

1 XAVIER BECERRA
Attorney General of California
2 MICHAEL L. NEWMAN
Senior Assistant Attorney General
3 SARAH E. BELTON
Supervising Deputy Attorney General
4 LAURA FAER (SBN 233846)
GARRETT LINDSEY
5 VIRGINIA CORRIGAN
Deputy Attorneys General
6 1515 Clay Street, 20th Floor
P.O. Box 70550
7 Oakland, CA 94612-0550
Telephone: (510) 897-3304
8 E-mail: Laura.Faer@doj.ca.gov
Attorneys for THE PEOPLE OF THE STATE OF
9 CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF BUTTE

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14
15 **THE PEOPLE OF THE STATE OF**
CALIFORNIA, EX. REL. XAVIER
16 **BECERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,

17
18 Plaintiff,

19 v.

20 **OROVILLE UNION HIGH SCHOOL**
DISTRICT,

21
22 Defendant.

Case No.

**STIPULATION FOR ENTRY OF FINAL
JUDGMENT**

1 Plaintiff, the People of the State of California, by and through its attorney, Xavier Becerra,
2 Attorney General of the State of California (the Attorney General), and by Deputy Attorney
3 General Laura Faer, and Defendant Oroville Union High School District (the District), appearing
4 through its attorneys at Dannis Woliver Kelley, and by Diana D. Halpenny stipulate as follows:

5 1. This Court has jurisdiction of the subject matter hereof and the parties to this
6 Stipulation for Entry of Final Judgment (Stipulation).

7 2. The Final Judgment (Judgment), a true and correct copy of which is attached
8 hereto as Exhibit 1, may be entered by any judge of the superior court.

9 3. The Attorney General may submit the Judgment to any judge of the superior court
10 for approval and signature, based on this Stipulation, during the Court's ex parte calendar or on
11 any other ex parte basis, without notice to or any appearance by the District, which notice and
12 right to appear the District hereby waives.

13 4. The parties hereby waive their right to move for a new trial or otherwise seek to
14 set aside the Judgment through any collateral attack, and further waive their right to appeal from
15 the Judgment, except the parties agree that this Court shall retain jurisdiction for the purposes
16 specified in the Judgment.

17 5. The parties jointly represent that they have worked cooperatively to come to an
18 agreement as set forth in the Judgment.

19 6. The parties have stipulated and consented to the entry of the Judgment without the
20 taking of proof and without trial or adjudication of any fact or law herein, without the Judgment
21 constituting evidence of or an admission by the District regarding any issue of law or fact alleged
22 in the Complaint on file herein, and without the District admitting any liability regarding
23 allegations of violations that occurred prior to the entry of the Judgment.

24 7. The District will accept service of any Notice of Entry of Judgment entered in this
25 action by delivery of such notice by electronic mail to its counsel of record, and agrees that
26 service of the Notice of Entry of Judgment will be deemed personal service upon it for all
27 purposes.

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8. The individuals signing below represent that they have been authorized by the parties they represent to sign this Stipulation.

9. This Stipulation may be executed in counterparts, and the parties agree that a facsimile signature shall be deemed to be, and shall have the full force and effect as, an original signature.

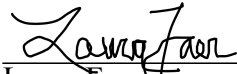
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PLAINTIFF THE STATE OF CALIFORNIA

XAVIER BECERRA
Attorney General of California

DATED: July 28, 2020



Laura Faer
Deputy Attorney General
Attorneys for Plaintiff

DEFENDANT OROVILLE UNION HIGH SCHOOL DISTRICT

OROVILLE UNION HIGH SCHOOL DISTRICT

DATED: _____

Superintendent

Approved as to Form:

DATED: _____

Diana D. Halpenny
DANNIS WOLIVER KELLEY
Attorneys for Defendant

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PLAINTIFF THE STATE OF CALIFORNIA

XAVIER BECERRA
Attorney General of California


DATED: _____

Laura Faer
Deputy Attorney General
Attorneys for Plaintiff

DEFENDANT OROVILLE UNION HIGH SCHOOL DISTRICT

OROVILLE UNION HIGH SCHOOL DISTRICT

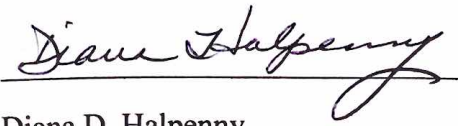
DATED: 7-18-2020



Superintendent

Approved as to Form:

DATED: July 20, 2020



Diana D. Halpenny
DANNIS WOLIVER KELLEY
Attorneys for Defendant

Exhibit 1

1 XAVIER BECERRA
Attorney General of California
2 MICHAEL L. NEWMAN
Senior Assistant Attorney General
3 SARAH E. BELTON
Supervising Deputy Attorney General
4 LAURA FAER (SBN 233846)
GARRETT LINDSEY (SBN 293456)
5 VIRGINIA CORRIGAN (SBN 292035)
Deputy Attorneys General
6 1515 Clay Street, 20th Floor
P.O. Box 70550
7 Oakland, CA 94612-0550
Telephone: (510) 879-3304
8 E-mail: Laura.Faer@doj.ca.gov
Attorneys for The People of the State of California
9

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF BUTTE

12
13 **THE PEOPLE OF THE STATE OF**
14 **CALIFORNIA, EX. REL. XAVIER**
15 **BECCERRA, ATTORNEY GENERAL OF**
16 **THE STATE OF CALIFORNIA,**

Plaintiff,

17 v.

