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Modified Consent Decree  
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July 22, 2005

Honorable Board of Education  
Los Angeles Unified School District  
333 S. Beaudry Avenue  
Los Angeles, CA 90017

Roy Romer  
Superintendent of Schools  
Los Angeles Unified School District  
333 S. Beaudry Avenue, 24<sup>th</sup> Floor  
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 2004-05 School Year**

Dear Mr. Romer and Board of Education:

The language of the Modified Consent Decree (MCD) and the legalese used when describing the "settlement" of this "class action" with its "court monitor" and multiple "outcomes" can serve to obscure both its purpose and principles. On a fundamental level, the purpose of the MCD is to improve the education system for children with disabilities in the Los Angeles Unified School District (LAUSD). Each of the eighteen outcomes represents an element of this reform process. When stated in simple terms, they are:

- Most students with disabilities will take the state-wide standardized test and about three out of every ten will perform at the basic level in math and English (Outcomes 1 & 2)
- Almost half will graduate with a diploma and fewer will drop-out every year (3 & 4)
- Fewer will be suspended and more will receive help with their behavior (5 & 17)
- More will receive their education in a regular classroom in their local neighborhood school (6, 7, 8)
- Nearly all will have a plan to help them transition into the real world after high school (9)

- After a parent requests an evaluation to see if their child is eligible for special education services, the District will complete an evaluation and hold a meeting to discuss the results within seven weeks
- Most parents will have a place to turn to that can resolve their concerns and complaints and have the opportunity to settle disagreements with schools informally instead of having to take legal action (11 & 12)
- Most students will receive the special education services that they were promised on their Individual Education Plans (IEPs) (13)
- Three out of four parents will attend their child's once a year IEP meeting (14)
- Most non-English speaking parents who request a translation of their child's IEP will receive the translation in a month's time (15)
- Almost as many students with disabilities will have a qualified teacher as nondisabled students (16)
- Because of their historical over-representation in the category of emotional disturbance, every African-American student identified as emotionally disturbed will have a referral, identification and placement process that meets basic standards (18)

The principles that guide the Modified Consent Decree are similarly basic:

- The LAUSD, not some outside organization, is responsible for improving its educational system
- The eighteen goals for improvement are ambitious, achievable and quantifiable
- The District has three years to achieve them, ending June 30, 2006
- The District's performance is determined by an Independent Monitor who by definition, is independent of either party
- When the Independent Monitor determines that the District's performance meets or exceeds an outcome's target, the outcome is achieved
- When the Independent Monitor determines that all eighteen goals have been achieved and the District is complying with the law, the Modified Consent Decree ends

As a former, long-time urban superintendent, I view the purpose of the Modified Consent Decree as an integral aspect of the mission of a school district and its principles as a workable framework for a school reform initiative. The MCD is grounded in the knowledge derived from years of research and experience that large urban school districts are complex organizations more

likely to experience incremental improvement than immediate compliance with a law. In contrast to those who argue that education is too important to be left to educators, the MCD leaves the planning of reform efforts to the educators who are charged with meeting its goals. Following the same logic, it leaves the monitoring of performance and decisions on disengagement to an educator.

In the current climate, the provision of this degree of responsibility for the planning and implementation of a reform initiative to educators carries with it a commensurate obligation to ensure its success. The failure of the District to follow through on its plans and achieve the outcomes of the MCD would indicate a failure on the part of its leadership to manage their own reform process and achieve the targets they negotiated. Neither the Superintendent nor the Board needs to be reminded of the potential implications of this failure.

Considering these stakes and the fundamental educational purpose of the Modified Consent Decree, I expected that the District's leadership would prioritize achievement of outcomes at the level of other prominent school district initiatives such as Open Court or the school construction program. I further expected that the District would hold administrators accountable for achieving the outcomes. In my letter to you at the end of the first year, I noted that these moves could result in LAUSD making "enough progress over the next two years to make up for the lack of progress in the first year."<sup>1</sup>

During the past year, I pursued my responsibility to monitor the District's progress toward the outcomes. I heard from hundreds of parents, District employees and concerned community members about LAUSD's special education programs. My staff visited hundreds of schools, conducted a series of district-wide studies, reviewed thousands of student files, and conducted surveys and in-depth interviews of local district and school administrators. We encountered many teachers and administrators with a deep commitment to improving the education and lives of students with disabilities. We benefited from the assistance and cooperation of District personnel at all levels. Yet, despite these good intentions and in many cases, remarkable efforts, the evidence we collected indicates that the school system has not yet come to grips with scope of the Modified Consent Decree.

