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8
9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION

12 **EMMA C.,**

13 Plaintiffs,

14 v.

15 **DELAINE EASTIN, et al.,**

16 Defendants.

Case No. C96-4179 TEH

**AMENDED RAVENSWOOD
CITY SCHOOL DISTRICT'S
AND CALIFORNIA
DEPARTMENT OF
EDUCATION'S JOINT
SUBMISSION OF AGREED
2008-2009 RSIP BUDGET;
STIPULATION REGARDING
ALLOCATION OF RSIP AND
COURT MONITOR BUDGET
AND ~~PROPOSED~~ ORDER
THEREON**

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21 In accordance with the directives of this Court, the Ravenswood City School District (the
22 "District") and the California Department of Education (the "CDE") have previously jointly
23 submitted (1) an interim fiscal year ("FY") 2008-2009 Budget for the Ravenswood Self -
24 Improvement Plan (the "RSIP"), (2) an interim stipulation regarding the allocation of these budgets
25 as between the District and the CDE, and (3) a proposed order for the Court's consideration.

26 The District and CDE have since met and conferred on the 2008-2009 RSIP budget and
27 have agreed on a single year RSIP budget of \$2,095,000.00 for the 2008-2009 fiscal year, a copy
28 of which is attached to this joint submission as Exhibit A. Further, the Court Monitor has informed

1 the parties that he has budgeted \$368,573.00 for the 2008-2009 fiscal year.

2 The District and CDE have agreed that responsibility for the RSIP and Court Monitor's
3 budgets will be allocated sixty percent (60%) to the District and forty percent (40%) to the CDE
4 during the 2008-2009 academic year.

5 The District and CDE agree to pay into the Court registry their allocated RSIP and Court
6 Monitor budget shares pursuant to the following schedule:

- 7 ● 30 percent of their respective allocated shares (i.e., a total of \$443,443.14
8 for the District and \$295,628.76 for the CDE) by August 10, 2008.
- 9 ● 60 percent of their respective allocated shares (i.e., a total of \$868,868.28
10 for the District and \$591,257.52 for the CDE) by November 14, 2008.^{1/}
- 11 ● 80 percent of their respective allocated shares (i.e., a total of
12 \$1,182,515.04 for the District and \$788,343.36 for the CDE) by January
13 15, 2009.^{2/}
- 14 ● 100 percent of their respective allocated shares (i.e., a total of
15 \$1,478,143.80 for the District and \$985,429.20 for the CDE) by April 15,
16 2009.^{3/}

17 The District and the CDE request that the Court issue an order to approve the RSIP budget
18 for the 2008-2009 fiscal year and to implement the allocation and schedule described herein.

19 The District and the CDE further agree that the allocation or contribution amounts set forth
20 above may change pursuant to the issuance of a Court Order determining that certain RSIP
21 expenditures are no longer supported or needed to implement the RSIP, or that the respective duties
22 of the parties have changed during the course of the 2008-2009 budget year.

23 The District and the CDE further agree that the District shall submit quarterly invoices,
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- 25 1. This total includes each party's prior payments made by August 10, 2008.
 - 26 2. This total includes each party's prior payments made by August 10, 2008 and
27 November 14, 2008.
 - 28 3. This total includes all of each party's prior payments made pursuant to this stipulation.

1 pursuant to the same schedule as set forth above, to the Court Monitor reflecting expenditures
2 necessary to implement the First Amended Consent Decree and the RSIP. The District and the CDE
3 further agree that copies of all invoices, expenditure reports or other documents provided by the
4 District to the Court Monitor shall also be provided at the same time to the CDE. The District and
5 the CDE further agree that they shall meet and confer, upon the request of either party received
6 within 30 days after the submission of the quarterly invoices to the Court Monitor, regarding the
7 invoices or other documents provided to the Court Monitor. The parties request that the Court
8 Monitor be instructed to maintain an accounting of all such invoices and forward them to the Court
9 for immediate payment.

10 The District and the CDE further agree that pursuant to the same quarterly schedule as set
11 forth above, the District will provide CDE with a line item accounting of budget expenditures along
12 with invoices, expenditure reports, and documentation supporting the RSIP expenditures so that
13 CDE can perform a quarterly audit of RSIP expenditures.

14 The District and the CDE further agree that the CDE may perform additional audits of
15 RSIP records as authorized by Court Order, or upon 30 days notice to the District and the Court
16 Monitor that the CDE has reliable evidence of misuse or misappropriation of RSIP funds and intends
17 to conduct an additional audit of RSIP records to determine if misuse or misappropriation of RSIP
18 monies has in fact occurred. The CDE shall provide the findings of any such audit to the District
19 and the Court Monitor.

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1 The District and the CDE further agree that the District shall arrange for an independent
2 review by the San Mateo County Office of Education, pursuant to the same schedule as set forth
3 above, of monies expended by the District in connection with the First Amended Consent Decree
4 and the RSIP.

