

Office of the Independent Monitor

Modified Consent Decree

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July 16, 2004

Honorable Board of Education
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
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Roy Romer
Superintendent
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017

Re: Report on the Progress and Effectiveness of the District's Implementation of the Modified Consent Decree

The approval by the Board of Education of the Modified Consent Decree (MCD) was hailed by both parties in the original Chanda Smith Consent Decree as an important new phase in the efforts of Los Angeles Unified School District (LAUSD) to improve the education of students with disabilities. After the District's failure to modify the Chanda Smith settlement and many months of intensive negotiations over a new settlement, the parties brought forth a Modified Consent Decree with a "results oriented focus", eighteen "clear unequivocal outcomes" and a fixed deadline of June 30, 2006.¹ The District's senior leadership touted the new decree as a "clear, concise and comprehensible statement for what schools in [LAUSD] need" – one that would hold "the district accountable for compliance with the law [while also being] achievable at the school level."²

In May 2003, I accepted the position of Independent Monitor. At that time, I was encouraged by the many expressions of support from the District's leadership for the Modified Consent Decree. I was also impressed by their commitment to achieving the outcomes of the MCD within the three-year timeline. This level of commitment aligned with my understanding, as a longtime urban superintendent, of the difficulty of completing a complex school reform initiative within a limited amount of time.

¹ Los Angeles Unified School District (LAUSD) Office of Communications, Special Education Consent Decree Modification Approved by Los Angeles Unified School District Board (Los Angeles: LAUSD, 2003) 2.

² LAUSD, 2.

I expected that this level of commitment would be translated during the 2003-04 school year into a focused effort to achieve the outcomes of the Modified Consent Decree at the local district and school level. Indeed, after approving the District's 2003-04 Annual Plan, I expected that the District would make considerable progress toward achieving the outcomes of the Modified Consent Decree. This has not been the case. To date, the District has made limited or no progress toward most of the outcomes of the Modified Consent Decree. In some areas, its performance has regressed. Overall, the District has displayed a consistent pattern of over promising performance and under delivering results. The end result is what I consider to be a "lost year" in the Modified Consent Decree's three-year timeline, one that will likely have a negative impact on the District's ability to disengage from court oversight by June 30, 2006.

Below, I will review the District's progress during the 2003-04 school year and the effectiveness of the implementation of the Modified Consent Decree in four areas: data systems, performance outcomes, the Annual Plan and facilities. These areas are aligned with four of my primary responsibilities under the MCD: verifying the accuracy of the District's data required to measure the District's performance;³ reviewing progress toward achieving outcomes and independently determining whether they have been met;⁴ reviewing and adopting the Annual Plan with such additions, deletions, or revisions as I deem appropriate;⁵ and confirming the District's entry into binding commitments to expend the funding necessary for accessibility renovations or repairs to existing school sites.⁶

Data Systems

The responsibilities of the Office of the Independent Monitor (OIM) during the 2003-04 school year have included verifying the accuracy of District data and analyzing accurate data to contribute to the development of new outcomes. As stated in the Modified Consent Decree (MCD), this work is dependent on the timely provision of accurate data from the District to the Office of the Independent Monitor.

To provide evidence of progress toward the outcomes of the Modified Consent Decree during 2003-04, the District used data from three databases: the Special Education Student Assignment Center (SESAC) database, Enhanced SIS, and Welligent. Enhanced SIS and Welligent are in the process of being incorporated into the District's ambitious initiative to replace program level legacy programs with an Integrated Student Information Systems (ISIS).⁷ For example, the Welligent web-based IEP system is the special education component of ISIS.

On March 3, 2004, I presented a report to the parties on problems associated with special education reports derived from these databases.⁸ These problems included delays in the provision of information to my office and discrepancies between district-level and school-level data. As late as February 2004, the District-wide SESAC database displayed an error rate as high as 23%

³ Modified Consent Decree (MCD), Section 3.18

⁴ MCD, Sections 7.65 & 5.33

⁵ MCD, Section 5.32-34

⁶ MCD, Section 10

⁷ See Integrated Student Information System (ISIS) Status Report, Presentation to the Audit, Business and Technology Committee. May 13, 2004.

⁸ Office of the Independent Monitor (OIM), Review of District Data Systems (Los Angeles, OIM, March 3, 2003).

for basic information such as student location and 30% for disability category. These means that 23% of students identified in a sample of students drawn from SESAC were not in the identified school and 30% did not have the correct disability eligibility. My staff found similar school-level discrepancies with data in Enhanced SIS. While many of these problems appear to have been addressed, it is clear that the District has placed more emphasis on building databases than ensuring their accuracy. The lack of quality control mechanisms will likely have a negative impact on the ability of the District to achieve disengagement from the Modified Consent Decree.

Of particular concern is the implementation of the Welligent web-based Individualized Educational Program (IEP) system. The District has repeatedly asserted that much of the data used to provide evidence of progress toward the outcomes of the Modified Consent Decree will derive from Welligent. Based on this expectation, my office conducted an assessment of the school-level implementation of the Welligent system.⁹ We reviewed the accuracy of batch-entered IEPs and conducted a confidential telephone survey of 460 of the 520 schools identified in February as being “fully trained” to use the system. These reviews found many notable successes in the use of Welligent at the site level and I commend the District for the remarkable progress it has made. However, we also found a range of inaccuracies in batch-entered IEP data and a broad array of site-level implementation problems. A substantial majority of school staff reported problems using the system. While such problems should be expected in the first year of such a complex system, the implementation of Welligent is an example of the pattern of over promising and under delivering noted above. Prior to the approval of the MCD, the Division of Special Education promised full implementation of Welligent in less than a year. Though progress to date has been substantial, the system has not reached full implementation. Indeed, it is possible that the headlong effort to achieve rapid implementation may have hampered the system’s effectiveness and undermined the quality of its data.

The District has reportedly taken steps to address many of the implementation problems highlighted in our assessments. Still, I continue to have significant concerns about the District’s dependence on Welligent. The number of IEPs containing current student information remains more than one-quarter below the District’s special education enrollment. A sizable majority of IEPs for the 2003-04 school year were batch-entered after being completed in an IEP meeting, increasing the likelihood of data entry errors. Only 31% were directly entered into the system. Lastly, a large percentage of June 30, 2004 Welligent IEP data displays errors including inaccurate and missing information. These problems must be addressed prior to June 30, 2006 for the District to disengage from court oversight.

Performance outcomes

The Modified Consent Decree is an outcome-based agreement. Rather than micromanaging the District’s reform of its special education system, the MCD provides fixed performance targets that the District is expected to achieve by June 30, 2006. In each of the three years covered by the agreement, the District must develop and implement an Annual Plan that details the steps it

⁹ See Office of the Independent Monitor (OIM), Review of District Data Systems (Los Angeles, OIM, March 3, 2003) 3-6.

will take to achieve the outcomes.¹⁰ Disengagement from the MCD is predicated on the District's achievement of all the performance outcomes and certification by the Independent Monitor that LAUSD is in substantial compliance with IDEA.¹¹

During the 2003-04 school year, I monitored the District's progress toward the existing outcomes. My office also collected and analyzed baseline data for new outcomes. Attachment A presents the District's status for each of eighteen outcomes, including the seven new outcomes developed during this school year.