Despite the flurry of policies and memorandums emanating from the District's special education bureaucracy, there is little indication that ownership of this reform effort has extended to general education or penetrated to the school level. There is little evidence that the senior leadership has prioritized special education reform at a level that would attract the attention of school administrators or provided them with the consistent support they need to succeed. Nor is there much evidence of the strong accountability system that would motivate schools and local districts that are far below outcome targets to make substantial progress within a short period of time.

Time is running out. The District has a single year to achieve the outcomes of the Modified Consent Decree. Based on its performance to date, I have grave doubts whether the LAUSD is capable of making the necessary progress to achieve disengagement by June 30, 2006.

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<sup>1</sup> See C. Cohn, Report on the Progress and Effectiveness of the District's Implementation of the Modified Consent Decree, 2003-04, July 16, 2004, p. 8.

Below, I will review the District's progress during the 2004-05 school year in four areas: data systems, performance outcomes, the Annual Plan and facilities. These areas are aligned with four of my responsibilities under the MCD: verifying the accuracy of the District's data required to measure the District's performance<sup>2</sup>; confirming the District's entry into binding commitments to expend the funding necessary for accessibility renovations or repairs to existing school sites<sup>3</sup>; reviewing and adopting the Annual Plan with such additions, deletions, or revisions as I deem appropriate<sup>4</sup>; and reviewing progress toward achieving outcomes and independently determining whether they have been met<sup>5</sup>.

### Data Systems

The timely provision of accurate data from the District to my office is essential to my ability to monitor progress toward the performance outcomes. Over the past year, my office closely monitored the quality of District data. Much of this monitoring was associated with the implementation of the Welligent web-based IEP system.

Welligent has largely replaced the cumbersome collection and entry of student-level data into special education databases. The system provides school and special education staff with the ability to enter special education information into an on-line application from any computer with Internet access. This student-level information can then be aggregated to inform District administrators about a range of system-level issues such as the demographics of the special education population, overall service requirements and a variety of compliance issues such as the timely completion of IEPs.

Because of the importance of Welligent data to my monitoring of the District's progress, my office took steps to periodically assess the implementation of Welligent and review the accuracy of its data. These included: monthly tracking of the number of students in Welligent by type of IEP and error rates for specific data elements; an annual telephone survey of the implementation of the Welligent system in schools; an assessment of the representation of students in the Welligent system in comparison to the population of students with disabilities; and a district-wide study of the accuracy of data on placement in the least restrictive environment.

Last year, I noted that the lack of quality control mechanisms had resulted in high levels of inaccuracy in important student-level data elements. Our monthly monitoring reports on the quality of Welligent data indicate that these problems have been addressed. Error rates have dropped substantially as the number of students with batch-entered IEPs has diminished and edits were introduced into the system to prevent data entry errors (Appendix A.1).

I also expressed concerns, based on the results of last year's telephone survey about the sizable number of schools not implementing or only partially implementing the system. Again, these

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<sup>2</sup> Modified Consent Decree (MCD), Section 3.18

<sup>3</sup> MCD, Sections 7.65 & 5.33

<sup>4</sup> MCD, Section 5.32-34

<sup>5</sup> MCD, Section 10

problems appear to have been addressed based on the results of this year's telephone survey (Appendix A.2). A high percentage (88%) of the respondents in the 667 schools surveyed indicated that their school was using the system. Nearly all of the respondents that provided data on their number of special education teachers and number of teachers using the system in their school indicated that they were fully implementing the system (95%). These gains are dramatic improvements over last year's results.

While usage is high, nearly all respondents that reported that their school was using the system also reported experiencing technical problems (93%). Common problems included an inability to access the program over the Internet or losing access while working. While respondents indicated that they had received assistance to address their problems and a majority expressed favorable opinions about this help, these problems have remained consistent from Year I to Year II. Most worrisome is the statement by over 40% of these respondents that their problems "impeded their ability to complete IEPs within the timelines required by the law."

The effect of this statement on the timely completion of IEPs is supported by our analysis of the number of Welligent IEPs completed within 13 months (corresponding to the one year timeline required by federal law). This number has remained considerably lower than the total number of unduplicated IEPs in the system with a current gap of over 9,000 students. All of these students' IEPs would be considered overdue.

