

MEMORANDUM OF AGREEMENT
BETWEEN
MOJAVE UNIFIED SCHOOL DISTRICT
AND
CALIFORNIA DEPARTMENT OF JUSTICE

This Memorandum of AGREEMENT ("MOA") is entered into on this 9th day of May, 2024 by and between Mojave Unified School District ("MUSD" or the "District") and the California Department of Justice ("DOJ") (collectively referred to as the "Parties" or individually as a "Party").

I. PURPOSE.

The Parties agree that the District has substantially complied with the terms of the Stipulated Judgment (Judgment) in Case No. 20STCV27568, and the DOJ will not seek to extend the Judgment. The DOJ recognizes that the District has collaborated and worked diligently to reach substantial compliance. The District and DOJ wish to take all reasonable steps necessary to ensure that the state's civil rights laws regarding non-discrimination in the District's schools are uniformly and adequately enforced. Both parties wish to ensure that discipline related policies, procedures, and practices at the District and amongst students are implemented in an equal and fair manner. The District voluntarily enters into this MOA because the District is committed to doing what is right for all students. This MOA is a commitment to continue with open communication and provide updates to the DOJ regarding the District's implementation of a Suspension Disproportionality Reduction Plan.

II. TERMS AND CONDITIONS.

Consistent with the purposes set forth above, MUSD will prepare, adopt, and implement a Suspension Disproportionality Reduction Plan, with the provisions as outlined in Attachment A ("Plan") by August 30, 2024, that includes the DOJ's collaborative input and recommendations. Once approved by the Governing Board of the MUSD, the District will provide the DOJ with a copy of the detailed and approved plan.

In addition, the District voluntarily agrees to provide the DOJ with a written report on the Plan implementation following each school semester in the 2024-2025 and 2025-2026 school years. The report will be provided within the 30 days following each semester.

III. TERM

This MOA has been approved by the Governing Board of the MUSD. The MOA will take effect upon signature by the authorized representative of each Party. This MOA will remain in effect until 30 days after the last day of student instruction in the 2025-2026 school year.

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IV. AMENDMENT AND TERMINATION


The Parties may amend this MOA only in writing, which amendment shall be incorporated into and become effective on the date the amendment is fully executed by both Parties. In addition, the Parties may terminate this MOA by mutual written agreement.

VII. ENTIRE AGREEMENT

This constitutes the entire understanding of the Parties pertaining to the MOA, and is the final, complete, and exclusive expression of the Parties understandings. This is not an extension of the Stipulated Judgment or the result or consequence of any failed compliance as to any substantive term, but rather a written commitment and expression of accountability to the MOA's independent purpose. This MOA supersedes any written or oral, communications between the Parties and its representatives, to the extent those are not included here.

The Attorney General has authority under Article V, section 13 of the California Constitution to ensure that the state's laws are uniformly and adequately enforced. This MOA does not in any way limit the DOJ's jurisdiction or ability to conduct any investigation or take enforcement action, including as it pertains to the District's implementation of this MOA or any California law, regulation, or practice.

APPROVED BY THE GOVERNING BOARD MOJAVE UNIFIED SCHOOL DISTRICT

By: 

Dr. Katherine Aguirre, Superintendent

Mojave Unified School District

5/9/2024

DATE

CALIFORNIA DEPARTMENT OF JUSTICE

By: 

Laura Faer, Supervising Deputy Attorney General

for Rob Bonta, California Attorney General

May 9, 2024

DATE

ATTACHMENT A

Suspension Disproportionality Reduction Plan Outline

1. All intervention processes and resources in this Plan are principally targeted at District schools with African-American and student with disabilities suspension rates above the state average.
2. The District will review successful behavior strategies implemented at Robert P. Ulrich Elementary School and other District schools, and will implement them District-wide to achieve a suspension rate for African-American students that is below the state average at District schools where disproportionality remains.
3. **Extended Learning Opportunities Program Field Trips.** MUSD will continue to implement an Extended Learning Opportunities Program focused on diversifying students' learning opportunities and experiences as a way to promote school connectedness, a sense of belonging, and create more ways for families to become involved in the education of their children. All students are eligible to participate in these experiences. This is not a rewards-based program, and a student's behavioral history does not qualify or disqualify them from attending and participating.