Overall, progress toward the outcomes has been limited. In most areas, 2003-04 the rate of progress is far below the improvement necessary to achieve the outcomes within the three-year timeline. There are notable areas of success, including Participation on State-wide Assessment, Transition Planning and the Parent Complaint Response. In each of these areas, the District made a concerted push to achieve the outcome, resulting in substantial progress. Parent Complaint Response and Transition Planning are both special education specific activities and success in these areas can be attributed to the focused efforts of the Division of Special Education. The effectiveness of the District's efforts to increase the participation of students with disabilities in the state-wide assessment program resulted from a collaboration between general education and special education. This level of collaboration was prompted by an externally imposed mandate - the 95% target required by No Child Left Behind (NCLB) - with direct consequences for schools and principals that failed to meet the standard. The rapid success of these efforts provides an instructive example of the type of progress that the District can achieve when it engages in a system-wide collaborative effort while holding principals and schools accountable for success. It also raises hopes for progress on other outcomes that will require similar levels of collaboration between general and special education such as Placement in the Least Restrictive Environment (LRE) and Reduction of Suspensions.

For those outcomes where the District made minimal or no progress, LRE, Initial Evaluations, and Translations of IEPs are of particular concern. LRE is noted in the Superintendent's Five Year Strategic Plan and the introduction to the 2004-05 Preliminary Budget as one of the few District special education priorities.¹² Despite this attention, the percentage of students placed in the least restrictive environment does not appear to have increased based on 2003-04 California Special Education Management Information System (CASEMIS) data. This is the data that was used to establish the outcome. Other District databases such as Welligent and SIS display error rates or are missing information in this data field to a degree that may distort results.¹³ They cannot therefore be used by the Independent Monitor to determine progress toward the LRE outcomes.

¹⁰ MCD, Section 5

¹¹ MCD, Section 16

¹² See LAUSD Budget Services and Financial Planning Division, Superintendent's 2004-05 Preliminary Budget (Los Angeles: LAUSD, March 2004) xi. And LAUSD, Superintendent's Five-Year Strategic Plan (Los Angeles: LAUSD, May 14, 2002) 11.

¹³ For example, 38% of students with eligibilities of SLD or SLI in SIS do not have any information in this field. Welligent displays a sizable percentage of students who spend .01-.99 percent of their time in special education. In addition, neither Welligent nor SIS contains the bulk of non-public school students who spend 100% of their time in special education.

The District has made some progress in completing initial evaluations for eligibility for special education services within 50 days as required by the California Code of Regulations. Yet, current performance remains well below the 90% target the District negotiated. My office is also concerned about the accuracy of data in this area.

In the area of IEP translations, the efforts of the District have been disappointing. The California Code of Regulations requires the translation of IEPs upon parent request. In a District containing a sizable percentage of second language learners and non-English speaking parents, a large number of requests for translations should be expected. This year, in a District with roughly 100,000 IEPs, 13,500 parents requested translations. The District completed 7,950 of these translations, leaving a backlog of over 4000 translations. The number of translation requests and the backlog appear to have remained constant for several years. During the negotiations over this outcome, the District agreed to end this pattern of failure and complete 98% of IEP translations within 60 days. Current performance falls far below that threshold. In fact, during the 2003-04 school year, the District's performance grew persistently worse. On July 14, I extended the deadline for completion of all overdue translations to October 30, 2004. The District has acknowledged the need to ensure that sufficient resources are provided to complete this backlog and prevent future backlogs. The District should note that future extensions are unlikely.

For each of the new outcomes negotiated this year, the District will have two years to make the necessary progress. Since these outcomes present ambitious targets, achieving them will require considerable effort. For example, in the area of special education service delivery, another area identified as a goal of the Superintendent's Five-Year Strategic Plan,¹⁴ the District must make considerable progress in both the provision of services and the use of a system to track service delivery in order to meet the outcome.

In the area of performance on student assessment, research reveals a sizable performance gap between special education and general education students. The District's leadership has prioritized the reduction of the achievement gap for African American and Latino students. Neither of these gaps is as large as the special education achievement gap, even after controlling for the effects of range of factors including race, Title I status, free and reduced lunch status, etc.¹⁵ When the results of the STAR testing are translated into the proficiency categories required by NCLB, the percentage of students with disabilities performing at the basic and above levels is far below that of general education students. While a percentage of this gap may be associated with the effect of disability, a substantial percentage is associated with the quality of instruction. Our research reveals that performance gap varies from school to school, even after controlling for a range of variables including ethnicity and poverty. This means that some schools are doing a better job educating students with disabilities than others even after the effects of poverty, race and other variables are identified and factored out. Improving the performance of students with disabilities in these schools will require extensive improvements in the quality of both special and general education instruction over the next two years.

¹⁴ LAUSD Superintendent's Five-Year Strategic Plan, 11.

¹⁵ See Memo from Carl A. Cohn to Parties, outcome No. 2: Performance on Statewide Assessment Program, May 3, 2004. And June 18, 2004 Memo from Carl A. Cohn to Parties, New and Pending outcomes.

In regards to outcome 18: Disproportionality, it is evident that African-American students are disproportionately identified as emotionally disturbed in LAUSD.¹⁶ They are also disproportionately placed in the most restrictive placements, especially out of District placements in non-public schools. In an effort to understand school-level factors contributing to these statistics, my staff conducted a district-wide study that reviewed the files of several hundred ED students. This study identified fundamental deficits in both the ED identification process and the system used to track these students. In negotiations over this outcome, the Division of Special Education acknowledged these problems and agreed to resolve them. Over the next two years, my office will be closely monitoring the District to ensure that the proposed changes lead to a reduction in the inappropriate identification of African-American students as emotionally disturbed.

Annual Plan

In a letter to the parties on June 22, 2004 regarding the District's proposed 2004-05 Annual Plan, I reviewed my concerns regarding the District's lack of progress in 2003-04 and the level of implementation of the 2003-04 Annual Plan.¹⁷ This letter and all other referenced documents will be provided as attachments to a separate memorandum.

