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Modified Consent Decree  
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Ramon Cortines  
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333 S. Beaudry Avenue, 24<sup>th</sup> Floor  
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Honorable Board of Education  
Los Angeles Unified School District  
333 S. Beaudry Avenue  
Los Angeles, CA 90017

**Re: Report on the Progress and Effectiveness of the Los Angeles Unified School District's  
Implementation of the Modified Consent Decree During the 2009-2010 School Year – Part I**

Dear Mr. Cortines and Board of Education:

Section 13 of the Modified Consent Decree (MCD) requires the Independent Monitor (IM) to annually present a written report to the Superintendent and the Board of Education concerning the progress and effectiveness of the implementation of the terms and conditions of the MCD. The MCD has three primary sets of requirements the Los Angeles Unified School District (District) must meet. The first is 18 performance-based outcomes pertaining to students with disabilities (SWD) receiving special education services. Prior to this report, the District had met the requirements of 12 of the outcomes. The second set of requirements pertains to making District schools accessible to individuals with disabilities. The third concerns the development of the Integrated Student Information System (ISIS).

This year the IM has chosen to submit the report in two parts. Part I, this report, will address the status of the District's performance on five outcomes, accessible schools and the ISIS. Part II, expected in February 2011, will report on the District's performance on the remaining two outcomes and personnel accountability.

The outcomes of the MCD are statistically based. Each remaining outcome has at least one data target that the District has to meet. It is the responsibility of the IM to determine if the target has been achieved. All targets within an outcome must be achieved before the IM can determine that the outcome has been met. For each target the parties agreed to the protocol that was used to measure performance on the target. Much of the data used in the analyses are derived from District data sources. In all cases the data are validated. The appendix to this report contains studies and other analyses the IM used to make determinations on the District's performance on the outcomes.

This report makes determinations on the following outcomes:

- Outcome #7A: Placement of Students with Other Disabilities
- Outcome #7B: Placement of students with Multiple Disabilities Orthopedic (MDO)
- Outcome #13: Delivery of Services
- Outcome #16: Increase In Qualified Providers

- Outcome #18: African American Students Identified as Emotionally Disturbed

It also reports on the following:

- Making Schools Accessible
- Charter Schools
- Annual Hearing
- Data Systems – Welligent and Integrated Student Information System (ISIS)

**OUTCOME # 7A: PLACEMENT OF STUDENTS WITH DISABILITIES (AGES 6-18) WITH ALL OTHER DISABILITIES**

- ◆ **Outcome:** Placement of Students with Disabilities (Ages 6-18) with All Other Eligibilities excluding SLI, SLD and OHI. The District will demonstrate a ratio of not less than 51% of students placed in the combined categories of 0-20% and 21-60%, and not more than 49% of students placed in the 61-100% category utilizing instructional minutes as the methodology. In determining whether the District has achieved this outcome, any fraction percentage of .51 or above shall be rounded up to its nearest whole number.

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

School Year	Total # of Students	# of Students 40% or more	% of Students 40% or more
2009-10 As reported by OIM Study	1,765	563	31.90%
2009-10 As reported in Welligent	16,739	8,657	51.72%
2008-09	16,297	8,044	49.36%
2007-08	15,766	7,369	46.74%
2006-07	14,841	5,627	37.92%
2005-06	14,591	4,282	29.35%

- ◆ **Data Source:** Welligent and study conducted by the OIM. Students with an eligibility other than SLI/SLD/OHI ages 6 to 18
  - Numerator is the number of all other disabilities placed in the combined categories of 0-20% and 21-60% in a special education setting.
  - Denominator is the number of all other disabilities.
  - Note: Changes have been made to numbers and percentages from previous reports because of a miscalculation in the age category.
  - For this outcome caution must be taken when comparing the outcome performance by year due to the number of IEPs and quality of data.
- ◆ **Discussion:** Outcome 7A requires the District to increase the percentage of students with disabilities (Ages 6-18) with all other eligibilities, not including specific learning disabilities (SLD), speech language impairments (SLI) and other health impairments (OHI) placed in the general education setting for 40% or more of the day. The goal of this outcome is to increase the overall percentage of students with these disabilities receiving instruction in the general education setting to 51%.

During the 2009-2010 school year, the Welligent IEP data system indicated that 51.72% of students with all other eligibilities were placed in the general education classroom for 40% or more of the day. While this performance meets the 51% target, inaccuracies found by the Office of the Independent Monitor (OIM) validation study within the LRE data suggest an overestimation of the time students with all other disabilities spent in the general education setting (Appendix A). Additionally, in March 2010, the District implemented changes to the Welligent IEP system which negatively impacted the overall accuracy of this year's LRE data<sup>1</sup>.

To impact the performance of this outcome, discrepancies within the Welligent data and a student's class schedule must place him or her into a different LRE category. For example, if the

<sup>1</sup> The impact of the changes to the Welligent IEP system will be discussed in additional detail in the section on the District's Data Systems.

Welligent system reports that a student is in the general education setting for 60% of the day and the class schedule reflects integration for 45% of the day, this discrepancy does not result in a change in category. If this same student's class schedule reflects 30% of the day in the general education setting, this would shift the student into the 40% or less category, resulting in an overestimation of Welligent data. The LRE validation study examines if discrepancies exist between the LRE time reported by the Welligent IEP system and the student's class schedule provided by the school.

Over the past three years, the validation study has noted discrepancies between the Welligent LRE data and students' schedules that have increasingly overestimated the number and percentage of students in the general education setting for 40% or more of the day. The 2009-2010 validation study found a considerable degradation in the accuracy of the Welligent LRE data with approximately half of the students in the sample from the 40% or more in general education category having discrepancies large enough to shift them into the other category. This means that from the sample of students reviewed in the study, 1,093 (61.9%) were reported by the Welligent system to be in the general education setting for 40% or more of their day. Based on the class schedules provided by schools, the study was able to validate the same LRE time category for 563 (31.9%) students. This finding demonstrates significant inaccuracies within the Welligent LRE data for students reported to be in general education setting for 40% or more of their day.

As noted in previous reports, a primary contributing factor to these discrepancies is that schools appear to be entering a percent of time below 60% in special education without regard or consideration of the student's class schedule. This is most likely a result of the influence of the statement within the Welligent IEP that requires schools to acknowledge placements of time in the special education setting of 60% or more (or 40% or less in the general education setting) of the day. This concern has been mentioned repeatedly in the past with no redress on behalf of the District. The 2009-2010 LRE validation study<sup>2</sup> examined 643 students with an LRE time between 56-60%. Of these students, 163 (25.4%) had class schedules reflecting time in the special education setting for less than 60% of the day. This means that three out of four students within this LRE time range were in the special education setting for more than 60% of the day, resulting in a change in LRE category. To account for minor programming differences, these discrepancies were broken down to determine if the LRE times reported within the Welligent were within a reasonable range. Of those in the 56-60% range of the sample, 58% had class schedules that reflected a time in special education for over 71% percent of the day. This means that the majority did not fall within a range that may be explained by reasonable programmatic differences.