18 **OROVILLE UNION HIGH SCHOOL**
19 **DISTRICT,**

Defendant.

Case No.

[PROPOSED] FINAL JUDGMENT

1 The People of the State of California (the People), by and through the Attorney General,
2 and the Oroville Union High School District (the District) share a mutual interest in ensuring the
3 District’s education policies and practices comply with state law. The Attorney General
4 acknowledges that the District cooperated with the Attorney General’s investigation and that the
5 District is committed to fulfilling the terms of this Judgment. The Attorney General also
6 acknowledges that the District is committed to complying with the California Department of
7 Education’s oversight monitoring and compliance requirements to address significant
8 disproportionality for students with disabilities.

9 The People and the District, having stipulated to the entry of this Judgment by the Court
10 without the taking of proof and without trial or adjudication of any fact or law, without this
11 Judgment constituting evidence of or admission by the District regarding any issue of law or fact
12 alleged in the People’s Complaint for Injunctive Relief (Complaint) on file or any of the
13 allegations or conclusions set forth herein, and without the District admitting any liability, and
14 with all parties having waived their right to appeal, and the Court having considered the matter
15 and good cause appearing,

16 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

17 This Court has jurisdiction over the allegations and subject matter of the People’s
18 Complaint filed in this action, and the parties to this action; venue is proper in this county; and
19 this Court has jurisdiction to enter this Judgment.

20 **INJUNCTION**

21 The District is permanently enjoined from violating any law or regulation, including the
22 causes of action set forth in the People’s Complaint. During the minimum five-year term of this
23 Judgment, as specified in Section VIII, the District shall carry out the following affirmative
24 corrective actions:

25 **I. EDUCATION MONITOR**

26 1. This Judgment will be overseen by an education monitor (Monitor) approved by
27 the Attorney General’s office who will be provided timely access to information and documents
28 to ensure compliance with this Judgment and whose reasonable costs and expenses will be paid

1 by the District. The Monitor that the Parties have selected is Ramiro Rubalcaba, Ed.D. The
2 Monitor will: (a) provide technical assistance and support to the District to help it achieve timely
3 compliance; (b) review and approve all of the policies, procedures, practices, programs, and
4 training providers and materials required by the substantive provisions herein; and (c) assess the
5 District's compliance in accordance with Sections VIII and IX of this Judgment.

6 2. If at any time the Monitor is no longer able to serve, he or she will inform the
7 Parties in writing as soon as possible prior to ending services. Within 14 calendar days of
8 receiving notice, the Parties will meet and confer regarding a replacement. The replacement will
9 be selected with the approval of the Attorney General's office no later than 60 calendar days after
10 written notice is received, or as extended by agreement of the Parties. If a Party objects, the
11 Parties will engage in the dispute resolution process described in paragraph 55 of this Judgment.

12 **II. POLICIES, PROCEDURES, PRACTICES, AND TRAINING**

13 3. Within 15 days of the effective date of this Judgment, the District will discuss and
14 adopt a statement of principles that will guide implementation. The principles will include that
15 the District's goal is to ensure that each of the District schools treats students fairly and equitably,
16 is safe, and maintains an environment conducive to learning. To reach that goal, the District is
17 committed to: (a) nondiscrimination in discipline consistent with state and federal law; (b)
18 treating all of its students fairly and equitably in the administration of discipline, without regard
19 to any protected characteristic or category; (c) ensuring consistent and equitable implementation
20 of research-based alternatives to punitive discipline and to using exclusionary discipline as a last
21 resort after exhaustion of alternatives; (d) working with students who exhibit behavior issues to
22 ensure that students remain engaged in the District's educational program and are given every
23 opportunity to reach their potential; and (e) taking effective and prompt steps to prevent,
24 eliminate, and remedy the effects of harassment on students based on any protected characteristic
25 or category.

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1 4. For ten (10) school-year months¹ immediately after the Judgment’s effective date,
2 the District’s Superintendent will lead the District’s implementation of and be responsible
3 internally for overseeing implementation of key aspects of this Judgment, including but not
4 limited to ensuring training as approved by the Monitor is delivered, working with the Monitor to
5 develop the Culturally-Responsive System of Positive Behavior Interventions and Supports (CR-
6 PBIS) set forth in paragraph 7, evaluating and implementing the CR-PBIS system, and addressing
7 any complaints regarding discrimination or harassment in District schools. The District’s
8 Superintendent has committed to obtain training from the Monitor and other experts agreed to by
9 the Monitor in school discipline data analysis with a focus on disaggregation and analysis of data
10 by protected characteristics, research-based alternatives to exclusionary discipline strategies, such
11 as CR-PBIS and restorative justice, systemic racism and bias in all of its forms, reducing
12 disproportionate discipline and improving academic outcomes for African-American and Alaskan
13 Native/Native American students and students with disabilities, preventing and effectively
14 responding to harassment of students on protected bases, and creating positive, welcoming
15 environments for all students.