The concerns that I expressed in this letter can be summarized as follows. The 2004-05 Annual Plan contained numerous elements duplicated from the 2003-04 Annual Plan. Considering the District's lack of progress, there appeared to be little rationale for this duplication. It was unclear whether the new plan was based on any analysis of the successful and unsuccessful elements of the 2003-04 plan. In a letter on May 21, 2004, I requested that the District provide any analyses that were used in the development of the 2004-05 Plan. The Division of Special Education provided an analysis that was more a description of the process of developing the plan and a restatement of the Modified Consent Decree than a review of the effectiveness of an initial plan prior to the development of a second plan. In light of this lack of analysis, I could not determine whether the 2004-05 plan was reasonably calculated to lead to disengagement. I therefore provided preliminary approval of the 2004-05 Annual Plan contingent on the District response to a series of general recommendations for revision. On July 9, 2004, I received the revised Annual Plan. I have noted considerable improvements in the plan and provided final approval in the 2004-05 Annual Plan on July 15, 2004.¹⁸

In addition to completing the requested revisions, the District is also in the process of developing action steps for the seven new outcomes. This revision of the Annual Plan will be provided to the Independent Monitor and the public for review by August 2, 2004.

Facilities

The accessibility of school sites for students with disabilities will become increasingly important as more of these students attend their home schools and are placed in the least restrictive

¹⁶ See Memo from Carl A. Cohn to Parties, Disproportional Identification of African –Americans in the Category of Emotional Disturbance, June 1, 2004.

¹⁷ See letter from Carl A. Cohn to Parties, 2004-05 Annual Plan, June 22, 2004.

¹⁸ See letter from Carl A. Cohn to Parties, Final Approval of 2004-05 Annual Plan, July 15, 2004.

environment. During negotiations over the MCD, the District acknowledged the fact that all new construction, renovation and repairs in LAUSD must comply with the requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. This understanding was incorporated into the Modified Consent Decree.¹⁹ To achieve compliance with these laws, the District agreed to “within five years enter into binding commitments to expend at least \$67.5 million dollars on accessibility renovations or repairs to existing school sites” and to “to appropriate, make available and expend up to \$20 million dollars from the Measure K Bond’s leveling fund for task orders related to requests for program accessibility under IDEA and Section 504” for individual students seeking placement in currently inaccessible programs. The MCD notes “this confirms the commitment made by the Board of Education on January 28, 2003.”²⁰

To date, my office has not received any information on the District’s entry into binding commitments to expend the \$67.5 million. In regards to the \$20 million, the MCD requires the Division of Special Education to “establish a unit...to address on-demand requests related to accessibility staffed by a special education professional and a facilities professional.” While there is evidence that the District has attempted to address some “task order procedures” to improve the accessibility of school programs in a few sites, there is no evidence that this has been done “rapidly” as required by the Modified Consent Decree. In addition, the small number of sites applying for the funding indicates that the District has done little to publicize the availability of funding to improve accessibility in individual schools.

This situation raises concerns about the District’s commitment to increasing program accessibility. Full compliance with the mandates of IDEA, Section 504, and the ADA at all District school sites would likely cost hundreds of millions of dollars. The Modified Consent Decree provides the District with the flexibility to direct a smaller amount of funding at specific sites. These sites can be identified by the District or by principals seeking accessibility improvements. In light of the degree of flexibility provided by the Modified Consent Decree and the financial savings associated with the final agreement, the District would be well advised to follow through on its commitments

In conclusion, by failing to make an aggressive effort to make progress toward the outcomes during the 2003-04 school year, the District has lost valuable time in its effort to achieve compliance with the Modified Consent Decree and disengage from court oversight. Despite the early rhetoric from the District’s senior leadership about the importance of the Modified Consent, there is little evidence that the special education reform has become a fundamental District priority at the same level as the school construction program or the Open Court literacy initiative. Indeed, special education does not occupy a prominent place in any recent District publication outlining strategic priorities. In this sense, it is not surprising that progress towards the goals of the Modified Consent Decree has been limited. The administrators, particularly school principals, and staff who are responsible for implementing the necessary reforms may not understand that improvement in special education is a District priority for which they will be held accountable.

¹⁹ See MCD Section 10.76-77.

²⁰ See MCD Section 10.78.

This lack of emphasis is puzzling when one considers the level of resources and personnel associated with special education. Over \$1.2 billion dollars of the District's budget is spent on special education. Nearly one quarter of the District's personnel work in special education. This annual expenditure dwarfs nearly every other program and initiative with the exception of the general fund. In the past, Superintendent Romer has stated that the District can do a far better job in special education. The Modified Consent Decree provides the District with a mechanism through which this reform can be developed and implemented by the District personnel rather than being imposed by an external authority.

Indeed, the Modified Consent Decree specifically invests the Associated Superintendent for Special Education with the power to implement the decree. Section 8 states that "The Chief Administrator of special education, as designated by the Superintendent, shall have the authority to direct District staff as necessary to correct any non-compliance with special education laws and regulations or prevent any such non-compliance."²¹ There is nothing ambiguous about this Section. It empowers the Associate Superintendent to overcome any lack of cooperation from any other District personnel and break through any artificial bureaucratic barriers that impede the implementation of the Modified Consent Decree. If this power is used judiciously and the senior leadership prioritizes special education reform at the same level that has led to the other District successes, LAUSD may make enough progress over the next two years to make up for the lack of progress in 2003-04.

Sincerely,



Carl A. Cohn.

c: Maria Ott, Donnalyn Jaque-Anton, Kevin Reed, Allyn Kreps, Robert Myers,
Catherine Blakemore

²¹ MCD Section 8

**OFFICE OF THE INDEPENDENT MONITOR
MODIFIED CONSENT DECREE**

LOS ANGELES UNIFIED SCHOOL DISTRICT

LOS ANGELES UNIFIED SCHOOL DISTRICT

PROGRESS TOWARD

MODIFIED CONSENT DECREE PERFORMANCE OUTCOMES

JULY 16, 2004

Office of the Independent Monitor
Modified Consent Decree

Los Angeles Unified School District

OUTCOME # 1: PARTICIPATION IN THE STATEWIDE ASSESSMENT PROGRAM

- ◆ **Outcome:** By June 30, 2006, 75% of students with disabilities in state-identified grade levels will participate in the statewide assessment program with no accommodations or standard accommodations. The percentage of students with disabilities participating in the statewide assessment program will be comparable to the percentage of nondisabled students participating in the statewide assessment program.

The IEP for every student with disabilities shall identify how the student will participate in the statewide assessment program: (a) no accommodations or standard accommodations; (b) nonstandard accommodations; or (c) alternate assessment.

- ◆ **2003-04 Benchmark:** 65% of students with disabilities in state-identified grade levels will participate in the statewide assessment program with no accommodations or standard accommodations.
- ◆ **Status:** For the 2002-03 school year 91.8% of students with disabilities participated in the testing program. District wide participation rate was 97.7 %. If this rate continues in the 2003-04 school year the District will meet the first part of the outcome. It was decided that a participation rate of 95% for students with disabilities would constitute a comparable percentage between students with disabilities and the District-wide participation rate.
- ◆ **Comment:** The District, as required by No Child Left Behind (NCLB), has dramatically increased the percentage of students with disabilities taking the statewide assessment and has already achieved the first part of the outcome. To meet the second part of the outcome, a comparable level of participation to non-disabled students, the District must achieve the NCLB standard of 95% participation.