As part of the extended learning program, students and an adult from their families can sign up to attend trips and/or participate in experiences at no cost to the families. Transportation and lunches are provided for all participants. These experiences are connected to literature, for example, and help promote learning and appropriate behavior both in and outside of typical school settings.

Through the Extended Learning Opportunities Program, MUSD aims to continue developing and improving relationships between families and school personnel through more meaningful interactions permitted by the program and its activities.

4. **Positive Behavior Interventions and Supports (PBIS).** MUSD will continue to utilize Positive Behaviors Interventions and Supports (PBIS) as a means to assist with and provide for social, learning, behavioral, and emotional needs of all students both with and without Individualized Educational plans (IEPs). The District will continue to contract with Placer County Department of Education for PBIS training and support. The Director of Student Services will oversee the continued implementation of PBIS, which will allow continued coordination between the PBIS team, Child Welfare and Attendance, Behavior support services, special education, and nurses, to more readily respond to and help with any behavior or discipline issues. The District will continue to refine PBIS annually as needed.

The District and school-site level PBIS teams will conduct a monthly review of disaggregated District and school-site level discipline and achievement data with the purpose of (a) assessing the effectiveness of the current disciplinary responses and consider whether other potential means of correction are more effective or appropriate; (b) assess whether the District's and school's student discipline policies, practices, and procedures are implemented in a nondiscriminatory manner. During each monthly meeting, the PBIS teams will specifically assess whether students of a particular race, color, national origin, or with a disability[ies] are more likely than students of other races, colors, national origins,

or without a disability[ies] to receive discipline referral and sanctions, including harsher or longer sanctions from particular teachers or administrators, for similar conduct. The District will use the same Nested data embedded system used for academic analysis for discipline data analysis. The District will utilize the Kern Integrated Data System (KIDS). (Information regarding KIDS is available at <https://kernkids.org/>.)

5. **First 5 Days.** Much like the UC/CSU system, the District will dedicate the first five (5) days of the school year for student orientation and review of expectations. The intent is to provide all students, including African American students and students with disabilities, the opportunity to learn about social, emotional, health, academic services on campus and how to access them while at the same time learning about the school-wide expectations for appropriate behavior. Activities focus on strategies and coping skills as well as how to conduct yourself in the different areas on campus.

There are also explicit lessons on how to earn points for appropriate behavior and what the points can be used on. The District will provide 3 refresher days throughout the school year to assist students with remembering our school-wide rules and behavior expectations.

6. **Additional Support Staff: Program Specialists in Special Education Department.** The District will continue to maintain the two new Program Specialist positions as an effective way to improve the response and services for special needs students. The District will continue to implement the process and procedures created by the Special Education Director during the 2023-2024 school year, focused on student well-being and academic achievement. Site administrators and staff will continue to be able to consult with District Program Specialists and/or the Director of Special Education more quickly, after there are incidents that might lead to discipline for a special education student and can respond more effectively.
7. **Additional Support Staff: School Psychologist.** In 2020 MUSD had four full-time school psychologists and during the 2023-2024 school year, have employed a total of ten (10) full-time psychologists. The District has budgeted and will continue recruiting efforts in order to employ twelve (12) full-time psychologists to meet the diverse and ongoing needs of the District's special student populations. The District intends to provide separate dedicated service providers for their special populations. For example, the District will continue to provide dedicated staff for foster/homeless youth (private residence), severely disabled students, age three to PK students, and students who reside in local group homes. One of the additional psychologists will be assigned to provide additional support to CCMS in the area of Social Emotional Support and Learning and monitoring of the implementation of Positive Behavior support plans.
8. **Additional Support Staff: Board Certified Behavior Analyst ("BCBA") and Registered Behavior Technicians ("RBTS").** The District will continue to employ a full-time Board Certified Behavior Analyst ("BCBA") to address the large number of students in the District with behavior concerns. Since the District's goal is to support students in their least restrictive environment ("LRE"), the BCBA will continue to consult with classroom teachers, administration, and parents about strategies that help to reduce concerning behaviors.