16 5. During the eleventh (11th) school-year month after the effective date of the
17 Judgment, the Monitor will provide his or her recommendation as to whether the District shall
18 hire or select a Supportive School Climate Coordinator (Coordinator) approved by the Monitor
19 and the Attorney General’s office who reports directly to the Superintendent and who will lead
20 the District’s implementation of and be responsible internally for overseeing the key aspects of
21 the Judgment outlined in paragraph 4. This recommendation shall be based on a determination as
22 to whether the District has failed to substantially comply with two or more of the Judgment’s
23 provisions due as of the month of the Monitor’s recommendation and has failed to make
24 sufficient progress toward substantial compliance with all of the Judgment’s provisions. If the
25 Monitor did not make a determination that resulted in the hiring or appointment of a Supportive
26 School Climate Coordinator in the eleventh school-year month, the Monitor will provide his or

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28 ¹ School-year month is a calendar month in which at least one regular day of instruction is offered.

1 her recommendation as to whether the District shall hire or select a Coordinator using the same
2 criteria during the first school-year month of the third and the fourth school year after the
3 effective date of the Judgment. If the Monitor recommends that such a person be hired or
4 appointed and the Attorney General's office agrees, the District will hire or appoint the person
5 within 120 days of receiving notice of the Attorney General's office's agreement and publish the
6 Coordinator's name and/or title, office and email address, and telephone number on its website, in
7 all school publications, and in all relevant notices to parents.

8 6. Within 60 days of the effective date of this Judgment, the District will provide, for
9 review and approval by the Monitor and the Attorney General's office, revised Board Policies,
10 Administrative Regulations, and annual Discipline Procedure/Plan (District policies) covering
11 discipline, nondiscrimination in discipline, discrimination and harassment, retaliation,
12 intimidation, bullying, and students with disabilities, and annual notices to staff, parents, and
13 guardians regarding the same that are internally consistent and compliant with state law and this
14 Judgment. The revised District policies will also address different treatment and
15 disproportionality in discipline and set forth the steps the District will take to consistently and
16 effectively implement a range of other means of correction consistent with state law, including
17 the statutory list of other means of correction and those set forth in this Judgment. Within 30
18 days of receiving approval of the District policies and notice from the Attorney General's office,
19 the District will distribute a notice by e-mail to all staff, parents, and guardians regarding the
20 revised policies with a link to access the policies on the District's website. The policies will
21 remain on the District's website while this Judgment remains in effect. Any further revisions to
22 the District's policies and notices made while this Judgment remains in effect will be provided to
23 the Monitor and Attorney General's office for review and approval.

24 7. Within 90 days of the effective date of this Judgment, the District will develop a
25 plan for full implementation within three years of CR-PBIS, which will include a social-
26 emotional learning curriculum, restorative practices, and conflict resolution in tiers one and two;
27 the specific plan for increasing mental health, social work, and counseling services through staff
28 trained to provide trauma-informed services and/or by increasing partnerships with outside

1 entities and agencies, training, and supplemental and concentration funding to support tier three
2 interventions and to provide early access to services for students identified as needing support;
3 and the methods by which students in need of tier three interventions will be referred, assessed,
4 and supported. As part of the CR-PBIS plan, the District will create school-site teams that
5 include students/student input, parents and guardians, teachers, special education teachers,
6 counselors, classified security/campus monitors, and school-site administration. In creating this
7 plan, the District will assess the usefulness of adding the School-Wide Information System to its
8 Data Zone system to help track and understand behavior patterns, disproportionality, and
9 effectiveness of resolutions.

10 8. Within 90 days of the effective date of this Judgment and on or before July 15 of
11 each year thereafter while this Judgment is in effect, the District will provide to the Monitor and
12 the Attorney General's office for review and approval the annual all-staff training schedule and
13 proposed independent trainer, which may include the Monitor, for mandatory all-certificated staff
14 quarterly trainings and ongoing coaching and support regarding: (a) implementation of the
15 culturally responsive tiered system of CR-PBIS; (b) nondiscrimination in discipline, equity, and
16 equitable decision-making; (c) bias, including explicit and implicit bias, and individual and
17 system-wide strategies to address both; (d) how to implement social-emotional learning, conflict
18 resolution and de-escalation techniques in class and school-wide; (e) integration of trauma-
19 informed strategies and practices; and (f) responsibilities and duties regarding oral and written
20 reports and complaints of discrimination, harassment, retaliation, and intimidation. The District
21 will provide bi-annual training in the above topics tailored for any campus security, law
22 enforcement, or school resource officer(s) who provide services to the District pursuant to a
23 contract or memorandum of understanding for which funding is provided by the District. The
24 District may tailor the training for classified staff, other than campus security/monitors, to be
25 appropriate to their roles on campus and propose a bi-annual alternative training plan that covers
26 the aforementioned topics. The District may provide the trainings itself in year three and
27 thereafter, to the extent the Monitor approves of the internal trainers proposed by the District.