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OUTCOME # 2: PERFORMANCE IN THE STATEWIDE ASSESSMENT PROGRAM (Established 6/18/04)

- ◆ **Outcome:** By June 30, 2006, the percentage of students with disabilities in Grades 2-11 participating in the California Standards Test (CST) whose scores place them in the combined rankings of Basic, Proficient and Advanced will increase to at least 32.4% in English Language Arts and at least 32.8% in Mathematics.

By agreement of the parties, the Independent Monitor will evaluate the performance of students with disabilities in the District on the 2003-04 California Standards Test to determine if the above outcome represents a sufficient increase in performance over the current baseline. If the Independent Monitor makes this determination, he can reopen negotiations between the parties over Outcome No. 2.

- ◆ **Status:**

California Standards Test (CST) Spring 2003

Proficiency Categories	# of Special Education Students	# of Special Education Students Ranked as Basic or Above	%	6/30/06 Outcome
English/Language Arts	50,605	11,318	22.4%	32.4%
Mathematics	50,605	10,060	19.9%	32.8%

Source: STAR - Spring 2003

- ◆ **Comment:** The LAUSD Superintendent’s Strategic Plan states that the “primary objective is to ensure that all students, including students with disabilities meet and exceed District/State content performance standards.” The Strategic Plan went on to state that the District does “not have a reliable measure of progress.” With the high participation rate students with disabilities in the 2002-03 STAR, the District now possesses a reliable measure of the performance of students with disabilities. The results of the 2002-03 California Standards Test reveal a troubling performance gap between students with disabilities and nondisabled students on the California Standards Test (CST). Controlling for a range of demographic variables, the performance gaps for students with disabilities are 32 points in English Language Arts and 46 points in Mathematics. This gap is larger than any other category of students. For example, the performance gaps for African American students vs. non-African-American students are 24 points in English Language Arts and 31 points in Math. For Latino vs. non-Latino students the gaps are 13 points in English Language Arts and 16 points in Math. For English Language Learners (ELL) vs. Non-ELLs, the gaps are 15 points in English Language Arts and 15 points in Math. In regards of specific disabilities, some of the largest gaps are associated with the most common disability category, specific learning disability. The gaps for students with specific learning disabilities are 37 points in English Language Arts and 52 points in Math. When these scores are translated into the NCLB proficiency standards already used and understood by school personnel, the results reveal that a sizable majority of students with disabilities fall below the “basic” category.

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OUTCOME # 2: PERFORMANCE IN THE STATEWIDE ASSESSMENT PROGRAM (Cont.)

Only 22% of students with disabilities are performing at basic and above in the English Language Arts and 20% in Math. The opposite is true for nondisabled students. 62% of nondisabled students are performing at basic and above in English Language Arts and 55% in Math. The performance outcome is based on these proficiency categories. It projects a 10% increase in the percentage of students with disabilities performing at the levels of basic and above in English Language Arts and a 12% increase in Mathematics.

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OUTCOME # 3: GRADUATION RATE

◆ **Outcome:** The District shall increase the number of grade 12 students with disabilities who receive diplomas based on the 2001-02 data by at least 5% (no less than 42.01% of grade 12 students with disabilities) during the 2003-04 school year, at least 5% (no less than 44.11% of grade 12 students with disabilities) during the 2004-05 school year, and at least 5% (no less than 46.32% of grade 12 students with disabilities) during the 2005-06 school year. This outcome is based on current diploma requirements. If the State's diploma requirements change, the Independent Monitor shall meet with the parties to discuss the impact of the change and may revise this outcome if appropriate.

◆ **2003-04 Benchmark:** 42.01% of grade 12 students with disabilities will receive diplomas.

◆ **Status:**

Graduation with Diploma				
School Year	# of 12 grade Special Education Students	# Receiving Diplomas	% Receiving Diplomas	6/30/06 Outcome
2003-04	4,498	Data available 09/04	Data available 09/04	46.32%
2002-03	4,189	1,397	33.35%	

Source: Fall Survey
CASEMIS Dec.

◆ **Comment:** Data for 2003-04 will become available in September 2004. The graduation rate is currently 13% below the 2006 Outcome.

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OUTCOME # 4: COMPLETION RATE

- ◆ **Outcome:** The District's completion rate shall increase based on an increase in the number of students who graduate with a diploma, receive a certificate of completion, or age out, as compared to the total number of students with disabilities who graduate with a diploma, receive a certificate of completion, age out, or drop out (grades 7-12).
- ◆ **2003-04 Benchmark:** Increase 2003-04 completion rate for students with disabilities from previous year by 3%.
Analyze current data to determine accuracy of data and determine if 2003-04 benchmark is aggressive enough.

◆ **Status:**

Completion Rate

School Year	# of Special Education Students Receiving Diplomas	# of Special Education Students Receiving Letter of Recommendation	# of Special Education Students Receiving Certificate of Attendance	# of Special Education Students Grade 9-12 that Dropped Out	% of Completion
2003-04	Data available 09/04	Data available 09/04	Data available 09/04	Data available 09/04	Data available 09/04
2002-03	1,397	235	119	1997	46.7%

Source: Fall Survey

- ◆ **Comment:** To meet the 2006 Completion Outcome, the District will simply have to increase the percentage of students completing school.

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Los Angeles Unified School District

Outcome # 5: Reduction of Long-Term Suspensions

- ◆ **Outcome:** By June 30, 2006, the District will reduce the percent of students with disabilities suspended 6 or more cumulative days from 9.14% of the total suspensions of students with disabilities occurring in the 2001-02 school year to 2% of the total suspension of students with disabilities.

The Division of Special Education shall report to the Independent Monitor all cumulative suspensions of 10 or more days with its analysis of the legality of such suspensions. The Independent Monitor shall review the report from the Division of Special Education regarding cumulative suspensions of 10 or more days to determine if the suspensions are lawful and, if not, direct the District to take corrective action.

- ◆ **2003-04 Benchmark:** Establish a District wide system for delivery and accountability of behavior services for schools to compliantly address the behavioral needs of students with disabilities, including discipline procedures.

- ◆ **Status:**

Suspensions

School Year	# of Special Education Students Suspended	# of Special Education Students Suspended 6 Days or More	% of Special Education Students Suspended 6 Days or More	6/30/06 Outcome
2003-04	9,633	819	9%	2%
2002-03	11,175	1,113	10%	

* CASEMIS – December (ages 5-22 excluding NPS students)

Source: Student Information Systems (July 1, 2003 thru June 15, 2004)

- ◆ **Comment:** This outcome focuses on the long-term suspensions (over six days) of students with disabilities. Currently, students with disabilities are more than twice as likely to be suspended as non-disabled students (2.2 to 1). 2003-04 data reveals a little over 1% drop in the percentage of special education suspensions that are over six days and a 2% drop in the overall percentage of students with disabilities suspended. The District has done a commendable job reducing the number of suspensions over 10 days. The Division of Special Education can be congratulated for developing a system to track and determine the legality of these over 10 day suspensions. By June 2006, the District must decrease long-term suspensions by an additional 6.5% and reduce the disproportionality in suspensions to a ratio of 1.75 to 1.