The BCBA will work with staff, including paraprofessionals, to implement positive behavior support strategies, monitor data on the effectiveness of the strategies, and revise the positive behavior support plans as needed. Similarly, the BCBA will be available to attend IEP meetings and answer questions from families about strategies that can be used at home.

Currently, the District is seeking to employ four full-time Registered Behavior Technicians (“RBTS”) to assist in daily behavior strategy implementation. Once these staff members are hired, they will be assigned to school sites with significant numbers of students who have behavioral needs. More specifically, two will be assigned to CCMS full-time, where the District has a greater need.

The BCBA will continue to provide an annual training to staff at each school site.

9. **Data Driven Student Learning and Alignment For Improved Student Behavior and Engagement.** Over the past four years MUSD has invested a substantial amount of resources to ensure that classroom instruction is aligned and calibrated based on student achievement data at the student group and individual student level. District teachers have identified the highest impact standards and created a scope and sequence for each grade level. Further they have created assessments based on what is being taught for each unit of study. With their consulting partners, the District has implemented systemic processes to review and refine the instructional practices that lead to higher student achievement. While not obviously a behavior support process, there is a definite correlation between student achievement and behavior and engagement.

Over the past four years District students with disabilities and African America students have grown academically. In particular, District students at CCMS and District wide have grown in both English Language Art and Math. By no means are the students achieving at their ability levels, but they are improving. As the academic achievement continues to increase, the District is confident that suspensions will continue to decrease. Successful students are generally more engaged in school activities and participate in more of the offered programs and services. The District has budgeted for and will continue to invest in data driven student instruction improvements, not only as a means to promote higher student achievement but also as a support to reducing behavioral incidents and improving student engagement.

10. **Paraprofessional Professional Development.** Curriculum alignment includes many different aspects of training and typically leaves out classified staff. In MUSD the majority of employees are non-teaching classified staff; in particular the District has a large number of paraprofessionals. The primary responsibility of the paraprofessionals is to work directly with students. This includes redirecting their attention to lessons or tasks, helping them to learn new academic skills, and assisting them in learning appropriate behaviors in different settings.

These services are not exclusive to the District’s special education student population. In the past three years the District has increased the number of paraprofessionals so that each classroom Kindergarten through second grade has a full-time paraprofessional. In addition,

the District has increased the number of full-time paraprofessionals at secondary sites including CCMS. As a means to ensure that that staff is prepared for their assignments and continue to learn new skills to support academics and behavior, the District has instituted a job embedded professional development plan and program. The District will continue implementing ongoing professional development for paraprofessionals to improve their knowledge and effectiveness in responding to appropriate student behaviors affecting the District's whole student population.

11. **CCMS Suspension Data Review** – By August 2024, the District will review data around CCMS's suspension decisions for African-American students and students with disabilities who were suspended during the 2023-2024 school year due to non-violent offenses. The purpose is to understand (a) whether or not alternative means of correction could have been implemented and/or (b) whether African American students and students with disabilities were treated differently than other students for similar conduct. Through the review, the District will learn to identify whether there are opportunities for earlier interventions (e.g., anti-drug/tobacco education and after-school detention in lieu of suspension for profanity offenses) or lessons learned that can be translated to future cases and prevent any unintended disparate impact for these student groups.
12. **Restorative Justice.** - Beginning with the 2024-2025 school year, the District will implement the first phase of a Restorative Justice model. This phase will consist of training administrators and teachers on restorative justice practices during the first semester. The second phase of implementation will take place during the second semester and will include training and informal meetings with students, parents, and community members. The aim is to have our Restorative Justice program up and running by the end of the second semester of the 2024-2025 school year. The District will contract with a consultant with appropriate expertise to provide Restorative Justice training to District staff.
13. **Anti-Bias and Cultural Competency Training.** - During the 2024-2025 and 2025-2026 school years, the District will again conduct anti-bias and cultural competency training for all District staff.
14. **Trauma Informed Training.** - During the 2024-2025 and 2025-2026 school years, the District will conduct trauma informed training, inclusive of youth mental first aide, for all District staff.
15. **De-escalation Training.** - During the 2024-2025 and 2025-2026 school years, the District will again conduct de-escalation training for all District staff.