Also worrisome is the number of students who are still not in the Welligent system. The District has had a difficult time establishing its overall special education enrollment, at various times being unable to account for 3,000 to 8,000 students. In addition, based on the best available figure for the special education enrollment<sup>6</sup>, Welligent is missing approximately 6,000 students that are present in other District data systems.

Both the results of the Welligent telephone survey and an analysis of Welligent data in comparison to the District's special education population by Dr. Peter Goldschmidt of UCLA indicate that the missing students are mostly located in comprehensive high schools and at the pre-k level (Appendix A.3). While Goldschmidt's analysis indicates that Welligent appears to be representative of the District's special education population, he raises concerns about the sizable number of students with emotional disturbance not in the system.

Several outcomes are affected by the potential impact of missing student data. Outcomes 8b, 8c and 9 are dependent on accurate high school level data. Similarly, assessments of progress for Outcomes 17 and 18 require accurate data from the IEPs of students with emotional disturbance. In order to ensure that Welligent data can be used to determine progress toward these outcomes, the District must increase the number of high school students and students with emotional disturbance in the system. It must also establish an accurate figure for its special education population. Until these issues are addressed, I will be unable to make final determinations on disengagement using Welligent data.

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<sup>6</sup> The April 15, 2005 enrollment of students with disabilities in SIS is 85,712. To date, this is the most accurate enrollment figure provided to my office by the District based on a review of various data systems.

Lastly, under the charge of verifying the accuracy of District data, my office together with the American Institutes of Research (AIR) conducted a district-wide study to verify the accuracy of Welligent data on placement in the least restrictive environment (Appendix A.4). This study did not find any statistically significant differences between placement data for a sample of students in Welligent and a sample not in Welligent. It did uncover important gaps in the understanding of school staff about the calculation of percent of time and inconsistencies between information in the IEP, the percent of time in Welligent and students' weekly school schedules. While these inconsistencies appear to be widespread, they do not appear to alter the District's results for the LRE performance outcomes. This finding renders Welligent "a reliable indicator of a student's LRE category"<sup>7</sup>. In order to ensure that this remains the case, the District should implement the report's recommendations.

Based on these various indicators, the District appears to be making rapid progress toward establishing a comprehensive, reliable data system. The Information Technology Division, the Division of Special Education, Welligent and the thousands of school staff working on the system should be commended for their considerable accomplishments to date. The inter-departmental collaboration, provision of support to schools, message of accountability, and rapid cultural change that has characterized this effort should serve as a model for the implementation of the remainder of the consent decree.

The provision of accurate data is the first step in the process of determining progress toward the outcomes. For each outcome, progress must also be calculated. The Modified Consent Decree provides the responsibility for calculating progress to the Independent Monitor. It states that "the Independent Monitor shall review the District's progress toward achieving such outcomes and independently determine whether they have been met."<sup>8</sup>

Over the course of the past year, the Division of Special Education has, with my approval, produced a series of quarterly reports on the District's progress toward the MCD. These reports were developed using the expertise of the District's Program Evaluation and Research Branch (PERB). I had recommended this partnership last year based on the reputation of PERB for quality independent analysis and my belief that the Division lacked the necessary expertise to analyze the information emerging from its new data systems<sup>9</sup>. My expectation was that the Division would use PERB's expertise in data analysis to build its capacity to provide accurate information to local districts and schools on their progress in special education as indicated in the 2004-05 Annual Plan.

Over the past year, the Division has built its capacity to provide data on progress toward the outcomes. Both local district and school administrators interviewed by my staff have cited the provision of data on their progress as a beneficial change produced by the MCD. However, after reviewing these data analyses, I have serious concerns about the ability of the Division of Special Education to calculate progress toward the outcomes and provide District and school staff with the accurate information they need to address any potential deficits in their performance. The

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<sup>7</sup> Office of the Independent Monitor, Report on the Accuracy of LAUSD LRE Data, July 22, 2004

<sup>8</sup> MCD, Section 7.65

<sup>9</sup> C. Cohn, Response to the 2003-04 Annual Plan, June 22, 2004.

Division's quarterly reports on progress toward the outcomes contain a series of fundamental distortions or extraneous information that obscure the District's true progress toward achieving the Modified Consent Decree. For example, in earlier reports to local districts and schools, outcomes that were dependent on cumulative year-end data such as suspensions were identified as achieved<sup>10</sup>. In the 2004-05 Year-End Outcome Data Report recently submitted by PERB and the Division of Special Education to my office, the Division presents figures for LRE and Home School outcomes that both use and exclude "nonpublic school data". These figures are presented in this way despite the fact that nonpublic school (NPS) students were included in the baseline for the outcome and the knowledge that nonpublic school students are LAUSD children who are placed in the most restrictive settings outside their home schools. In the same report, the District presents meaningless data on psychological and related services evaluations completed within 50 days despite having clear knowledge that the outcome as negotiated is based on an evaluation and IEP meeting held within 50 days as required by state law.