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OUTCOME # 5: OTHER SUSPENSIONS (Established 6/18/04)

- ◆ **Outcome:** By June 30, 2006, the District will reduce the risk of suspension for the population of students with disabilities by 30% from the rate of 14.7% in the 2002-03 school to a rate lower than 10.3%

By June 30, 2006, the District will reduce disproportionality in the district-wide rate of suspension of students with disabilities in comparison to their nondisabled peers to a relative risk ratio of no more than 1.75X discrepant, such that the population of students with disabilities is no more than 1.75 times more likely to be suspended than the population of their non-disabled peers

- ◆ **Status:**

Number of Students Suspended

School Year	General Education Student Enrollment ¹	Special Education Students Enrollment ²	# of General Education Students Suspended ⁴	% of General Education Students Suspended	# of Special Education Students Suspended ⁴	% of Special Education Students Suspended	6/30/06 Outcome	Relative Risk Ratio	6/30/06 Outcome
2003-04	673,443	75,943	38,164	5.7%	9,633	12.7%	10.3%	2.24	1.75
2002-03	670,844	76,008	42,817	6.4%	11,175	14.7%		2.30	

Note: Number of students suspended is unduplicated. Student could have been suspended more than one time.

¹ California Department of Education, Educational Demographics Unit

² CASEMIS – December (ages 5-22 excluding NPS students)

³ Source: Student Information Systems

⁴ July 1, 2003 thru June 15, 2004

- ◆ **Comment:** This outcome focuses on the disproportional suspension of students with disabilities. In its efforts to reduce suspensions, the District should consider the data from 2002-03 that reveals 61% of those students with disabilities who were suspended were only suspended one time; 42% of students with disabilities suspended were suspended one time/one day. In addition, 30% percent of the one time/one day suspensions were given for the comparatively less serious offense of disruption.

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OUTCOME #6: PLACEMENT OF STUDENTS WITH DISABILITIES (AGES 6-22) WITH ELIGIBILITIES OF SPECIFIC LEARNING DISABILITIES (SLD) AND SPEECH/LANGUAGE IMPAIRED (SLI)

- ◆ **Outcome:** By June 30, 2006, the District will demonstrate a ratio of not less than 73% of students placed in the combined categories of 0-20% and 21-60% and not more than 27% of students placed in the 61-100% category according to Federal placement reporting requirements.
- ◆ **2003-04 Benchmark:** 63% of students with disabilities of SLD and SLI will not exceed 60% of their instructional day outside of the general education classroom.
- ◆ **Status:**

SLD/SLI Students Placed in General Education 40% or More of the Instructional Day

School Year	Total # of Students	% of Students 40% or more	6/30/06 Outcome
2003-04	57,081	63%	73%
2002-03	58,136	66%	

Source: CASEMIS

- ◆ **Comment:** This information is derived from the District's CASEMIS database. This is the data that was used to establish the outcome. The data derives from December 2003. It is delivered on an annual basis to the California Department of Education for the purposes of providing population data on students with disabilities in LAUSD. Unlike other LAUSD databases, CASEMIS contains information on all students with disabilities in the District. In the future, I would expect that data from the end of the year would be used to determine progress toward this outcome. However, recent data from the Welligent system and Enhanced SIS display a sizable numbers of errors in this data field or are missing information. They also do not include information on a sizable percentage of students, including the over 4000 students in non-public schools who spend 100% of their time in special education. The Independent Monitor cannot therefore use these databases to determine progress toward the outcome until the identified problems are addressed.

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OUTCOME # 7: PLACEMENT OF STUDENTS WITH DISABILITIES (AGES 6-22) WITH ALL OTHER DISABILITIES

- ◆ **Outcome:** By June 30, 2006 the District will demonstrate a ratio of not less than 52% of students placed in the combined categories of 0-20% and 21-60% and not more than 48% students placed in the 61-100% category according to Federal placement reporting requirements. In determining whether the District has achieved this outcome, any fractional percentage of .51 or above shall be rounded up to its nearest whole number.
- ◆ **2003-04 Benchmark:** 20.8% of students with all other disabilities will not exceed 60% of their instructional day outside of the general education classroom.
- ◆ **Status:**

All Other Disabilities Placed in General Education 40% or More of the Instructional Day

School Year	Total # of Students	% of Students 40% or more	6/30/06 Outcome
2003-04	19,743	29%	52%
2002-03	17,841	34%	

Source: CASEMIS

- ◆ **Comment:** This information is derived from the District's CASEMIS database. This is the data that was used to establish the outcome. The data derives from December 2003. It is delivered on an annual basis to the California Department of Education for the purposes of providing population data on students with disabilities in LAUSD. Unlike other LAUSD databases, CASEMIS contains information on all students with disabilities in the District. In the future, I would expect that data from the end of the year would be used to determine progress toward this outcome. However, recent data from the Welligent system and Enhanced SIS display a sizable numbers of errors in this data field or are missing information. They also do not include information on a sizable percentage of students, including the over 4000 students in non-public schools who spend 100% of their time in special education. The Independent Monitor cannot therefore use these databases to determine progress toward the outcome until the identified problems are addressed.

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OUTCOME # 8A: HOME SCHOOL PLACEMENT (Established 6/18/04)

◆ **Outcome:** The District will ensure that the percentage of students with disabilities with the eligibilities of specific learning disabilities (SLD) and speech and language impaired (SLI) who are in their home school does not fall below 92.9% by June 30, 2006.

◆ **Status:**

Specific Learning Disabilities (SLD) and Speech and Language Impaired (SLI)

Total	# in Home School	% in Home School	6/30/06 Outcome
32,215	29,801	92.5%	92.9%

6/7/2004

Ratio of .617 used to determine # of NPS students

Current IEP's Only - April 2003 to April 2004

Source: Welligent 6/1/04
SESAC 3/12/04 (NPS)

OUTCOME # 8B: HOME SCHOOL PLACEMENT (Established 6/18/04)

◆ **Outcome:** By June 30, 2006, the District will increase the percentage of students with disabilities with all other eligibilities in kindergarten and sixth grade to 65% and the percentage of students with disabilities with all other eligibilities in ninth grade to 60%.