As mentioned above, the District rolled out changes to the Welligent IEP document and system that had dire negative consequences to its LRE data<sup>3</sup>. The new Welligent changes lacked the necessary edits and safeguards to accurately capture, calculate and report LRE time. For example, time in the special education setting can be entered in more than one field depending on the type and number of services a student receives. If any of these fields is left blank, or the provider failed to select the "apply" button, the LRE time was miscalculated. This may result in only a portion of the time being reported (i.e., if one provider entered it correctly, another did not), no time being reported<sup>4</sup>, and in some instances a negative LRE time was reported (problems with the formula for calculating time). Since the roll-out on March 15, 2010 through June 30, 2010, 42,616 IEPs were held. As a result of these changes and the significant number of IEPs held since the roll-out, the accuracy of the Welligent LRE data for these IEPs is considered unreliable.

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<sup>2</sup> Due to concerns over the increase in number of students with LRE time within the 56-60% in special education, the validation oversampled students within this time range to examine discrepancies and any impact on the overall LRE data.

<sup>3</sup> The District has been aware of these problems and is in the process of rectifying the situation.

<sup>4</sup> As of June 30, 2010, 1,271 of the IEPs held since the changes to Welligent occurred did not have any value reported for time spent in the special education setting.

Based on this year's discrepancies in the LRE data found in the validation study and impact of the changes to the Welligent data system, the LRE data are not considered reliable for making a determination. The District's performance on this outcome is disappointing. Furthermore, the IM is disappointed in the District's decision to make changes to the Welligent system without the necessary edits and sufficient testing, as well as the failure to address the statement acknowledging that a student is in the special education setting for 60% or more of the day.

For the 2010-2011 school year, the District is directed to remove the statement within the Welligent system that acknowledges a student's placement in a special education setting for 60% or more of the day. While the District has been working on correcting many of the problems created by the changes in Welligent, it is strongly advised that the District consider re-instituting the previous Welligent IEP document if these problems can not be rectified in a timely manner. Lastly, this outcome is about increasing the instructional opportunities for students with disabilities to participate in the general education setting. This means that the District should continue to expend all efforts to genuinely increase the capacity of schools and general educators to integrate students with moderate to severe disabilities. This includes clarifying to all schools that for the purpose of Outcome 7A and 7B, only instructional time is considered time spent in the general education setting.

- ◆ **Determination:** Outcome 7A not met.

**OUTCOME # 7B: PLACEMENT OF STUDENTS (AGES 6-18) WITH MULTIPLE DISABILITIES ORTHOPEDIC (MDO)**

- ◆ **Outcome:** Placement of Students with Disabilities (Ages 6-18) with MDO Eligibility. The District will demonstrate a ratio of not less than 23% of students placed in the combined categories of 0-20% and 21-60%, and not more than 77% of students placed in the 61-100% category utilizing instructional minutes as the methodology. In determining whether the District has achieved this outcome, any fraction percentage of .51 or above shall be rounded up to its nearest whole number.

Students with the Disability of MDO in General Education 40% or More of the Instructional Day

School Year	Total # of Students	# of Students 40% or more	% of Students 40% or more
2009-10 As reported by OIM Study	1,169	51	4.36%
2009-10 As reported in Welligent	1,169	184	15.73%
2008-09 As reported by OIM Study	1,109	49	4.41%
2008-09 As reported in Welligent	1,109	151	13.61%
2007-08	1,107	114	10.30%
2006-07	1,186	102	8.60%
2005-06	1,191	75	6.30%

- ◆ **Data Source:** Welligent and study conducted by the OIM. Students with an eligibility of MDO ages 6 to 18
  - Numerator is the number of MDO students placed in the combined categories of 0-20% and 21-60% in a special education setting.
  - Denominator is the number of MDO students.
  - Note: Changes have been made to numbers and percentages from previous reports because of a miscalculation in the age category.
- ◆ **Discussion:** Outcome 7B requires the District to increase the number of students with multiple disabilities orthopedic (MDO) (Ages 6-18) placed in the general education setting for 40% or more of the instructional day to 23% of the overall population. It is important to point out that at the time (2007-2008) this outcome was negotiated, the Welligent data reported 10.30% of students with an eligibility of MDO as being placed in the general education classroom for 40% or more of the day. This rate was determined as the baseline for this outcome. During the 2008-2009 school year, the OIM conducted a validation study to examine the accuracy of the Welligent LRE data and students' class schedules and found that the District's actual performance was considerably below the baseline (4.41%).

During the 2009-2010 school year, the OIM conducted a validation study (Appendix B). Since the population of students with MDO is relatively small and many of these students attend special education centers, the findings of this study can be considered the District's actual performance on Outcome 7B. To determine this performance, the study compared class schedules with the Welligent LRE data for all students with an eligibility of MDO attending general education campuses. While the population of students with MDO is more than 1,100, the majority attended special education centers and thereby are limited in their potential to be integrated into the general education setting. Overall, only 335 students with MDO attended general education campuses, with 76 of these students attending Pacific Boulevard School, which was formerly a special

education center. Although these students attended a general education campus, the majority remained in special day classes and programs similar to those provided when Pacific was a special education center.

The study noted that many of the students attending general education campuses with Welligent LRE data of 40% or more had class schedules that showed placements in the general education setting of less than 40%. Similar to the data inaccuracies observed for Outcome 7A, this was primarily due to the inaccurate calculation of LRE time and the Welligent edits that encourage schools to enter data in the general education setting of 40% or more. Unfortunately, due to the small number of students with MDO attending general education campuses, these inaccuracies have a tremendous impact on the District's performance. Based on the findings of the validation study, 51 students (4.36%) have classroom schedules that reflect time in the general education setting of 40% or more of the day. This performance is well below the target of 23%.

Achieving this outcome in the near future will not be easy. As noted last year, this will not occur without the integration of some students with MDO attending special education centers. The District must employ more aggressive strategies to develop programs and supports at general education campuses. These strategies and programs should be focused on improving the instructional opportunities for integrating students with MDO, and should avoid creating false pretenses within the Welligent LRE data. Most importantly, the strategies should be designed to respect the rights and opinions of parents and IEP teams in the placement decisions for these students. The IM expects that the integration of any student be done with all of the necessary supports and services to ensure a successful experience for students, families and teachers.