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1 9. On or before September 1 of each year that this Judgment is in effect, the District
2 will provide support and training for teachers to co-develop, with their students, positive
3 expectations for school and classroom behavior and achievement, and strategies for building
4 community and resolving conflicts consistent with the CR-PBIS framework. This training may
5 be incorporated into the training specified in paragraph 8 above. Within 90 days of the effective
6 date of this Judgment, the District will develop a system for assessing and supporting ongoing
7 classroom implementation of the aforementioned co-developed positive classroom expectations
8 and strategies.

9 10. Within 90 days of the effective date of this Judgment, the District will update or
10 revise its electronic data collection system to track implementation of CR-PBIS interventions and
11 supports, other means of correction, and meetings held to review and revise supports for students
12 prior to suspension, which shall include but not be limited to the range of positive interventions
13 and supports provided in the revised District policies in paragraph 6 and set forth in paragraph 7.

14 11. Within 90 days of the effective date of this Judgment, the District will create a
15 protocol for monthly review of disaggregated District- and school-site-level discipline and
16 achievement data by District- and school-site level CR-PBIS teams with the purpose of working
17 to timely: (a) address the root causes of discrimination in discipline; (b) consistently implement
18 other positive means of correction, review effectiveness, and engage in continuous quality
19 improvement efforts; and (c) assess whether the District and school are implementing student
20 discipline policies, practices, and procedures in a nondiscriminatory manner. The aforementioned
21 data shall include: test scores; attendance; class rank, if available; alternatives/other means of
22 correction; teacher, office, and law enforcement referrals and dispositions related to the same;
23 suspensions, including in-school, Saturday, and out-of-school suspensions, and days of
24 suspension per incident; annual climate surveys; transfers to Community Day, Continuation, and
25 independent study; and expulsions. The District will ensure that a system is established for
26 consistent documentation of other positive means of correction by staff prior to suspension
27 consistent with California Education Code section 48900.5. Each of these data elements shall be
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1 disaggregated by all of the categories required by state and federal law, including but not limited
2 to those required for CalPads reporting.

3 12. During each monthly meeting, the CR-PBIS teams will specifically assess whether
4 students of a particular race, color, national origin, or with a disability[ies] are more likely than
5 students of other races, colors, national origins, or without a disability[ies] to receive discipline
6 referral and sanctions, including harsher or longer sanctions, and/or referrals or sanctions for
7 certain offenses, e.g. defiance and disruption, and/or referrals and sanctions, including harsher or
8 longer sanctions, from particular teachers or administrators and report on the same. To the extent
9 a team identifies higher rates of discipline and/or harsher or longer sanctions imposed for students
10 of a particular race, color, national original, or with a disability[ies] as described above, the
11 District and committee will set forth the actions it will take to address the disparities and/or any
12 different treatment in discipline.

13 13. Within 90 days of the effective date of this Judgment, the District will create a
14 protocol for a monthly convening of a subset of the CR-PBIS team consisting of District
15 certificated staff to review student-level discipline and achievement data and develop, as
16 appropriate, individualized positive behavior intervention and support improvement plans
17 (individualized support plan) to provide early intervention and support to at-risk students,
18 including those with two or more suspensions in a semester or who are being considered for
19 involuntary transfer, and students with mental health, social, emotional, and behavioral needs. In
20 assessing appropriate interventions and support, the team will also discuss whether a referral for
21 Section 504 or special education is appropriate and, for a student with a Section 504 plan or
22 Individualized Education Program (IEP), whether the District needs to convene a Section 504 or
23 IEP meeting to revise the student's Section 504 plan or IEP to address any unique needs or
24 changes in circumstances.

25 14. If the District identifies higher rates of referrals, harsher, or longer sanctions issued
26 in a classroom(s), the District will provide ongoing explicit support and training in the areas
27 identified in paragraphs 7 and 8 and student-teacher relationship-building coaching.
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1 15. On a quarterly basis, each school-site will share the data described in paragraph 11
2 with certificated staff as part of a discussion focused on: (a) addressing the root causes of
3 discrimination in discipline; (b) consistently implementing other means of correction, reviewing
4 effectiveness, and engaging in continuous quality improvement efforts; and (c) assessing whether
5 the District and school are implementing student discipline policies, practices, and procedures in a
6 nondiscriminatory manner.

7 16. Within 60 days of approval of the protocol, the District will provide on a monthly
8 basis, the disaggregated District- and school-site-level data described in paragraph 11 for review
9 by and quarterly discussion with the Attorney General’s office and Monitor. The review and
10 quarterly discussion will address ongoing disproportionality and disparities in discipline and
11 progress toward achieving nondiscrimination in discipline and addressing high rates of
12 exclusionary discipline.

13 17. Two times a year the District will publish the disaggregated District- and school-
14 site-level data described on its website while taking any steps needed to de-identify or otherwise
15 redact data, as required by law, to preserve student privacy.

16 18. Within 90 days of the effective date of this Judgment, the District will establish
17 and implement a re-entry protocol for students returning from expulsion and in-school and out-
18 of-school suspensions, which will include a voluntary restorative conversation on the day of
19 return with an individual trained in restorative practices and CR-PBIS to address conflict and an
20 assessment of any steps and check-ins needed to prevent and address any behaviors, factors, or
21 conditions that contributed to the incident leading to suspension.