◆ **Status:**

Low Incidence Disabilities

Total	# in Home School	% in Home School	6/30/06 Outcome
Kindergarten Students			
609	315	52%	65%
Grade 6 Students			
979	536	55%	65%
Grade 9 Students			
950	432	45%	60%

6/7/2004

Ratio of .617 used to determine # of NPS students

Current IEP's Only - April 2003 to April 2004

Source: Welligent 6/1/04
SESAC 3/12/04 (NPS)

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OUTCOME # 8C: HOME SCHOOL PLACEMENT (Established 6/18/04)

◆ **Outcome:** By June 30, 2006, the District will increase the percentage of students with disabilities with all other eligibilities in the elementary grades one through five in their home school to 62.0%. By June 30, 2006, the District will increase the percentage of students with disabilities in middle school grades seven and eight in their home school to 55.2%. By June 30, 2006, the District will increase the percentage of students with in high school grades ten and above in their home school to 36.4%.

◆ **Status:**

Low Incidence Disabilities

Grades	Total	# in Home School	% in Home School	6/30/06 Outcome
1 - 5	5,603	3,306	59%	62%
7 - 8	1,963	1,032	52.6%	55.2%
10 - PG	2,540	881	34.7%	36.4%

6/7/2004

Ratio of .617 used to determine # of NPS students

Current IEP's Only - April 2003 to April 2004

Source: Welligent 6/1/04
SESAC 3/12/04 (NPS)

◆ **Comment:** The parties agreed to a three-tiered outcome focusing on maintaining the percentage of students with disabilities in the high incidence categories in their home school and increasing the percentage of students in moderate to low incidence categories in their home schools. For low incidence categories, the parties agreed to increase the percentage of students with disabilities in the transition grades (K, 6th, and 9th) attending their home school. In regards to this outcome, I stated in a June 18, 2004 letter to the parties that “for those students who will be transitioning to their home schools, the District should ensure that the supports and services that they need to succeed are in place and that teachers, staff, and administrators are trained to accommodate their needs.” It should also ensure the accessibility of school sites as required by Section 10 of the Modified Consent Decree.

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OUTCOME # 9: INDIVIDUAL TRANSITION PLAN

- ◆ **Outcome:** By June 30, 2006, 98% of all students with disabilities as defined in IDEA age 14 and over shall have an Individual Transition Plan developed in accordance with federal law.
- ◆ **2003-04 Benchmark:** 90% of all students with disabilities as defined in IDEA beginning at age 14 and over shall have an Individual Transition Plan developed in accordance with federal law.
- ◆ **Status:**

Students with Individual Transition Plan - 2003-04

Source of Data	# of Special Education Students with the Birthday of 12/1/88 or Older	# of Special Education Students with a Individual Transition Plan	% of Special Education Students with a Individual Transition Plan	6/30/06 Outcome
Welligent (6/30/04 - Current IEPs only)	9,378	8,638	92%	98%
Student Information System (6/29/04)	15,812	13,684	87%	

- ◆ **Comment:** The District has made remarkable progress in this area. Based on current progress, the District is well on its way to achieving this outcome based on the results of two different data sources, Welligent and SIS. These two databases display a high degree of alignment in terms of their results for percentage of students with disabilities age 14 and over with Individual Transition Plans. In addition, data derived from the AIR Services Study, provided similar results. The Division of Special Education should be commended for this progress.

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OUTCOME # 10: TIMELY COMPLETION OF EVALUATIONS

- ◆ **Outcome:** By June 30, 2006:
 - a. 90% of all initial evaluations shall be completed within 50 days.
 - b. 95% of all initial evaluations shall be completed within 65 days.
 - c. 98% of all initial evaluations shall be completed within 80 days.

An initial evaluation is any evaluation other than a District initiated three-year reevaluation. Completion means that the evaluation has been completed and an IEP meeting convened. If the evaluation or IEP meeting is delayed because of parent request or the child is unavailable for testing, the completion period shall be extended by the period of such parental request or unavailability.

- ◆ **2003-04 Benchmark:** 65% of all initial evaluations shall be completed and IEPs convened within 50 days; 75% of all initial evaluations shall be completed within 65 days; 98% of all initial evaluations shall be completed within 80 days.

◆ **Status:**

Evaluations - 2003-04

Service	# of IEPs	Within 50 Days		Within 65 Days		Within 80 Days		Over 80 Days	
		#	%	#	%	#	%	#	%
Psycho-Educational Evaluations	9,061	5,854	65%	1,497	81%	783	90%	927	10%
Designated Instructional Services	3,239	2,288	71%	399	83%	235	90%	317	10%
District Totals	12,300	8,142	66%	1,896	82%	1,018	90%	1,244	10%
		Outcome = 90%		Outcome = 95%		Outcome = 98%			

- ◆ **Comment:** Current performance remains far below the 90% performance target. In addition, we have not assessed the quality of reported initial evaluation data in both psychological services and designated instructional services (DIS) to determine whether the numbers are accurate.

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OUTCOME # 11: COMPLAINT RESPONSE TIME

- ◆ **Outcome:** The District will provide lawful responses to parents filing complaints in accordance with the following performance standards:
 - a. 25% of complaints will be responded to within 5 working days.
 - b. 50% of complaints will be responded to within 10 working days.
 - c. 75% of complaints will be responded to within 20 working days.
 - d. 90% of complaints will be responded to within 30 working days.

The District will be required to report to the Independent Monitor on the status of each complaint not resolved within 30 working days, at 5 working day intervals, until the complaint is resolved.

- ◆ **2003-04 Benchmark:** 15% of complaints will be responded to within 5 working days or less; 35% of complaints will be responded to within 10 working days or less; 50% of complaints will be responded to within 20 working days.

◆ **Status:**

Complaint Response Time - 9/1/2003 to 6/30/04

# of Complaints	% of Complaints Responded to in 5 Working Days	% of Complaints Responded to in 10 Working Days	% of Complaints Responded to in 20 Working Days	% of Complaints Responded to in 30 Working Days	% of Complaints Responded to in Over 30 Working Days
637	36%	64%	91%	98%	1%
6/30/06 Outcome	25%	50%	75%	90%	

- ◆ **Comment:** This is another area where the District has done a commendable job. If the District maintains its current performance over the next two years, it will achieve the outcome. The Complaint Response Unit should be congratulated for the work it has done in the 2003-04 school year.

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OUTCOME # 12: INFORMAL DISPUTE RESOLUTION

- ◆ **Outcome:** By June 30, 2006, the District will increase reliance on informal dispute resolution of disputes by increasing its ability to timely resolve disputes by concluding its informal dispute resolution process within 20 working days in 60% of cases.
- ◆ **2003-04 Benchmark:** Establish a systemic structure and monitoring process for informal resolution of IEP disputes quickly, knowledgeably, and professionally.
- ◆ **Status:** A system of informal dispute resolution (IDR) was established. The process is monitored weekly by review of the data. To date (6-23-04) 140 families utilized the process in the pilot districts B, C, E and H.
- ◆ **Comment:** The District piloted this process in four local Districts. The Office of Independent Monitor is awaiting a report from the District in this area. The District is also in process of developing a response to the Independent Monitor on the issue of rate of due process filings in LAUSD prior to a determination by the Independent Monitor on whether to take action in this area.