During the 2010-2011 school year, the IM will provide an update on the progress of this outcome in the second part of this report, to be issued in February 2011. This update will provide a status report on the number of students being integrated in the general education setting for 40% or more of the day. It also will update the activities outlined in the targeted strategy plan, particularly a review of the plan to be submitted by the local district support units to the Executive Director of Special Education on the number of classes that will be moved onto general education campuses<sup>5</sup>. In addition, the IM encourages the District to strongly consider programming MDO classes in at least two new schools or newly approved charter schools that are scheduled to open during the 2011-2012 school year. From a logistical standpoint, these schools provide tremendous potential in the ability to integrate students with MDO from special education centers. Lastly, to ensure that younger students successfully remain on general education campuses, the District is encouraged to track all students ages 3-5 attending such schools to facilitate developing programs and supports upon their transition to kindergarten and first grade.

- ◆ **Determination:** Outcome 7B not met.

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<sup>5</sup> Targeted Strategy Plan – MCD Outcome 7B, Strategy 7B-3, Approved by the Independent Monitor on July 8, 2010.

### OUTCOME # 13: DELIVERY OF SERVICES

- ◆ **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.

Delivery of Services

School Year	Percentages of Services Provided: Overall Population Estimate Weighted to the Population without SLD		Percentages of Services Provided: Overall Population Estimate Estimate for SLD Only	
	IEP-Log Analysis	IEP-Site Visit*	IEP – Log Analysis	IEP – Site Visit*
2009-10	94.8%	*N/A	93.0%	*N/A
2008-09	93.7%	*N/A	91.2%	*N/A
2007-08	92.0%	*N/A	93.0%	*N/A
2006-07	86.6%	*N/A	74.0%	*N/A
2005-06	84.8%	86.4%	79.4%	85.0%
2004-05	93.2%	77.2%	72.8%	79.0%
2003-04	63.7%	85.6%	33.8%	92.6%

\* Site visits were conducted as part of the services study during the 2006-2007 school year, however, the purpose of the site visits was modified and is described below.

- ◆ **Data Source:** Services Study
  - Research and Planning Division and American Institutes for Research (AIR).
- ◆ 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 a student will not constitute evidence of an incomplete session.

Frequency and Duration of Services

School Year	IEP – Log Frequency Agreement	IEP – Log Duration Agreement
	% of services with monthly frequency at least equal to the IEP	% of services with monthly duration at least equal to the IEP
2009-10	74.5%	66.6%
2008-09	72.3%	66.9%
2007-08	76.0%	72.0%
2006-07	73.0%	70.0%
2005-06	63.0%	65.0%
2004-05	57.2%	59.9%
2003-04	57.2%	61.5%

- ◆ **Data Source:** Services Study
  - Office of Data and Accountability and American Institute for Research (AIR).
- ◆ **Discussion:** The purpose of this outcome is to ensure that SWD receive services as specified in their IEPs. This includes instructional services such as the Resource Specialist Program (RSP) and Adapted Physical Education (APE), as well as designated instructional services such as speech and language, and occupational and physical therapy. Evidence of service provision is required for meeting both the frequency and duration requirements as specified in the student's IEP for a timeframe of eight weeks. Additionally, this outcome requires the District to maintain accurate records of service delivery and a high level of implementation by thousands of special education teachers and service providers.

The Office of Data and Accountability and the American Institute for Research (AIR) conducted the seventh year of the study to measure the delivery of service for students with disabilities (See Appendix C and D). Over the years, this study has continued to evolve to be an efficient and accurate way of examining the provision of services in a large school district.

The District's performance toward the first part of the outcome meets or exceeds the target level (93%) for demonstrating evidence of service for both disability categories: students with specific learning disabilities (93%) and students who have a disability in all other categories (95%). This means that the District had evidence of students receiving at least one session of the services specified in their IEP for the eight-week period reviewed. However, the District's performance for meeting the targets for frequency (74%) and duration (67%) continue to fall below the 85% target. This part of the study compares the number of sessions and duration specified within the IEP and those completed and documented in the Welligent provider logs within the same time period. Consistent with previous studies, the study found that services provided by non-public agencies, school mental health providers, occupational therapists and speech and language therapists had the lowest rates of frequency and duration.

To better understand why the District's performance remains stagnant in the area of frequency and duration, exploratory analyses were conducted of all service records that did not meet the frequency (1,786) and duration (2,274) requirements. The data indicate that about one-third of the cases that did not meet the frequency or duration were missing only one session. The analyses found that for students who did not meet the frequency requirement specified within their IEP, services provided daily had higher percentages of missing more than one session (APE 68%, and RSP 92%). Other services experiencing high levels of missing more than one session include speech and language (64%), non-public agency (77%), and school mental health (66%). Similar issues were found with the services missing the required duration. This analysis looked at services with prescribed weekly and bi-weekly sessions and found that 18% of weekly and 41% of bi-weekly services were below the required duration for two or more hours.

To validate the accuracy of the service tracking logs, an observation study was conducted on a sample of 245 students. This study aimed to determine if the provider accurately reported the outcome of a session and whether it was delivered or not. The study found that 82% of sessions observed matched what was documented in the Welligent logs. For services observed as completed during the site visit, the agreement between the event and what was reported in the Welligent log was 90%. Additionally, in 11% of the cases where a session was completed, the log was missing or did not contain accurate information on its duration. These inaccuracies both hurt and help the District, since some providers included longer duration periods than those observed, while some included less or did not document that the service occurred, resulting in an underreporting of service delivery.

Due to concerns related to the minimal utilization of the Welligent tracking system by charter schools, this year's study included a large review of service delivery at these schools<sup>6</sup>. The review found that 88.1% of students attending charters had evidence of receiving at least one session of the service(s) specified within their IEP. The study also found low evidence of service for students receiving at least one session of adapted physical education (59.9%), least restrictive environment (44.8%), and school mental health (75.9%). In the area of frequency (68.8%) and duration (60.3%), charters' performance is well below the targets of 85%.

The IM has continually reminded the District that failure to provide the services specified in IEPs constitutes substantial noncompliance with federal and state law. During the 2009-2010 school year, the District reported hiring 80 speech and language providers and indicated that all schools would be covered to provide services. The District also provided clear communication to all charter schools clarifying the mandated utilization of the Welligent tracking system. While these efforts have made a positive impact in providing students services, the performance on this outcome is evidence that additional efforts are required, particularly in the area of supervision of service providers and charter school operators. Specifically, the District needs to develop the capacity to identify students whose services are not being provided, and the ability to correct these issues within a timely manner both centrally and at the school sites. While the District has developed some reports to monitor service delivery within the Welligent system (referred to as the "300 Reports"), these reports do not contain all the necessary information and are not designed intuitively so that site administrators can monitor service delivery efficiently.