5 Respectfully submitted.

6 Dated: August 19, 2008

7 MICHAEL P. MURPHY, COUNTY COUNSEL

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9 By: _____ /s/
10 Eugene Whitlock, Deputy

11 Attorneys for Defendants
12 RAVENSWOOD CITY SCHOOL DISTRICT

13 OFFICE OF THE CALIFORNIA ATTORNEY
14 GENERAL

15 By: _____ /s/
16 George Prince, Deputy

17 Attorneys for State Defendants

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20 GENERAL ORDER 45 ATTESTATION

21 I, George Prince, am the ECF user whose ID and password are being used to file this request
22 for an order. In compliance with General Order 45, X.B., I hereby attest that Eugene Whitlock of
the San Mateo County Counsel's Office has concurred in the filing of this document with his
electronic signature.

23 Dated: August 19, 2008

24 /s/ George Prince

25 George Prince

1 ~~PROPOSED~~ ORDER

2 The Court has reviewed the above joint submission and stipulation of the District and the
3 CDE regarding the contents of the RSIP and Court Monitor Budgets for the 2008-2009 fiscal year.

4 Good Cause appearing therefore, it is hereby ORDERED as follows:

5 a. The RSIP Budget proposed by the District and the CDE for the 2008-2009 fiscal year,
6 a copy of which is attached hereto as Exhibit A, is hereby APPROVED.

7 b. The Court Monitor's budget of \$368,573.00 for the 2008-2009 fiscal year is hereby
8 APPROVED.

9 c. Financial Responsibility for the RSIP and Court Monitor's budgets will be allocated
10 sixty percent (60%) to the District and forty percent (40%) to the CDE during the 2008-2009
11 academic year.

12 d. The District and CDE agree to pay into the Court registry their allocated RSIP and
13 Court Monitor budget shares pursuant to the following schedule:

- 14 ● 30 percent of their respective allocated shares (i.e., a total of \$443,443.14
15 for the District and \$295,628.76 for the CDE) by August 10, 2008.
- 16 ● 60 percent of their respective allocated shares (i.e., a total of \$868,868.28
17 for the District and \$591,257.52 for the CDE) by November 14, 2008.
- 18 ● 80 percent of their respective allocated shares (i.e., a total of
19 \$1,182,515.04 for the District and \$788,343.36 for the CDE) by January
20 15, 2009.
- 21 ● 100 percent of their respective allocated shares (i.e., a total of
22 \$1,478,143.80 for the District and \$985,429.20 for the CDE) by April 15,
23 2009.

24 e. The District and the CDE further agree that the allocation or contribution amounts
25 set forth above may change pursuant to the issuance of a Court Order determining that certain RSIP
26 expenditures are no longer supported or needed to implement the RSIP, or that the respective duties
27 of the parties have changed during the course of the 2008-2009 budget year.

1 f. The District and the CDE further agree that the District shall submit quarterly
2 invoices, pursuant to the same schedule as set forth above, to the Court Monitor reflecting
3 expenditures necessary to implement the First Amended Consent Decree and the RSIP. The District
4 and the CDE further agree that copies of all invoices, expenditure reports or other documents
5 provided by the District to the Court Monitor shall also be provided at the same time to the CDE.
6 The District and the CDE further agree that they shall meet and confer, upon the request of either
7 party received within 30 days after the submission of the quarterly invoices to the Court Monitor,
8 regarding the invoices or other documents provided to the Court Monitor. The parties request that
9 the Court Monitor be instructed to maintain an accounting of all such invoices and forward them to
10 the Court for immediate payment.

11 g. The District and the CDE further agree that pursuant to the same quarterly schedule
12 as set forth above, the District will provide CDE with a line item accounting of budget expenditures
13 along with invoices, expenditure reports, and documentation supporting the RSIP expenditures so
14 that CDE can perform a quarterly audit of RSIP expenditures.

15 h. The District and the CDE agree that the CDE may perform additional audits of RSIP
16 records as authorized by Court Order, or upon 30 days notice to the District and the Court Monitor
17 that the CDE has reliable evidence of misuse or misappropriation of RSIP funds and intends to
18 conduct an additional audit of RSIP records to determine if misuse or misappropriation of RSIP
19 monies has in fact occurred. The CDE shall provide the findings of any such audit to the District
20 and the Court Monitor.

21 i. The District and the CDE further agree that the District shall arrange for an
22 independent review by the San Mateo County Office of Education, pursuant to the same schedule
23 as set forth above, of monies expended by the District in connection with the First Amended Consent
24 Decree and the RSIP.

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j. Given the agreement set forth above, the hearing on the amount and allocation of the budget now set for August 22, 2008 is hereby VACATED.

IT IS SO ORDERED

08/19/08