22 19. Within 90 days of the effective date of this Judgment, the District will: (a)
23 implement a Monitor-approved walk-through protocol to provide support for academic
24 instructional practices that focus on student engagement, opportunities for practice and feedback,
25 and cultural relevance; and (b) develop a plan for implementing the protocol, including a plan for
26 providing additional support to instructors as needed.

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1 20. Within 90 days of the effective date of this Judgment, the District will provide its
2 plan for implementing skills-building and social-emotional learning curriculum and group
3 learning for Freshman students and other students at risk of conflict.

4 21. The District has decided to eliminate its Saturday School program. Within 90 days
5 of the effective date of this Judgment, the District will provide its plan for implementing a
6 curriculum and social, emotional, and educational support programming in detention with the
7 goal of increasing student investment and engagement in school, developing teacher-student
8 relationships and connections, and improving educational outcomes. To the extent the District
9 decides to re-establish a Saturday School program at any time while this Judgment is in effect, 30
10 days prior to establishing the program, the District will provide and implement a plan consistent
11 with the preceding sentence.

12 22. Within 15 days of the effective date of this Judgment, the District will provide
13 required state statutory and regulatory justification for allocations of supplemental and
14 concentration funding for school-site resource officers and deputies, security, and in-school
15 suspension programs, including how these allocations are effective at increasing or improving
16 outcomes for targeted student groups, and assess whether funding should be reallocated for
17 mental health services and other services to address the disparities in academic and discipline
18 outcomes for African-American students and students with disabilities identified in the District's
19 2018-2019 and 2019-2020 Local Control Accountability Plan.

20 23. Within 90 days of the effective date of this Judgment, the District will provide a
21 schedule for consistent informational bulletins and notices to be shared with parents, guardians,
22 and education rights holders, and in-person information sessions to be held at least two times a
23 year for parents, guardians, and education rights holders that: (a) emphasize the District's
24 commitment to treating all students fairly and equitably in the administration of discipline without
25 regard to race, color, national origin, sex, gender, gender identity, disability, religion or foster
26 youth or homeless status; (b) discuss what is expected of students and staff under the revised
27 policies and practices; (c) describe the alternative means of correction that will be available and
28 implemented; (d) explain the law, research, and evidence supporting the steps and practices the

1 District will be implementing to provide a safe, welcoming, and supportive school environment;
2 and (e) outline the ways in which parents, guardians, and education rights holders can partner
3 with the District to provide a safe, welcoming, and supportive school environment.

4 24. Within 90 days of the effective date of this Judgment, the District will establish a
5 Supportive School Climate Advisory Committee consisting of parents and students who are
6 representative of the diverse students attending District schools and members of community
7 organizations and non-profits who work with and provide supports to students and parents in the
8 area to provide suggestions on improvements to the District's discipline policies, procedures, and
9 practices, the terms and implementation of substantive provisions in this Judgment, and
10 communications with parents, students, and the community regarding the same. Within 30 days
11 of each meeting of the Committee, a written summary of the meeting will be posted on the
12 District's website and a copy provided to the School Board and the Attorney General's office.
13 The District Superintendent or designee will review the summaries to identify potential
14 improvements or modifications to District policies, procedures, and practices. The District will
15 provide notice of any changes made as a result of the Committee's recommendations to the
16 Attorney General's office as required by paragraph 6 of this Judgment.

17 25. Within 180 days of the effective date of this Judgment, the District will develop a
18 plan with responsible parties for increasing staff diversity at District schools. Within 30 days of
19 receiving the Monitor's approval of the plan, the District will implement and report to the
20 Monitor on its efforts once every 90 days thereafter while this Judgment is in effect. It is
21 understood that increasing staff diversity depends upon availability of vacant positions and the
22 District's determination whether to fill those vacant positions or not.

23 **III. IN-SCHOOL SUSPENSION PROGRAM**

24 26. Within 90 days of the effective date of this Judgment, the District will develop:
25 (a) a system that can be reviewed to ensure that students assigned to in-school suspension receive
26 applicable school work assignments, tests, and quizzes consistent with law; (b) regular individual
27 and/or group counseling for students assigned to more than two days of in-school suspensions
28 with the goal of assessing mental health, emotional, educational, and social needs and providing

1 strategies and a plan for implementation upon return to the regular classroom schedule; (c) a
2 method for the in-school suspension teacher to report to the Superintendent or, if appointed or
3 hired pursuant to paragraph 5, the Coordinator, monthly data regarding gaps in assignment of
4 school work, tests, and quizzes by class and school so that corrective measures can be taken; and
5 (d) procedures for a re-entry check-in with a counselor or in-school suspension teacher on the day
6 the student(s) return to their regular classroom schedule, which will include an assessment of
7 student work completed and assignments missed to ensure that in-school suspension is not a
8 cause of school failure, a review of the plan described in paragraph 26(b), and the voluntary re-
9 entry protocol set forth in paragraph 18.