As noted in the discussion regarding LRE data, the recent changes made to the Welligent system jeopardize the progress made in this outcome and more importantly, in the ability to maintain and monitor service delivery records. These problems must be addressed prior to the initiation of the 2010-2011 services study.

During the 2010-2011 school year, the District is required to collaborate with the OIM in revising the business rules of the Welligent "300 reports" utilized by schools and central office administrators. The development of intuitive and efficient reports for monitoring service delivery should increase the District's internal capacity for identifying issues that may prevent substantial non-compliance. In addition, the District will need to show credible efforts to hold teachers and providers accountable when student services are not provided or inaccurately documented.

- ◆ **Determination:** Outcome 13 not met.

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<sup>6</sup> This review included all students (6,418) with disabilities attending charter schools.

### OUTCOME # 16: INCREASE IN QUALIFIED PROVIDERS

- ◆ **Outcome:** The District shall increase the percentage of credentialed special education teachers to 88%. The Independent Monitor shall not certify under paragraph 88 of the Modified Consent Decree that the District has achieved each of the outcomes unless on the date of such certification the percentage of credentialed special education teachers is at least 88%.

Qualified Providers

School Year	Qualified Special Education Teachers*	% Qualified Special Education Teachers
2009-10*	3,904	92.2%
2008-09	3,840	88.9%
2007-08	3,748	87.9%
2006-07	3,484	83.2%
2005-06	3,342	80.0%
2004-05	3,063	72.3%
2003-04	3,480	70.6%

\* Data as of 6/15/10

- ◆ **Data Source:** Human Resources/Personnel Research 6-15-08. Classroom teachers make up the data set.
  - Numerator is the number of qualified special education teachers.
  - Denominator is the number of special education teachers.
- ◆ **Discussion:** This outcome requires the District to increase the percent of fully credentialed special education teachers to 88% and maintain that level. The District will be disengaged from this outcome only after all other outcomes are met and the District has achieved and maintained at least the 88% level. As of June 15, 2010, 92.2% of the District's special education teachers were fully credentialed.

The District is commended for maintaining this high level of staffing of qualified special education teachers during these difficult economic times.

**OUTCOME #18: AFRICAN AMERICAN STUDENTS IDENTIFIED AS EMOTIONALLY DISTURBED**

- ◆ **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.

Comprehensive Evaluations

School Year	Ethnicity	# of Observations	# of Students Meeting Criteria	% Meeting Criteria
2009-10	African American	235	195	83.0%
2008-09	African American	254	206	81.1%
	Latino	325	278	85.5%
	White	150	129	86.0%
	Total	729	613	84.1%
2007-08	African American	181	127	70.2%
	Latino	200	156	78.0%
	White	128	110	85.9%
	Total	509	393	77.2%
2006-07	African American	190	96	50.5%
	Latino	262	145	55.3%
	White	145	75	51.7%
	Total	597	316	52.9%
2005-06	African American	174	44	25.3%
	Latino	206	73	35.4%
	White	105	35	33.3%
	Total	485	152	31.3%
2004-05	African American	73	2	2.7%
	Latino	119	3	2.5%
	White	45	4	8.8%
	Total	237	9	3.8%

- ◆ **Data Source:** Study conducted by the Office of the Independent Monitor.
- ◆ **Discussion:** Outcome 18 requires the District to reduce the disproportionate identification of African American students identified as emotionally disturbed (ED) by providing 90% of African American students a "comprehensive evaluation" as defined by the IM (See Appendix E).

The intent of this outcome was to address the disproportionate identification and placement of African American students by focusing on improving the quality of the identification and placement processes for all students. Over the past seven years, the District has improved the capacity at its schools and across IEP teams in providing quality pre-referral interventions, assessments and services to students referred to and identified as having ED. As a result, the District's population of all students identified with ED has decreased by 36.5%, with a 41.2% decrease in the

identifications of African American students. Additionally, the District has decreased non-public school placements of African American students by 30.5%. More importantly, these efforts have made an impact in improving the quality of identifications of all students regardless of race or ethnicity.

The District's progress in improving the identification and placement of African American students in the District is commendable. This progress is a shining example of the institutional capacity that has been developed as a result of the MCD. It also demonstrates the positive change and effect on children that can be accomplished through the implementation of sound policy, professional development, comprehensive data systems and improved professional practice. This progress would not have been possible without the hard work of school psychologists, teachers, nurses, school site administrators and central office personnel.

During the 2009-2010 school year, the OIM continued its study to measure the District's performance for Outcome 18<sup>7</sup>. The study found that 83.0% of African American students received a comprehensive evaluation as defined by Outcome 18, which is still below the 90% target. In previous reports, the IM had pointed out the limitations within the structure of this outcome, and the impact these have on the District meeting this outcome. To summarize, the outcome requires that all 28 elements of the comprehensive evaluation be provided for each student in order to be considered met. This creates a high threshold that becomes difficult to achieve. In the past, the requirement of parent participation at the IEP meeting has been the item that had been difficult for schools to meet, despite efforts to convince parents to participate. This year, 92% of all students identified as ED had parental participation at their IEP meeting.

While the District did not meet the target, a closer examination of the District's compliance with specific sections of the identification and placement process demonstrates the high level of compliance with the outcome (Table Below). For example, of students newly referred for a special education evaluation, 97% met all the criteria for pre-referral interventions. This means that almost all students received multiple pre-referral intervention meetings with parental participation prior to the referral. Similarly, almost all students received a comprehensive multi-disciplinary assessment (97%), and eligibility and exclusionary statements (99%). While most students (88%) met all of the requirements of the IEP Recommendations upon being identified with ED<sup>8</sup>, this performance is below 90%. For students already receiving special education services whose eligibility was changed to ED, 86% received supports such as behavior plans and counseling prior to the change of eligibility. To show the impact of missing one element, compliance with all elements was measured removing one element. This analysis shows that almost all (97.0%) African American students identified with ED met all but one of the elements of the "comprehensive evaluation."

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<sup>7</sup> The 2009-2010 study only examined the identification and placement processes of African American students.

<sup>8</sup> These include consideration for counseling, behavior support plans, consideration of placement in the least restrictive environments and parental participation at the IEP meeting.