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OUTCOME # 13: DELIVERY OF SERVICES (Established 6/18/04)

- ◆ **Outcome:** By June 30, 2006, 93% of the services identified on the IEPs of students with disabilities in all disability categories except specific learning disability will show evidence of service provision. In addition, by June 30, 2006, 93% of the services identified on the IEPs of students with specific learning disability will show evidence of service provision.

- ◆ **Status:**

Delivery of Services

IEP-Log Service Agreement		6/30/06 Outcome
# of Service Observations	% of Services for which there was Evidence of Service Provision	93%
4,316	43%	

- ◆ **Outcome:** By June 30, 2006, the District will provide evidence that at least 85% of the services identified on the IEPs of students with disabilities have a frequency and duration that meets IEP compliance. For the purposes of assessment of frequency, provider absences will not constitute evidence of non-provision of service if such absence is the result of short-term (maximum two consecutive weeks) illness, family emergency or jury duty. Student absences/no shows will not constitute evidence of non-provision of service. For the purposes of assessment of duration, sessions not completed as the result of conflicts with a student's school schedule or late arrival/early departure by student will not constitute evidence of an incomplete session.

- ◆ **Status:**

Frequency and Duration of Services

IEP-Log Frequency Agreement		6/30/06 Outcome	IEP-Log Duration Agreement		6/30/06 Outcome
# of Service Observations	% of services with monthly frequency at least equal to the IEP	85%	# of Service Observations	% of services with monthly duration at least equal to the IEP	85%
2,200	57%		1,876	62%	

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OUTCOME # 13: DELIVERY OF SERVICES (Cont.)

- ◆ **Comment:** For Outcome 13 my office worked with the assistance and input of a chosen independent entity, the American Institutes of Research (AIR), and the District's Program Evaluation and Research Branch (PERB) to conduct a district-wide study of special education service delivery in LAUSD¹. AIR collected the IEPs of a scientific sample of nearly 3000 students and extracted data on requirements for service provision from those IEPs. They compared this information to evidence of service provision in service providers' logs and during 340 observations at school sites. From their analysis of provider logs, they derived district-wide baseline estimate of evidence of service delivery for all disabilities of 42.7%. Based on the site-visit data, the baseline estimate of service delivery is 89.0%. In their report, AIR notes that it is likely that the true rate of service delivery lies between these two estimates. They also point out that the baseline estimate derived from the log analysis is heavily influenced by effect of the lack of evidence of service provision for students with specific learning disabilities (SLD) in the resource specialist program (RSP). Students with SLD are the largest population of students with disabilities in the District and they disproportionately influence the district-wide estimate. Excluding SLD, the estimate for service provision is 63.7%. The estimate for SLD alone is 33.8%. Based on these figures, separate outcomes were established for all other disabilities and for SLD alone. However, the standard of 93% for the outcomes is the same. In addition, an outcome was established for the frequency of service delivery (the number of times a service is delivered within a fixed period of time, i.e. 2 times a week of speech) and the duration of service delivery (the length of the service, i.e. 30 minutes). This standard was set at 85%. In order to achieve these high standards the District must make a concerted effort to improve both the tracking and delivery of services. In this effort, the District should strongly consider the recommendations presented in the AIR report on developing a standardized service log and creating a comprehensive tracking system. In addition, the District should pay close attention to the challenge referred to by AIR of tracking flexibly provided services "without curbing deliveries [of services] that can provide support in a more inclusive, flexible manner that is appropriate for the student.

¹ See Executive Summary: Study to Measure Delivery of Services in Accordance with the Individualized Education Programs of Students with Disabilities in the Los Angeles Unified School District, June 1, 2004.

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OUTCOME # 14: INCREASED PARENT PARTICIPATION (Established 6/18/04)

- ◆ **Outcome:** By June 30, 2006, the District will increase the rate of parent participation in IEP meetings in the area of attendance to 75%.

Outcome: By June 30, 2006, 95% of the records of IEP meetings in which the parent does not attend will provide evidence of recorded attempts to convince the parent to attend the IEP meeting in accordance with Section 300.345(d) of the IDEA regulations.

- ◆ **Status:**

Parent Participation

# in Welligent	Attended IEP		Met with Staff		No Data		6/30/06 Outcome
	#	%	#	%	#	%	
59,659	29,612	50%	8,746	15%	21,301	36%	75%

6/30/2004

Note: NPS students not included (approximately 4,050)
Current IEPs Only - May 2003 to June 2004

Source: Welligent 6/30/04
Student Information Systems

- ◆ **Comment:** The District agreed to increase the percentage of parents attending IEP meetings to 75%. For this outcome, the parties used data from the Welligent IEP system. They were also able to review the results of a District-wide telephone survey conducted by WestEd for the Office of the Independent Monitor. This survey revealed that 80% of a representative sample of parents had attended their child's last IEP meeting. Current Welligent data reveals an attendance rate of 50%. However, 36% of IEPs do not have any data in this area. Thus, the 50% figure probably represents an underestimate of the percentage of parents of students with disabilities attending their child's IEP in LAUSD. In this area, the District will need to make considerable progress over the next two years.

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OUTCOME # 15: TIMELY COMPLETION OF FUTURE TRANSLATIONS

- ◆ **Outcome:** By June 30, 2006, the District shall complete IEP translations requested since July 2003 in the District's seven primary languages as follows:
 - a. 85% within 30 days.
 - b. 95% within 45 days.
 - c. 98% within 60 days.

Beginning on July 1, 2003, any IEP translations not completed within 60 days will be referred to the Independent Monitor for review and appropriate resolution. Any request for translation in other than the seven primary languages shall be referred to the Division of Special Education for appropriate action.

- ◆ **2003-04 Benchmark:** 50% of IEP translation requests will be completed within 30 days.

- ◆ **Status:**

Completion of IEP Translations for July 1, 2003 thru May 31, 2004 IEPs

# of Translation Request	# of Translations Completed	% of Translations Completed in 30 Days	% of Translations Completed in 45 Days	% of Translations Completed in 60 Days	% of Translations Completed in over 60 Days	# of Translations Pending over 60 Days
13,543	7,947	8%	13%	18%	41%	4,141
6/30/06 Outcome		85%	95%	98%		

Translation Unit Database (6/30/04)

- ◆ **Comment:** The District has failed to make progress in this area. To achieve this outcome, the District will have to complete 85% of translations in 30 days. Currently, the District is completing 8%. Prior to the Modified Consent Decree, the parties agreed that the District would not have to complete an enormous backlog of overdue translations. This allowed the District to begin the 2003-04 with a "clean slate" in the area of IEP translations. The District also placed the IEP translation unit directly under the control of the Division of Special Education. These changes were expected to contribute to the ability of the District to improve its efforts in the timely completion of translations. This has not been the case. The District's performance has actually regressed over the course of the year. The Independent Monitor recently ordered the District to complete a total of over 3500 overdue translations.