During the course of the past year, my staff repeatedly met with the Division and PERB staff to review these calculations. They expressed concerns about the methods used to calculate progress toward the outcomes and noted that under the MCD, the determination on progress and methods used are the responsibility of the Independent Monitor. The failure of the District to heed this advice leads me to the conclusion that the Division of Special Education is either unable or unwilling to present an accurate barometer of the District's progress toward the outcomes.

Since the provision of accurate analyses to the District's leadership, local districts and schools is essential to the District's ability to comply with the MCD, the District is ordered to provide a draft of any report on its progress on the outcomes to my office, including all future quarterly reports, prior to their distribution to any District staff. The District will then make any changes to its calculations or presentation of information such that its determinations of progress coincide with standards established by my office as required by the Modified Consent Decree. This process shall begin with a revision of the 2004-05 Year End report.

A continuing concern for this final year is the delay in the provision of data to my office. Given the significance of my determinations in the upcoming year, there cannot be any delays in the District's response to data requests. The District is ordered to provide direct access to all District databases to my office by September 1, 2005.

### Facilities

Under the terms of the Modified Consent Decree, the District agreed to "within 5 years enter into binding commitments to expend at least \$67.5 million dollars on accessibility renovations or repairs to existing school sites consistent with Section 504 and the Americans with Disabilities Act."<sup>11</sup> In addition, the District agreed to "make available, and expend up to \$20 million dollars from the Measure K Board's leveling fund for task orders related to requests for program accessibility under IDEA and Section 504" in order "to rapidly provide minor renovations where

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<sup>10</sup> For example, if the end of the school year target is 10% and the school in January is at 7%, it is not achieving the outcome. Indeed, it may be ahead of last year's pace in January. A better gauge of growth would be a monthly comparison to the previous year.

<sup>11</sup> MCD, Section 10.77

necessary to provide access for individual students seeking placement in currently inaccessible programs.”<sup>12</sup>

In plain language, this means that the District agreed over a five-year period to commit to spending \$67.5 million to renovate older schools to provide “handicapped access” for students with disabilities. These renovations might include a ramp, wider sidewalks and accessible bathrooms for children in wheelchairs or accessible playground equipment for children with visual impairments such as blindness. The District also agreed to spend up to \$20 million on rapid renovations requested by principals in order to provide “handicapped access” for children with disabilities currently attending their school. Such renovations could include accessible drinking fountains or a ramp to the stage in a school’s auditorium so that a child with cerebral palsy could participate in a school play.

Over the course of the past year, I received two reports on expenditures associated with the \$67.5 million (Appendix B.1). I received monthly status reports on the expenditures associated with the \$20 million fund for rapid renovations (Appendix B.2).

To date, it appears that 19% of the \$20 million has been committed to requested renovations. While these requests for renovations are heartening, they represent a tiny percentage of the number of schools in the District. My staff has visited a number of schools where program accessibility could be improved and have encountered school principals with no knowledge of this funding. In addition, my staff interviewed a principal who noted that the District continues to cluster its students with orthopedic impairments (OI), many of whom have normal intelligence. This principal was committed to bringing these students to her school (their home school) and placing them in the least restrictive environment but felt that she was impeded by a lack of program accessibility. The failure of the District to consider rapid accessibility renovations that would contribute to the integration of these students and the low rate of expenditures associated with this funding raises concerns about both the District’s commitment to placement in the least restrictive environment and accessibility renovations. I strongly recommend that the District develop a plan to publicize this funding and increase its utilization by schools in the final year of the MCD.

In regards to the \$67.5 million, I have serious concerns about the reported expenditures. For the majority of projects, the District provides no information on the nature of the work. The District’s Facilities Division has identified work that predates the MCD as expenditures associated with the MCD. This is a curious interpretation of the language of the MCD that indicates that the District will “within five years enter into binding commitments” to expend these funds to make schools accessible for children with disabilities. Over the course of the coming year, I will expect additional information on these expenditures and extensive justification of their association with the District’s commitments under the MCD.