Compliance of the Elements of a "Comprehensive Evaluation" by Section and Race/Ethnicity

Process	# of Observations	# of Students Meeting Criteria	% Meeting Criteria
Section 1. Pre-Referral Interventions <b>Initials IEPs</b>	36	35	97.2%
Section 1a. Referral Interventions <b>Change of Eligibility IEPs</b>	66	57	86.4%%
Section 2. Assessments <b>All IEPs</b>	235	229	97.4%
Section 3. Determination of Eligibility <b>All IEPs</b>	235	233	99.1%
Section 4. IEP Team Considerations <b>All IEPs</b>	235	207	88.1%
Met All Criteria <b>Minus One Element</b>	235	228	97.0%

Again, the District must be commended for its efforts to improve the referral and identification process for students identified as ED. While the District's performance is below the 90% target, its performance based on each subsection is quite high, particularly for students newly referred for special education. Additionally, almost all students identified with ED during the 2009-2010 school year received a comprehensive evaluation and thorough eligibility and exclusionary statement. In consideration of the limitations within the structure of the outcome, and the consistent performance the District has demonstrated in reducing disproportionality by improving the quality of its identification and placement processes for all students, this outcome is considered met. Like all other outcomes that are met, the OIM will continue to monitor its progress until all outcomes are met and the District is disengaged from the MCD.

**Determination:** Outcome 18 met.

## MAKING SCHOOLS ACCESSIBLE

### *Introduction*

Section 10 of the MCD requires that:

- All new construction and renovation or repairs by the District shall comply with Section 504 and the American with Disabilities Act (ADA).
- The District shall enter into binding commitments to expend at least \$67.5 million on accessibility renovations or repairs to existing school sites consistent with Section 504 and ADA.
- The District shall establish a unit to address "on-demand" requests related to accessibility. The District shall expend up to \$20 million for task orders related to requests for program accessibility.

Section 17 of the MCD requires the IM must also determine there are no systemic problems within the District's schools that prevent substantial program accessibility compliance.

This report will summarize the progress of the District toward meeting the requirements of Section 10: Facilities since the February 2010 progress report. Since then, the District submitted 18 projects for credit for projects associated with the \$67.5M repair and renovation projects, and 33 projects under the \$20M on-demand program. Upon review of the documents submitted and subsequent site inspections, the IM was able to approve credit toward both obligations. The report also includes an update on the District's efforts to improve the practices and oversight related to access compliance.

### *\$67.5M Repair and Renovation Projects*

Since February 2010, the District submitted a total of 18 repair and renovation projects for a total credit request of \$3,059,077.00. Of these, credit was granted for all projects for a total amount of \$3,339,428.00. It is important to point out that the amount of credit granted exceeds the requested amount. This is due to improvements in the quality of inspections and the conservative approach taken by the District in requesting credit.

The OIM and Disability Access Consultants, Inc. (DAC), conducted on-site visits to validate the inspections completed by the District's Facilities Access Compliance Unit (FACU) and to ascertain if any noncompliant findings were omitted from the reports submitted to the OIM. Of the reports submitted, it was noted that 100% of the noncompliant findings were captured in the report. It also was noted that the reports included measurements of the actual field conditions and were not adjusted or considered compliant if the measurement was "close" to the code's requirement. For example, if the code required 60 inches, the District provided the actual measurement of 59.75 and considered this item non-compliant. Additionally, the District subtracted an estimate based on industry standards for correcting the non-compliant finding. The reporting of actual field conditions and reduction of credit requested provided a precise and conservative method for granting credit. In some instances, the OIM was able to provide more credit than was requested in cases where a small increment would not affect the usability or accessibility of the item. An example would be that a mirror was ¼ inch too high or that a parking space was ½ inch too short. Credit was granted in such cases.

### *\$20M On-Demand Projects*

Since February 2010, the District submitted 33 on-demand projects for a credit request totaling \$3,135,485.00. During August 21-23, 2009 a sample of these projects were inspected to determine if the completed projects provided program accessibility as required by the \$20M program. Although some of these projects did not meet all of the accessibility code requirements, it was determined that they all met the objective of program accessibility and credit was granted for \$3,047,791.00. Furthermore, the District continues to make modifications to improve the on-demand program to ensure a more timely response and approval process, as well as compliant construction and inspections.

## *New Schools*

The parties entered into a stipulation agreement requiring the District to address non-compliant findings and work at schools opened after June 30, 2006. The District also has committed to surveying new schools not included in the previous surveys that have not yet opened to ensure that non-compliant work be addressed prior to these schools' opening. These efforts have been divided into four phases and the correction of deficiencies is slated to be completed in 2014. During the 2009-2010 school year, the District completed surveys and design plans of 13 Phase I schools. As of September 1, 2010, bids for contracts were released. Also on that day, Phase II schools were to begin the design phase. The District reports that the designs have begun for these schools.

Since the corrective repairs at these schools have not been completed, the OIM and DAC have not observed progress of these efforts. It is important to reiterate the expectation of the IM that new schools are compliant with all current applicable codes.

## *Summary*

The performance and progress of the District's Facilities Access Compliance Unit (FACU) has observed a remarkable turnaround in a relatively short period of time. This unit has been consistently demonstrating credible actions that strive for continued improvement in making schools accessible. These actions include the development of an internal capacity to ensure the consistent and accurate documentation of field conditions during site inspections. To achieve this, FACU engaged its staff in extensive training on applicable codes and uniform inspections procedures, participated in the International Code Council Access Compliance Seminar and established a Lessons Learned Committee that meets weekly to discuss access issues discovered during new and existing construction. In addition, the unit developed 11 separate Internet-based training modules related to access compliance that can be utilized by staff from central and remote locations. The District also streamlined its inspection process by utilizing a PC tablet with accessibility inspection software. This technology has enabled the District to conduct quality and consistent inspections as well as maintain and manage this data. These efforts and increased expertise have led FACU to become an integral part of additional areas of school construction such as modernization projects, new school construction, design, inspection and the validation of the Los Angeles Department Building and Safety inspections of charter schools.

The approval of both the repair and renovation and on-demand projects submitted are evidence of some of the benefits of these efforts. The project submittals are now presented in a clear and concise manner, with photo reports of non-compliant findings that include field conditions. The District also has taken a conservative approach in requesting credit and is utilizing industry standards for determining estimated values of barrier removal. These project submittals have improved the manner in which projects can be reviewed and approved. During August 23-25, 2010, the OIM and DAC conducted validation walk-throughs with FACU staff of 31 projects. The walk-through found a high level of agreement between the non-compliant findings and field conditions reported. During the site visits, it was evident that the District had implemented comprehensive signage packages throughout the sites, and had addressed minor maintenance and operation issues such as the removal of door stops and the placement of coat hooks in toilet compartments. In addition, the walk-through revealed the efforts being made by the District to hold architects and contractors accountable for completing compliant work. These actions are to be commended.

It is important to note that while the District demonstrated an increase in its internal capacity, two changes of senior leadership positions occurred. These changes did not negatively impact the District's performance, and in fact, the new leadership continued to build on the momentum and efforts already in place. Ultimately, this is indicative of real organizational changes that can be sustained over time despite changes in personnel. Lastly, it is evident that the culture of the facilities unit has dramatically improved to one that is proactive and striving to getting things right the first time. While this progress has been impressive, it is the expectation of the IM that the District continue to move forward by maintaining its training efforts and keeping staff that have specialized knowledge and skills.

