsimile: (510) 841-8645
 Emails: amayerson@dredf.org
lcummings@dredf.org
Attorneys for Plaintiffs

16 IN THE UNITED STATES DISTRICT COURT
 17 FOR THE NORTHERN DISTRICT OF CALIFORNIA

21 **EMMA C.,**
 22 Plaintiffs,
 23 **v.**
 24 **DELAINÉ EASTIN, ET AL.,**
 25 Defendants.
 26

3:96-cv-04179-TEH
**JOINT STIPULATION RE STANDARDS
 OF MEASUREMENT RELATED TO
 CURRICULUM-BASED ASSESSMENTS**
 Judge: The Honorable Thelton E.
 Henderson

1 On March 30, 2015, the California Department of Education (CDE) filed a request with the
2 Court for an evidentiary hearing to define the standards of measurement used to determine
3 compliance for RSIP items 6.2.1(l) and 9.2.1(j) and (k). Court Docket (CD) No. 2032. The Court
4 denied CDE’s request for an evidentiary hearing, but “agree[d] that it would be helpful to develop
5 an operational definition of a ‘curriculum-based assessment’ in order to ensure that Defendants
6 are provided fair notice of what is required to comply with these RSIP items.” CD No. 2034.
7 The Court thus ordered the parties to file a joint stipulation or, absent agreement, separate
8 statements to address the appropriate definition or standards of measurement for these RSIP
9 items. *Id.* The parties, by and through their attorneys, now stipulate to the following:

- 10 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), “[t]he term curriculum-based
11 assessment (CBA) means simply measurement that uses ‘direct observation and
12 recording of a student’s performance in the local curriculum as a basis for gathering
13 information to make instructional decisions.” J.C. Witt, et al., *Assessment of at-risk
14 and special needs children* (2nd ed. 1998), quoting S.L. Deno, *Curriculum-based
15 measurement. Teaching Exceptional Children* at 41 (1987).
- 16 • Attached as Exhibit A to this stipulation is a list of curriculum-based assessments
17 used by the Ravenswood City School District for the 2014-15 school year. When
18 measuring whether the District has met the requirements in RSIP items 6.2.1(l) and
19 9.2.1(j) and (k), the Monitor will deem any assessment from Exhibit A to be a
20 compliant curriculum-based assessment, with the exception of teacher-created
21 assessments. If the District wishes to use a teacher-created assessment for a
22 particular student or group of students, the District will submit that assessment
23 instrument to the Monitor.¹

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25 ¹ Teacher-created assessments may be considered to be compliant curriculum-based
26 assessments for some students, including but not limited to students with significant intellectual
27 disabilities. The parties and the Monitor acknowledge that providing an appropriate curriculum-
28 based assessment may be difficult, or even inapplicable, for some students. The District will
work closely with the Monitor to ensure that teacher-created assessments provided to such
students will not be deemed noncompliant.

- 1 • If there are changes to the list of curriculum-based assessments used by the District,
2 the District will submit an updated list to the Monitor and the parties. The updated
3 list will have the same force and effect as the list that it replaces.
- 4 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), the “California curriculum
5 framework” is the Common Core State Standards.
- 6 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), “each curricular area”
7 includes only math, reading, and/or writing, as appropriate.²
- 8 • For purposes of RSIP items 6.2.1(l) and 9.2.1(j) and (k), a curriculum-based
9 assessment is not required for preschool students and students for whom the
10 assessment does not pertain to academic performance (*e.g.*, a “speech-only”
11 assessment).
- 12 • The District has conducted training to ensure that its staff use curriculum-based
13 assessments deemed compliant for purposes of RSIP items 6.2.1(l) and 9.2.1(j) and
14 (k). The District expects that this training will dramatically improve the results for
15 these RSIP items.

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25 ² Per the Monitor, curriculum-based assessments are one of the methods through which a
26 student’s area of need is determined. The Monitor expects curriculum-based assessments in
27 reading and math for all students with academic needs, and in writing for students with that need.
28 In addition, there have been occasions where an area of need is not identified by the District, but a
curriculum-based assessment is required because it is clear to the Monitor that the student has that
need (for example, by the student not meeting an IEP goal in that area the prior year).

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IT IS SO STIPULATED.

DISABILITY RIGHTS EDUCATION & DEFENSE FUND, INC.

By: /s/ Larisa M. Cummings
Larisa M. Cummings
Attorneys for Plaintiffs

YOUTH AND EDUCATION LAW PROJECT

By: /s/ William S. Koski
William S. Koski
Attorneys for Plaintiffs

COUNTY COUNSEL OF THE COUNTY OF SAN MATEO

By: /s/ Aimee Armsby
Aimee Armsby
Deputy County Counsel
Attorneys for Ravenswood City School District and Related Defendants

OFFICE OF THE ATTORNEY GENERAL

By: /s/ R. Matthew Wise
R. Matthew Wise
Fermin Villegas
Deputy Attorneys General
Attorneys for Defendants Delaine Eastin, Superintendent of Public Instruction, California Department of Education, and California State Board of Education

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