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OUTCOME # 16: INCREASE IN QUALIFIED PROVIDERS

- ◆ **Outcome:** By June 30, 2006, the disparity between qualified regular education teachers and qualified special education teachers will decrease from 10.4%, which is the disparity in 2002-03, to 3.4%.
- ◆ **2003-04 Benchmark:** Increase the percentage of qualified special education teachers to 70.3% in 2003-04 from 68.3% in 2002-03. Analyze the effect current California economic factors has on the disparity percentage of fully credentialed general education teachers LAUSD recruits from other Districts compared with fully credentialed special education teachers and adjust the benchmark accordingly.

◆ **Current status:**

Qualified Providers

School Year	Qualified General Education Teachers*	% Qualified General Education Teachers	Qualified Special Education Teachers*	% Qualified Special Education Teachers	Disparity	6/30/06 Outcome
2003-04	26,520	85.7%	3,480	70.6%	15.1%	3.4%
2002-03	24,630	78.7%	3,391	68.3%	10.4%	

* Qualified defined as: perm, prob, temporary teachers

Source: Personnel Research and Assessment, Norm Day

- ◆ **Comment:** This outcome requires the District to increase the percentage of qualified special education teachers and decrease the difference between the percentage of qualified special education teachers and regular education teachers. This outcome will require a concerted effort on the part of the District to hire credentialed special education teachers and retrain non-credentialed special education teachers. In 2003-04 the disparity between qualified special education and general education teachers increased because the District was able to hire considerably more credentialed general education teachers than special education teachers during a time when some neighboring Districts were engaged in staff reductions.

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OUTCOME # 17: IEP TEAM CONSIDERATION OF SPECIAL FACTORS - BEHAVIORAL INTERVENTIONS, STRATEGIES AND SUPPORTS (Established 6/18/04)

- ◆ **Outcome:** By June 30, 2006, the percentage of students with autism with a behavior support plan will increase to 40% and the percentage of students with emotional disturbance with a behavior support plan will increase to 72%.

- ◆ **Status:**

Students with Behavior Plans by Eligibility

Eligibility	Total # of Students	# of Students with Behavior Plans	% of Students with Behavior Plans	6/30/06 Outcome
Autistic	3,382	681	20%	40%
Emotionally Disturbed	2,326	955	41%	72%

6/30/04

Current IEP's Only - May 2003 to June 2004

Source: Welligent 6/30/04

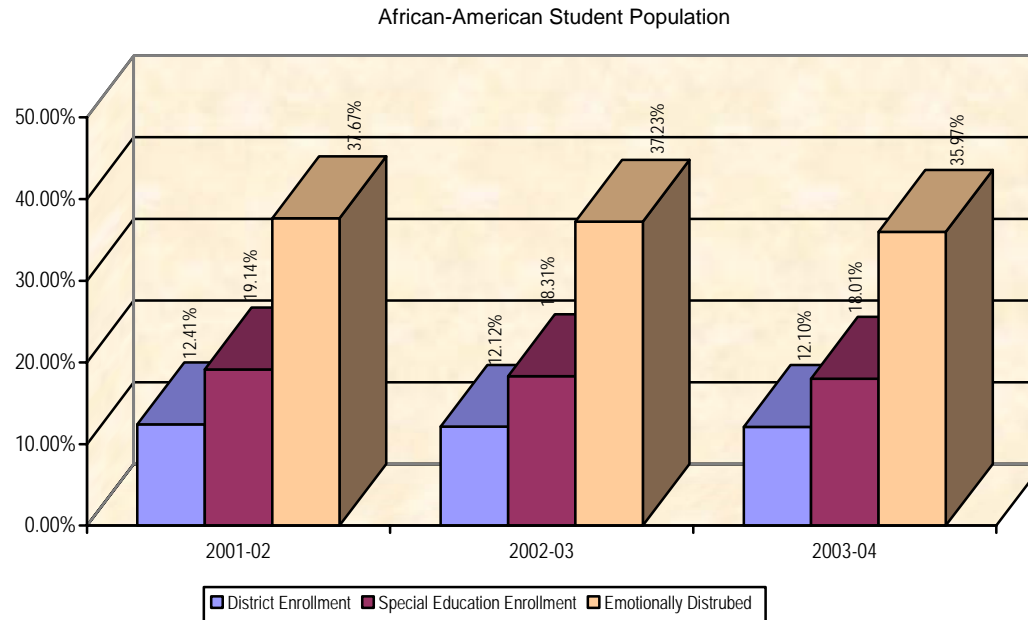
- ◆ **Comment:** The parties agreed to focus Outcome 17 on two categories of students with disabilities - students with autism and students with emotional disturbance since the diagnostic criteria for emotional disturbance and autism require the identification of behaviors that are adversely affecting educational progress. In Los Angeles Unified School District (LAUSD), the mechanism to consider strategies including positive behavior interventions and supports for students with disabilities whose behavior impedes their learning is the Behavior Support Plan (BSP), an attachment to the IEP. Since students with emotional disturbance and students with autism often exhibit behaviors that impede learning, it is reasonable to expect that a large percentage of them would have behavior support plans in their IEPs. However, data from a sample of IEPs in the Welligent computerized IEP system revealed that only 22.5% of students with autism and 57% of students with emotional disturbance were provided with a behavior support plan. The District agreed to increase the percentage of students with autism with behavior support plans to 40% and students with emotional disturbance with behavior support plans to 72%. Achieving this outcome is a complex task that will require additional training and support for the members of IEP teams responsible for addressing student behavior. Two LAUSD initiatives, the implementation of the Welligent system and the establishment of a system-wide behavior support system to achieve the reduction of long-term suspensions required by Outcome 5 provide the District with opportunities to provide this training and support.

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OUTCOME #18: AFRICAN AMERICAN STUDENTS IDENTIFIED AS EMOTIONALLY DISTURBED (Established 6/18/04)

- ◆ **Outcome:** By June 30, 2006, 90% of African-American students identified as emotionally disturbed during an initial or triennial evaluation, will demonstrate evidence of a comprehensive evaluation as defined by the Independent Monitor and consideration for placement in the least restrictive environment as determined by Independent Monitor.
- ◆ African-Americans are 4.4 times more likely to be identified emotionally disturbed than all other ethnicities.
- ◆ African-Americans are 4.9 times more likely to be placed in a more restrictive placement (nonpublic school) than all other ethnicities.



- ◆ **Comment:** After a review of data providing clear evidence of disproportional identification of African-Americans, the parties agreed to consider a proposed outcome presented by the Office of the Independent Monitor. The focus of this outcome is the assessment process for African-American students newly identified as emotionally disturbed (ED) in LAUSD and the triennial review process for students currently identified as ED. This focus is based on the results of a study by my office indicating comprehensive problems in the ED identification and placement process in LAUSD. The goal of the outcome is to ensure that the procedural due process rights of African-American students are protected during the ED assessment and placement process.