## *Determination*

1. All new construction and renovation or repairs by the District shall comply with Section 504 and the American with Disabilities Act (ADA) – **Phase I and II Schools on Target**
2. The District shall enter into binding commitments to expend at least \$67.5 million on accessibility renovations or repairs to existing school sites consistent with Section 504 and ADA –  
**Additional Credit Approved: \$3,339,428.00**  
**Total Approved: \$14,470,014.00**
3. The District shall establish a unit to address “on-demand” requests related to accessibility. The District shall expend up to \$20 million for task orders related to requests for program accessibility – Unit established, model project binder approved  
**Additional Credit Approved: \$3,047,791.00**  
**Total Approved: \$7,391,946.00**

## CHARTER SCHOOLS

The District has over 160 charter schools serving more than 60,000 students. The performance of these schools in meeting the requirements of the MCD has a considerable impact on the District's disengagement from the MCD and its substantial compliance with special education laws. During the 2008-2009 school year, the OIM conducted a pilot study to examine the role and impact of the District's charter schools on its performance toward achieving the requirements of the MCD and compliance with federal and state special education laws and regulations<sup>9</sup>. The study found areas of weaknesses within policies, procedures and practices that potentially impact the District's ability to be in systemic compliance with special education laws and concerns over accessibility. In February 2010, the OIM conducted a follow-up study<sup>10</sup> on the processes for determining compliance with disability access codes at independent charter schools. The study examined if the Los Angeles Department of Building and Safety (LADBS) inspection processes for determining accessibility were adequate for ensuring compliant schools. This study found that the city's inspection process was not adequate for ensuring compliance. It also questioned the process for issuing a certificate of occupancy.

During the 2009-2010 school year, the District addressed many of the policy and procedural concerns raised from the pilot study. This includes the revision of language within the application/petition documents to strengthen and clarify charter schools' obligations for complying with special education laws and the MCD. The District also developed a comprehensive procedural manual,<sup>11</sup> further cementing the expectation that all charter schools comply with special education laws and the MCD. It was approved by the Board on Education on August 31, 2010. These actions are commendable.

To address the weaknesses found with the inspection process for ensuring compliant independent charter sites, the District elected to work collaboratively with the LADBS to improve the quality of these inspections. In addition, the District agreed to develop a plan for the re-inspection of all independent charters under the jurisdiction of the City of Los Angeles. The District also agreed to validate these inspections for accuracy. Since April 2010, the LADBS was to conduct inspections of six schools to examine if these sites had non-compliant findings not identified during the issuance of their certificate of occupancy. While the LADBS visited these sites, they failed to conduct comprehensive inspections and committed to re-inspecting them by August 2010. These re-inspections were completed with representatives of FACU observing, and Orders to Comply were issued on August 27, 2010. The District reviewed the Orders to Comply and raised questions around certain components of the certificate of occupancy process. As a result, three additional schools were inspected jointly by representative from LADBS and FACU to further develop a model for ensuring quality inspections. On September 13, 2010, at a meeting of the parties, the District expressed confidence in this model and the ability of the LADBS to lead these inspections.

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<sup>9</sup> The report can be viewed at: <http://oimla.com/pdf/PilotCharterSchool.pdf>

<sup>10</sup> The report can be viewed at: [http://oimla.com/pdf/charter\\_sar/IndependentCharterSchools\\_Final.pdf](http://oimla.com/pdf/charter_sar/IndependentCharterSchools_Final.pdf)

<sup>11</sup> See *Administrative Procedures for Charter School Authorizing*,

[http://notebook.lausd.net/pls/ptl/docs/PAGE/CA\\_LAUSD/FLDR\\_ORGANIZATIONS/FLDR\\_INSTRUCTIONAL\\_SVCS/CHARTER\\_SC\\_HOOLS/CHARTER%20SCHOOL%20ADMINISTRATIVE%20PROCEDURES%20-%20FINAL.PDF](http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/FLDR_ORGANIZATIONS/FLDR_INSTRUCTIONAL_SVCS/CHARTER_SC_HOOLS/CHARTER%20SCHOOL%20ADMINISTRATIVE%20PROCEDURES%20-%20FINAL.PDF)

On September 1, 2010, the District provided a schedule outlining a plan to have LADBS re-inspect all independent charter schools under its jurisdiction. The schedule called for completing these inspections by the end of June 2011. At the September meeting of the parties, both the plaintiffs and IM expressed discontent with the lack of progress and extended timeline for completing these inspections. The District agreed to work with LADBS to provide a revised timeline for completing all inspections within six months at the October meeting. In addition, the District agreed to develop a matrix for tracking all aspects of carrying out inspections, and to develop orders to comply and enforce such. While the District has indicated several factors that may impact the ability to meet this commitment, it is the expectation of the IM that all necessary resources be committed to fulfilling this commitment within a six month timeline. It is also the expectation of the IM that the District exercise its authority to hold non-compliant schools that do not comply with the city's Orders to Comply accountable.

Beginning the 2010-2011 school year, 18 independent charter schools elected to defect from the LAUSD Special Education Local Planning Agency (SELPA) and become members of the El Dorado County Charter SELPA. While the motives to leave the LAUSD SELPA are suspect considering El Dorado County is located in Northern California, the California State Board of Education approved the move. Furthermore, the District reports that an additional 80 independent charters have petitioned to join other SELPAs for the 2011-2012 school year. To clarify what this means in regards to these schools and compliance with the MCD, the consent decree is abundantly clear. All district schools must comply with all requirements of the MCD as well as all federal and state special education laws. As the authorizing agency, the District has the authority to approve and/or renew charters that select to defect to another SELPA. Therefore, the IM will hold the District responsible and accountable for ensuring that all of these charters meet compliance with all of these requirements.

The issues experienced by LAUSD related to special education in charter schools are not unique. In the past two years, issues related to the equitable access of students with disabilities at charter schools have emerged nationally. Since the LAUSD is the largest authorizer of charters in the country, it naturally garners national attention when addressing these issues. While the District has taken good faith steps toward improving the instructional opportunities for students with disabilities at charters, the real test will be in the District's ability to implement these policies and provide rigorous oversight to hold schools accountable. While the District faces many political and logistical challenges, it is important to keep in mind the intent and leverage that the MCD provides. To summarize, the MCD is designed to improve the educational outcomes for students with disabilities by addressing inequities in education and the discriminatory practices that have persistently marginalized students with disabilities and their families. The MCD is not an attempt to curb, discourage or restrict the authorization or autonomy of these schools, but rather protect the rights of students and families to have equitable access to a free and appropriate education at all District schools, including schools of choice.