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<sup>12</sup> MCD, Section 10.78



## Annual Plan

On April 1, 2005, the District submitted its 2005-06 Annual Plan to make progress toward the achievement of the Modified Consent Decree. On June 20, 2005, I submitted my response to this plan (Appendix C). Over the past year, I have directed my office to be more vigorous in its monitoring of the Annual Plan. My office conducted this monitoring through a series of mechanisms including school visits, requests for evidence of completion of action plan steps and interviews of LAUSD personnel. The results of this monitoring lead me to the conclusion that implementation of the 2004-05 Annual Plan was haphazard at best. The District's focus was on central office activities with little emphasis on the school-level activities where the plan's success is determined. Implementation of the plan focused on the distribution of memorandums and data rather than the provision of support and resources to schools. There was little evidence of the application of a strong accountability system to address failure to make progress.

Despite this track record, the Division of Special Education submitted a 2005-06 Annual Plan that was nearly identical to the previous year's plan. There was little indication of any analysis of the success or failure of specific action steps prior to its development. Despite the District's lack of progress on many of the outcomes, the Division did not appear to consider alternatives to previous action steps or alternative approaches to drafting the Annual Plan such as the use of focus groups of school principals or the acquisition of advice and assistance from national experts in outcome areas. Nor did the District make any effort to access and disseminate the ground-level expertise of LAUSD schools and local districts that have made progress in outcome areas or inquire into the practices of other districts that have had success in implementing change in the outcome areas.

The Division of Special Education's explanation for this lack of analysis and duplication was that "the best strategy to achieve most of the outcomes is to continue to reinforce and expand the best practices articulated by the 2004-05 Annual Plan."<sup>13</sup> I noted that this explanation was "an exercise in bureaucratic inertia" and stated my expectation that "the Office of the Superintendent and Deputy Superintendent and any District office associated with an outcome area, with the input and assistance of Local District Superintendents would review the plan and collaborate on its redesign with the Division of Special Education."<sup>14</sup> It is my expectation that this collaborative process between special and general education will produce a plan supported by all the stakeholders who can influence the District's achievement of the MCD. The revised plan will be provided to my office at the end of July.

## Performance Outcomes

The District's primary obligation under the Modified Consent Decree is to achieve the targets of the outcomes by June 30, 2006. My primary obligation is to assess the District's performance. In Attachment A to this letter, I provide complete details on the District's performance on each outcome. Below, I will summarize the District's performance in four categories of outcomes: Cannot Determine Performance, High Performance, Mixed Performance, and Low Performance.

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<sup>13</sup> D. Jaque-Anton, Response to the Objections to the 2005-06 Annual Plan, May 17, 2005, p.2.

<sup>14</sup> C. Cohn, Response to the 2005-06 Annual Plan, June 20, 2005. p.3.

### *Cannot Determine Performance*

I cannot determine performance for Outcomes 1: Participation in the Statewide Assessment Program and Outcome 2. Performance in the Statewide Assessment Program because testing data for 2004-05 is not yet available. Based on last year's performance, the District should be close to achieving Outcome 1.

Last year, research conducted for my office identified a large performance gap between the students with disabilities and nondisabled students. While some of this gap is clearly associated with the effect of disability, our research indicates that some may be associated with the variable quality of instructional programs in schools<sup>15</sup>. During the 2004-05 school year, my office found that principals have focused more attention on improving the performance of their students with disabilities because of the effects of the subgroup requirements of No Child Left Behind (NCLB) on their Program Improvement Status. The primary strategies identified by school staff to improve the performance of students with disabilities are the collaborative resource model (where special and general education teachers collaborate to teach students with disabilities and nondisabled students) and the use of grade-level Open Court materials in special education classrooms.

While my staff visited several schools that are successfully implementing a collaborative resource model, they have also identified several schools where this model has been implemented without any consideration of the needs of individual students, the consent of parents, or the capacity of the school to provide students with disabilities with the supports and services they need to succeed in the regular program. Experts working for my office have indicated that without sufficient support for schools and students, the dumping of students with disabilities in regular classrooms is unlikely to improve their performance. Similarly, these experts have indicated that the use of grade-level Open Court materials that have not been modified to students' performance levels are likely to produce more frustration than improved performance. In both of these cases, the District appears to have pursued a top-down bureaucratic fix and ignored both research on "what works" for students with disabilities and IDEA's requirement that students with disabilities receive an individualized program that meets their specific educational needs. I strongly recommend that the District review the viability of these approaches and assess their current implementation prior to the beginning of the 2005-06 traditional school year.