10 **IV. INVOLUNTARY TRANSFERS TO COMMUNITY DAY AND CONTINUATION**
11 **HIGH SCHOOLS**

12 27. Within 30 days of the effective date of this Judgment, the District will revise
13 District policies and procedures for involuntary placements in the District’s Community Day and
14 Continuation High Schools to bring them into compliance with state law and create two
15 accessible one-page documents, one for Community Day and one for Continuation High,
16 explaining rights under state law to be provided to any parent and student for signature before any
17 transfer (“notice of explanation of rights”). Within 30 days of receiving approval of the policies,
18 procedures, and documents from the Monitor and the Attorney General’s office, the District will:
19 (a) distribute such policies and procedures to staff, students, parents, and guardians and post on
20 the website; (b) provide training to administrative staff in the District and at all school sites
21 regarding such policies, procedures, and the required distribution and signatures on the
22 documents; and (c) retain copies of the signed notice of explanation of rights document in each
23 student’s records.

24 28. Within 180 days of the effective date of this Judgment, the District will work with
25 the Monitor to re-assess the levels discipline system used at the Community Day School and
26 replace it with implementation of CR-PBIS consistent with paragraph 7 and any other supports
27 that the District and Monitor agree are research-based and will provide benefits to this specific
28 population.

1 29. Within 180 days of the effective date of the Judgment, the District will develop an
2 education planning and goal setting process for students upon entry into Continuation High that
3 will include a plan and timeline for reentry to a comprehensive campus and steps that will best
4 assist a student with success upon reentry to a comprehensive campus.

5 30. Within 90 days of the effective date of the Judgment, the District will: (a) review
6 and revise the District’s reporting system to ensure that involuntary transfers to Community Day
7 and Continuation High and the nature of and reasons for such are properly recorded and in
8 compliance with state law (see, California Education Code section 48432.5); (b) track meetings
9 held with parents and students prior to and within two semesters of transfer to Continuation High;
10 (c) ensure that none of the staff members involved in the final decision to make an involuntary
11 transfer are a member(s) of the staff of the school in which the pupil is enrolled at the time that
12 the decision is made and record the same; and (d) track and review student outcomes on a
13 quarterly basis.

14 31. Within 180 days of the effective date of this Judgment, using the Uniform
15 Complaint Procedures or another appropriate process approved by the Attorney General’s office,
16 the District will investigate and respond to reports that some students may be encountering a
17 hostile environment at one of the alternative education sites and provide the investigation report,
18 findings, and any corrective actions to the Monitor and Attorney General’s office for review and
19 comment.

20 32. Within 15 days of the effective date of this Judgment, the District will develop and
21 publicize a system for students, parents, and guardians affiliated with the Community Day and
22 Continuation High to submit any concerns and complaints directly to the Superintendent and,
23 after hire or appointment, to the Coordinator for prompt and timely resolution using the Uniform
24 Complaint Procedures or Complaints Against Employees procedure established under state law.

25 **V. HARASSMENT AND DISCRIMINATION COMPLAINTS**

26 33. Within 30 days of the effective date of this Judgment, the District will provide, for
27 review and approval by the Attorney General’s office, revised policies and procedures for
28 promptly and effectively addressing reports of harassment and discrimination on the basis of

1 protected characteristics to comply with state law Uniform Complaint Procedures requirements.
2 Within 30 days of receiving approval from the Attorney General’s office, the District will: (a)
3 post the policies and procedures on its website; (b) distribute them to parents and guardians; and
4 (c) provide training to relevant staff.

5 34. Within 90 days of the effective date of this Judgment and by August 15 of every
6 year thereafter while this Judgment is in effect, the District will develop a schedule for ongoing
7 training and assemblies for students and staff regarding prohibitions on harassment and bullying,
8 including harassment and bullying on the basis of protected characteristics, how to be an ally, and
9 steps for obtaining redress under the District’s revised policies and procedures set forth in
10 paragraph 33.

11 35. Within 45 days of the effective date of this Judgment, the District will provide a
12 trusted staff person trained in anti-bias and inclusion strategies to serve as a designated support
13 person at each school-site for students who are experiencing or who have experienced harassment
14 and bullying.

15 36. Within 120 days of the effective date of this Judgment, the District will work with
16 school leadership and students to create a plan for increasing peer support and affinity clubs
17 and/or additional support for minority student groups at each school-site.

18 37. For two years from the effective date of this Judgment, on a monthly basis, the
19 District will provide to the Attorney General’s office copies of oral reports and written
20 complaints, if any, of discrimination, harassment, retaliation, and intimidation and all completed
21 complaint investigations. The Attorney General’s office will review the documents to assess
22 compliance with the Uniform Complaint Procedures and the requirement to provide a timely,
23 appropriate, and reasonably effective response. If a complainant timely appeals the District’s
24 decision to the California Department of Education (CDE) and CDE accepts the appeal, the
25 Attorney General’s office will limit the review described in this paragraph to those areas not
26 covered in the appeal, if any. After completing the review, if needed, the Attorney General’s
27 office will provide the District with proposed corrective actions and a timeline for
28 implementation. To the extent the District disagrees with any corrective action proposed, the

1 parties will meet and confer for a maximum of 10 business days. If agreement cannot be reached,
2 either party may exercise the option to file a motion with the Superior Court for resolution. The
3 Superior Court's decision will be final and binding on the parties.