During the 2010-2011 school year, the District is required to provide the OIM the full inspection and validation reports completed by the LADBS and FACU, of all charters newly authorized and those approved for re-authorization. The District also shall provide all recommendations made by the Innovation and Charter Schools Division that are submitted for board approval/re-approval. It is the IM's expectation that these schools meet all applicable accessibility requirements. Lastly, it is the IM's expectation that no school that has not been re-inspected or successfully completed an order to comply for accessibility purposes be recommended for approval.

## **ANNUAL HEARING**

Section 13 of the MCD requires the IM to conduct at least one hearing each year to hear from parents and other interested persons about the District's compliance with special education laws. This year's hearing was held April 29, 2010. Notices inviting persons to attend were made available in the eight primary languages of the District: English, Spanish, Tagalog, Chinese, Korean, Russian, Vietnamese and Armenian. To promote the annual hearing, the following means of outreach were conducted: a direct mailing to homes of parents of students with disabilities; district-wide distribution to all schools including charter and non-public schools; and a press release to all local media.

To facilitate attendance, a hearing was held in the morning and another in the evening. A total of 87 persons signed in as attending in the morning, and 57 persons attended the evening session. A total of 60 persons presented oral testimony, 32 in the morning and 28 in the evening. Individuals who presented specific complaints or problems were afforded the opportunity to meet with District staff to discuss the matter in greater depth and hopefully find a resolution. This resulted in a total of 44 referrals seen by District staff.

An analysis of comments expressed at the annual hearing shows that participants were concerned about budgets cuts (42%), primarily the impact on the closing of special education classes (29%) and the increase in the class sizes or norms (23%). Issues over the new IEP document were also expressed with 15% of speakers noting concerns that the IEP decisions were predetermined and (12%) noted the new document lacked clarity or information regarding services for their child. Participants also expressed concerns related to schools' non-compliance with special education law (25%), due process filings (20%) and non-compliance with specific provisions of their child's IEP (15%). Lastly, over one-third of speakers expressed negative or hostile environments at their child's school (36%).

## DATA SYSTEMS

### *Integrated Student Information Systems (ISIS)*

Section 11 of the MCD requires the District to abide by the stipulation agreement entered forth on June 20, 2002, for the development and implementation of an Integrated Student Information System (ISIS) at all its schools. This stipulation agreement has been modified twice as a result of delays in meeting the agreed-upon timelines. Despite repeated delays, the District has made progress in the implementation of the Phase I components of ISIS which are scheduled to be fully implemented at all schools including non-connected independent charter schools by the end of June 30, 2011.

On September 2, 2010, the District made a formal decision to postpone the deployment of the Phase 2 due to a lack of confidence in the quality of the software provided by its vendor<sup>12</sup>. The District reports that several factors contributed to this decision, including its vendor's inability to meet three major deliverables due between January and June 2010. Further, the District has expressed difficulties with its relationship with its vendor's performance and its allocation of resources for meeting these commitments. The District indicates that the decision to postpone deployment was taken to prevent "catastrophic results to school operations and the District's data quality" (p.6).

While this decision may be prudent, the process for making such a determination did not take into consideration the plaintiffs or procedures for modifying the timelines agreed-upon by the stipulation. This event is another instance of delay in meeting the obligations of Section 11 of the MCD. These repeated delays and failure to honor the procedures of modifying the stipulation agreement are in "bad faith" and have been a source of continual frustration with the plaintiffs and IM. As a result, the IM has communicated that it will take a more active role in monitoring the implementation of ISIS, effective immediately. The IM also clearly expressed his expectation that all future decisions that affect the timelines or the components of ISIS will be made in accordance with the procedures of the stipulation.

### *Welligent IEP Data System*

As noted earlier, on March 15, 2010, the District implemented changes to the Welligent IEP data system. These changes have considerably impacted the quality of Welligent data for over 46,000 IEPs held since its implementation. The District reports that several high-impact defects or missing data validation rules have been identified and corrected as of September 9, 2010. Some major areas impacted include: calculation of the percentage of time spent in special education, the system locking IEPs prior to completion, and printing issues with IEPs missing sections of the free and appropriate education service grid. The printing issues and problems with calculating the percentage of time in the special education setting may have resulted in parents receiving

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<sup>12</sup> See September 9, 2010 report from Jack Kelanic, Chief Information Systems Director, *Integrated Student Information System Project Status Report for the Independent Monitor*.

inaccurate and/or incomplete IEPs at the time of their meeting. As a result, the District has been engaged in reprinting complete documents of all IEP meetings held since March 15, 2010. These IEPs will be delivered to all schools for distribution this fall. While the District has identified many of the problems caused by the changes to Welligent, it continues to examine the system for additional defects. In addition, it is identifying possible impacts on the quality of data or reports provided to the OIM and/or state.

The quality of data within the Welligent IEP System has been a major accomplishment of the MCD. While these changes are a setback, it is the expectation of the IM that the District continue to expend all necessary resources to identify and fix any problems within the Welligent system. The IM also expects the District to consult with the OIM on any proposed future changes that may impact the quality of the data prior to its implementation.

## CONCLUSION

This report has documented the District's progress in meeting two major components of the MCD. Of the five performance-based outcomes pertaining to students with disabilities, the District has met two. As of this date the District has met 14 outcomes (see Table A). Part II of the Annual Report will document the District's progress on two outcomes: Outcome 2: Performance in the Statewide Assessment Program and Outcome 4: Completion Rate.

The lack of progress on Outcomes 7A and 7B, while partially a result of issues discussed in the report, reflects the lack of an overall District plan and leadership for the inclusion of students with disabilities in its schools and classrooms. The District's reform efforts over the past years have not bided well for students with disabilities. Currently, a third of the District's schools, charter and District-operated serve a disproportionately low percentage of students with disabilities. As discussed previously in this report, special education centers still serve a significant number of students with more severe disabilities, while the District opened hundreds of new schools with little planning on how those schools could serve those students in more integrated settings. Further, the IM is concerned that as the District moves to develop a teacher performance evaluation system based on student performance, general education teachers will become more resistant to including students with disabilities in their classrooms unless the evaluation system accommodates for the needs of such students.

It has been said that the motto of special educators is "yes but." This past year has demonstrated the truth to the motto. A significant amount of time and energy on the part of the leadership of the Division of Special Education has been spent trying to fix actions taken by the District. The fact that there are so many actions to fix is an indicator that District officials are not considering the needs of students with disabilities in their planning and not involving the Division before it acts. For example, allowing schools to set their own calendars resulted in problems in providing District special education student services, since many of the providers serve more than one school. The ability to provide the services required additional expenditures from an all ready strained budget. If the District is committed to ensuring that it serves the needs of all of its students, then it should consider requiring that all proposed policies, procedures and plans have a disability impact statement.