4 **VI. POLICIES, PROCEDURES, AND PRACTICES FOR STUDENTS WITH**
5 **DISABILITIES**

6 38. Within 30 days of the effective date of this Judgment and by July 15 of every year
7 thereafter while this Judgment is in effect, the District will provide, for review and approval by
8 the Attorney General's office, an annual training plan, which includes timelines, proposed
9 trainers, and training materials, to be used to provide training to all certificated staff on Child
10 Find, manifestation determination meetings, Positive Behavior Intervention Plan creation and
11 implementation, effective implementation of specialized instruction, and reasonable
12 accommodations. The District will provide courtesy copies of any and all reports or plans
13 generated in response to oversight by the California Department of Education for training on
14 these issues. If the California Department of Education has already approved an annual training
15 plan, trainers, and training with the same elements and training topics, then the Attorney
16 General's office will make a determination that the plan overseen by the California Department of
17 Education is sufficient to meet this provision. To the extent that an annual training plan, trainers,
18 and training approved by the California Department of Education does not include any element(s)
19 and/or training topic(s), then the District will provide a supplemental annual training plan that
20 covers omitted element(s) and/or topic(s) for review and approval by the Attorney General's
21 office. The District will provide proof of implementation of the approved training plan(s) on
22 February 1 and June 20 of each school year while this Judgment is in effect.

23 39. Within 90 days of the effective date of this Judgment, the District will review
24 and revise Student Success Team and Section 504 protocols and processes to ensure
25 accommodations are implemented and referrals for evaluation are timely and provide such
26 revised protocols and processes for review and approval by the Attorney General's office. Within
27 90 days of approval by the Attorney General's office, the District will post the protocols and
28

1 processes on the District’s website, distribute to staff, parents, and guardians, and train relevant
2 staff.

3 40. Within 30 days of the effective date of this Judgment, the District will review and
4 revise required procedural protection documents to ensure accessibility for parents and guardians
5 with different reading levels, including a list of free and low-cost advocacy and attorney resources
6 (e.g., Disability Rights California), and translate all such documents into Spanish and any other
7 language, as required by law.

8 41. Within 90 days of the effective date of this Judgment, the District will create and
9 provide for review and approval by the Attorney General’s office a plan with District and site-
10 level special education leadership to: (a) effectively use and consistently implement Functional
11 Behavior Assessments (FBAs) and Behavior Intervention Plans (BIPs) that include proactive and
12 positive strategies; (b) support teachers and aides with implementation; and (c) establish
13 procedures for ongoing evaluation of FBAs and BIPs, including effectiveness and timely
14 implementation. If the California Department of Education has already approved a plan that
15 complies with the requirements of the previous sentence, then the Attorney General’s office will
16 make a determination that the plan overseen by the California Department of Education is
17 sufficient to meet this provision. The District will provide courtesy copies of any reports or plans
18 generated in response to oversight by the California Department of Education that include these
19 requirements. To the extent that a plan approved by the California Department of Education does
20 not include any of the aforementioned requirements, the District will provide a supplemental plan
21 that covers the omitted requirement(s) for review and approval by the Attorney General’s office.
22 The District will provide proof of implementation of the approved plan(s) required by this
23 paragraph on February 1 and June 20 of each school year while this Judgment is in effect.

24 42. Within 90 days of the effective date of this Judgment and each year thereafter by
25 August 15, the District will provide a plan for providing annual training and ongoing workshops
26 to parents of students with disabilities or suspected disabilities to inform them of their rights in
27 the Individualized Education Program and Section 504 processes.

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1 43. Within 90 days of the effective date of this Judgment, the District will either fund
2 and post two school-site special education and Section 504 liaison positions dedicated to
3 providing support, training, and assistance to parents of students with disabilities during special
4 education and Section 504 processes, or implement a plan approved by the Attorney General’s
5 office to provide parent/guardian access to no-cost special education support and advocacy
6 services in English, Spanish or Hmong, as needed, through arrangement with the Butte County
7 Special Education Local Plan Area (“SELPA”) and its parent-support service providers. The
8 District will publicize the availability of these no-cost special education support and advocacy
9 services in automated phone calls to District parents at least three times a year, in flyers posted
10 and maintained in all school and District offices, and in notices home to District parents and
11 guardians two times a year.

12 44. Within 90 days of the effective date of this Judgment, the District will develop
13 protocols and memoranda to be distributed to school sites at least five days prior to start date of
14 the first liaison and on an annual basis thereafter to help ensure that such liaisons or special
15 education support service providers are protected, as required by law, from any retaliation for
16 their advocacy and support of parents, guardians, and students with disabilities. While the
17 Judgment is in effect, the District will provide semi-annual Section 504 and special education
18 rights training from a trainer approved by the Attorney General’s office for the special education
19 liaison, if the District elects to hire such liaisons in lieu of the SELPA support services.

20 **VII. TRANSLATION OF DOCUMENTS, INTERPRETATION SERVICES, AND**
21 **DOCUMENT ACCESSIBILITY**

22 45. On or before August 15 of each year while this Judgment is in effect, the District
23 will: (a) provide annual notice to parents, guardians, and education rights holders regarding the
24 availability of translation and interpretation services and the process for requesting translation and
25 interpretation services from the District or school site; and (b) post the notice in the District
26 office, on the District website, and in each school-site office.