Acquiring, maintaining and utilizing data is essential to meeting the requirements of the MCD and operating an effective and compliant special education system. Since the inception of the MCD the District has developed the Welligent IEP system's capacity to provide needed data and manage its special education delivery. Until this past year, the OIM has been increasingly able to declare that the data reported by Welligent was accurate. The IM is deeply concerned about the increasing problems noted in this Report. It is expected that the recommendations for correcting the problems will be made expeditiously and that no future changes to Welligent will be made without the approval of the IM.

Also, essential to the implementation of the MCD is staff with the needed knowledge and skills to effectively implement its requirements. The past two years due to reductions in staff throughout the District, there has been District-wide turnover in positions. While the District has attempted to minimize the impact on the MCD, it is being felt, resulting in some of the problems noted in this Report. While losing key personnel to retirement or promotion is understandable losing them because of lack of seniority or because they are consultants is unacceptable. Therefore the IM orders that all decisions to replace key MCD personnel be approved by the IM.

In 2006-2007 the District met Outcome 15 regarding completing IEP translations within specified timelines (Table A). For the past two years the District's performance has fallen below the MCD requirements. In both years, the problem was delays in approving contracts. This is unacceptable and if not corrected the IM will take appropriate action.

This past year the District has made significant progress in making its facilities accessible to individuals with disabilities. If such progress continues, the District can reasonably be expected to meet the requirements of Section 10 of the MCD.

Three provisions of the MCD are worth reiterating at this time:

First, for outcomes that were met by June 30, 2006, the IM is required to continue to monitor the District's performance until all outcomes are met. Thus it is expected that the District will maintain or improve its performance on these outcomes.

Second, the IM is required to issue periodic reports on progress in meeting the outcomes. As data become available, the IM will report on the District's performance on specific outcomes. As described earlier in this report, the reports will contain, when appropriate, the schools that are not making adequate progress and the individuals responsible.

Third, the MCD authorizes the IM to increase the outcome measure in the event that an outcome is not achieved by June 30, 2006, and that its achievement will be delayed by more than six months. While the IM has no plans at this time to do so, the District should be aware of this possibility.

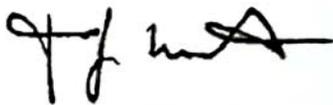
#### ACKNOWLEDGEMENTS

The IM commends both the District and Plaintiffs for the constructive and positive manner in which they have worked together in the process of implementing the MCD. It is not to be expected in an undertaking so broad and significant that there is always agreement. However the parties have consistently demonstrated both the desire and ability to reach appropriate resolutions.

While all outcomes have not been met, the IM wishes to commend the many individuals in the District who worked diligently to achieve the outcomes that have been met and the progress that has been made in others.

Recognition must also be given to the staff of the OIM, the graduate assistants, consultants and researchers who diligently gather and analyze data and review documents to ensure the validity of our determinations. Their professionalism and dedication is greatly appreciated.

Sincerely,



Frederick J. Weintraub

c: Hon. Judge Ronald Lew, Robert Myers, Catherine Blakemore, John Deasy, Judy Elliott, David Holmquist, Sharyn Howell, Diane Pappas, Deneen Cox, Brigitte Ammons, Thomas Hehir

Table A

#	Outcome	Current Status 6/30/10	Outcome Determination Status	Outcome Target	Outcome Met	
1	Participation in the (STAR) Statewide Assessment Program (without modifications)	ELA/Math	To be determined	85.2%	75%	Yes 6/30/06
		Comparable to Non-Disabled	To be determined	95.0%	95%	
2	Performance in the (STAR) Statewide Assessment Program (at basic or above)	ELA	To be determined	28.4%	27.5%	To be determined
		Math	To be determined	27.8%	30.2%	
3	Increase Graduation Rate		To be determined	41.66%	39.79%	Yes 6/30/08
4	Increase Completion Rate/Reduce Drop Out		To be determined	55.7%*	76.3%	To be determined
5	Reduce Suspensions of Student with Disabilities		7.1%	7.6%	8.6	Yes 6/30/09
6	Increase Placement of Students with Specific Learning Disabilities (SLD) and Speech and Language Impairment (SLI) in the Least Restrictive Environment		90.3%	73.7%	73%	Yes 6/30/06
7A	Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment		31.9%	31.9%	51%	No
7B	Increase Placement of Students with the Disability of MDO in the Least Restrictive Environment		4.36%	4.36%	23%	No
8a	Increase Home School Placement: SLI/SLD		93.2%	92.7%	92.9%	Yes By Stipulation of the Parties 9/16/08
8b	Increase Home School Placement: All Other Disabilities	Grade K	58.3%	59.1%	65%	
		Grade 6	66.4%	65.0%	65%	
		Grade 9	59.0%	60.0%	60%	
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	60.8%	58.8%	62.0%	
		Grades 7-8	62.6%	60.3%	55.2%	
		Grades 10-PG	44.1%	41.4%	36.4%	
9	Individual Transition Plan in IEP (14 years and above)		97.4%	99.8%	98%	Yes 6/30/06
10	Timely Completion of Initial Special Education Evaluations	60 Days	91%	90%	90%	Yes 6/30/08
		75 Days	96%	96%	95%	
		90 Days	98%	98%	98%	
11	Response Time to Parent Complaints	5 Days	81%	54%	25%	Yes 6/30/06
		10 Days	95%	82%	50%	
		20 Days	99.8%	97%	75%	
		30 Days	100%	99.9%	90%	
12	Informal Dispute Resolution Prior to Formal Due Process (within 20 days)		To be determined	77%	60%	Yes 6/30/06

Table A

#	Outcome		Current Status 6/30/10	Outcome Determination Status	Outcome Target	Outcome Met
13a	Delivery of Special Education Services	SLD Only	93.0%	93.0%	93%	No
		Other Disabilities	94.8%	94.8%	93%	
13b	Delivery of Special Education Services	Frequency (# of times)	74.5%	74.5%	85%	
		Duration (length)	66.6%	66.6%	85%	
14a	Increased Parent Participation (Attendance at IEP Meetings)	Attendance	84%	82%	75%	Yes 2/1/08
14b	Increased Parent Participation (Attempts to convince parent to attend IEP)	Sufficient Attempts	NA	96%	95%	
15	Timely Completion of IEP Translations	30 Days	71%	96%	85%	Yes 6/30/07
		45 Days	91%	99%	95%	
		60 Days	99%	99%	98%	
16	Increase in Qualified Special Education		92%	88%	88%	Yes 7/15/08 Not disengaged
17	IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students	Autism	67%	61%	40%	Yes 6/30/06
		ED	97%	97%	72%	
18	Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed	% Meeting Criteria	83%	81%	90%	Yes 6/30/10

\* Data from June 30, 2009