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1 46. Within 30 days of the effective date of this Judgment, the District will develop
2 policies and procedures for Attorney General’s office review and approval regarding the
3 provision of translation and interpretation services that are consistent with the annual notice.

4 47. Within 60 days of the effective date of this Judgment, the District will develop a
5 process for ensuring that Individualized Education Program, school placement, and discipline
6 documents have been translated into Spanish and any other language, as required by law.

7 48. While this Judgment is in effect, the District will monitor and track requests for
8 translation and interpretation services and responses to same and provide the Attorney General’s
9 office with the data collected on January 15 and June 15 of each year.

10 49. For any policies, procedures, notices, or other documents created pursuant to this
11 Judgment that are publicly available, the District will translate the documents into Spanish and
12 any other language, as required by law.

13 50. The District will ensure that any policies, procedures, notices, or other documents
14 posted on its website are disability accessible, including PDF documents. For documents
15 distributed to the public, parents, or students, the District will ensure that documents are provided
16 in disability-accessible formats, where necessary for effective communication.

17 **VIII. TERMINATION OF JUDGMENT**

18 51. The term of the Judgment is five years, and the Judgment will terminate
19 automatically five years from the effective date, if the District is in substantial compliance with
20 all of the substantive provisions of the Judgment.

21 52. Within 90 days prior to the termination date, if the Attorney General’s office
22 determines that the District has not substantially complied with the substantive provisions of the
23 Judgment, then a meet and confer process, which shall not extend more than 30 days, will be
24 initiated with the District. If the Attorney General’s office and the District cannot agree on the
25 length of time that the Judgment shall be extended to allow the District to reach substantial
26 compliance, then, the Attorney General’s office may petition the Court for such an extension
27 within 60 days of the close of the meet and confer timeframe. The parties shall be bound by the
28 Superior Court’s decision.

1 **IX. CONTINUING COURT JURISDICTION, COMPLIANCE, AND DISPUTE**
2 **RESOLUTION**

3 53. This Judgment shall take effect immediately upon entry thereof by the Court, and
4 the date of such entry is the effective date of the Judgment.

5 54. For all of the aforementioned requirements, the District will provide timely proof
6 of compliance by submitting appropriate documentation or other information within 5 business
7 days of each deadline or sooner. The Attorney General and his agents, and the experts designated
8 in this Judgment, may make reasonable requests to the District for additional information
9 demonstrating compliance with any provision(s) of this Judgment. The District shall furnish such
10 information within 10 business days after the request is made, unless another date is agreed upon
11 in writing. In addition, the Attorney General and his agents shall have access to speak with
12 personnel, view documents, and visit the District's schools.

13 55. It is the intent of the parties to work collaboratively to address any potential
14 violations of this Judgment. If the Attorney General denies, rejects, or objects to any policy, plan,
15 procedure, protocol, or any other document submitted to the Attorney General's office by the
16 District as required by this Judgment, the Attorney General shall, within 60 days of the date of the
17 denial, rejection, or objection advise the District of the Attorney General's position in writing,
18 and negotiate in good faith to reach a resolution of any dispute. If the parties are unable to reach
19 an agreement regarding a provision of this Judgment that is subject to approval by the Attorney
20 General's office, the matter or matters upon which they disagree will be submitted to the Court
21 for initiation of any further proceedings that the Court may deem at its discretion necessary to
22 reasonably resolve the matters in dispute.

23 56. The Attorney General and the District may jointly stipulate to make changes,
24 modifications, and amendments to the Judgment for what the parties deem to be material
25 revisions, which shall be effective after a joint motion is filed by the parties and is granted by the
26 Court.

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1 57. Any time limits for performance imposed by the Judgment may be extended by the
2 mutual agreement, in writing, of the Attorney General's office and the District, and/or by order of
3 the Court for good cause shown.

4 58. Jurisdiction is retained by the Court to enforce the Judgment for a period of five
5 years, unless time is extended pursuant to Section VIII, for the purpose of enabling any party to
6 the Judgment to apply to the Court at any time for such further orders and directions as may be
7 necessary or appropriate for the interpretation or the carrying out of this Judgment, for the
8 modification of any of the injunctive provisions hereof, for enforcement of compliance herewith,
9 and for the punishment of violations hereof, if any.

10 59. Nothing in this Judgment alters the requirements of federal or state law to the
11 extent these laws may currently, or upon future amendment will, offer greater protection.

12 60. Nothing in this Judgment limits the powers vested in the Attorney General by the
13 California Constitution and state statutory law, including Government Code section 11180 et seq.,
14 to oversee or enforce any California laws or regulations, which the Attorney General may use to
15 monitor the District's compliance with the terms of the Judgment.

16 61. Nothing in this Judgment alters the requirements of the District related to any
17 previously filed complaints before the District under California Code of Regulations, Title 5,
18 Division 1, Chapter 5.1.

19 62. If any provision of the Judgment is found unlawful, impossible, unenforceable, or
20 otherwise invalid on any other grounds by this Court, the Attorney General's office may move the
21 Court for a modification of the Judgment eliminating that provision or the paragraph of the
22 agreement in which the provision appears.

23 63. The Clerk is ordered to enter this Judgment forthwith.

24
25 DATED: _____

JUDGE OF THE SUPERIOR COURT