I cannot determine performance for Outcome 3: Graduation Rate and Outcome 4: Completion Rate for 2004- 05 because data on graduation rates will not be available until fall 2005. My review of last year's data raises concerns about the accuracy of the District's graduation data (Appendix D). In 2003-04, several schools reported special education graduation numbers that were higher than their enrollment of 12<sup>th</sup> grade and post graduate (PG) students with disabilities. In one case, a school without an 11<sup>th</sup> or 12<sup>th</sup> grade reported a large number of special education graduates. Some of this data has been reviewed and evaluated by the Program Evaluation and Research Branch. Because of the problems associated with this data, during our next regularly

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<sup>15</sup> See Memo from Carl A. Cohn to Parties, Outcome No. 2: Performance on Statewide Assessment Program, May 3, 2004.

scheduled meeting, the parties should review the status of graduation and completion data and the PERB evaluation report and discuss the implications of this information for calculation of the outcome. This meeting will need to occur prior to any report on the 2003-04 graduation and completion data. For the 2004-05 and 2005-06 school years, I will be unable to determine the District's performance on Outcomes 3 and 4 unless the District provides my office with a student-level report from the principal of each comprehensive high school on the number of special education graduates.

### *High Performance*

I commend the District for its performance on the following five outcomes: Outcome 6: Placement of Students with Specific Learning Disabilities (SLD) and Speech and Language Impairment (SLI) in the Least Restrictive Environment; Outcome 9: Individual Transition Plans; Outcome 11: Parent Complaint Response Time; Outcome 12: Informal Dispute Resolution; and Outcome 17: IEP Team Consideration of Special Factors – Behavioral Interventions, Strategies and Supports.

Last year I commended the District for its progress on Outcome 9: Transition Plans. This year, the District's performance has improved to a near perfect 99.6%. This improvement was assisted by edits introduced into the Welligent IEP that force school staff to develop transition plans for all students age 14 and above in order to complete the IEP. However, because a large number of students with disabilities in high schools do not have Welligent IEPs, it is unclear whether the current figure is an accurate representation of the District's performance. During the 2005-06 school year, the District must increase the number of high school students in the Welligent system. My staff will review a sample of IEPs of students age 14 and above who do not have Welligent IEPs in order to determine if they have transition plans. They will compare this group's results to students in the Welligent system to determine whether there are any differences between the two groups that could impact the District's performance on this outcome.

The District has made dramatic strides toward achieving the targets of Outcome 6: Placement of students with SLD and SLI in the LRE and Outcome 17: IEP Team Consideration of Behavior Interventions, Strategies and Supports for students with emotional disturbance and autism. The improvement in performance for Outcome 6 from 63% to 73% is likely associated with the implementation of the collaborative resource model. While the District's progress is commendable, I have already noted my concerns about this model's implementation. Also, it should be noted that this year, the data used to assess performance on this outcome shifted from the CASEMIS database to the Welligent system, which does not contain all students with SLI and SLD.

Outcome 11: Parent Complaint Response Time and Outcome 12: Informal Dispute Resolution are both associated with the District's interactions with parents of children with disabilities who are dissatisfied with their child's special education program. As was the case last year, the District's performance on Outcome 11 has exceeded the outcome target because of the vigorous efforts of its Parent Resource Network/Complaint Response Unit. Last year, the District was piloting the informal dispute resolution process associated with Outcome 12. In the first year of

full implementation, progress has been dramatic. I look forward to observing the expected positive effects of this increase in informal dispute resolutions on the District's high rate of "formal" due process filings.

### *Mixed Performance*

The District's performance was mixed on Outcome 8: Home School Placement; Outcome 13: Delivery of Services; and Outcome 14: Increased Parent Participation. All of these are multi-part outcomes.

My staff indicates that performance on Outcome 14: Increased Parent Participation benefited from a combination of the vigorous efforts of schools to facilitate parent attendance at IEPs and the introduction in the Welligent system of edits that prevent school personnel from entering "no data" in the IEP's attendance field. Current performance is just below the target of 75%. I applaud this progress and hope that schools will continue to expand their efforts to increase parent attendance.

The second part of this outcome requires schools to provide evidence of sufficient attempts to contact the parents who were unable to attend the IEP prior to the meeting. My office in cooperation with the American Institutes of Research (AIR) assessed the District's performance on this outcome through a study of a sample of over 1,000 student files (Appendix E). This study found that that 79% of these files contained sufficient evidence to convince the parent to attend the IEP (Appendix E). This figure is 16% below the target of 95%. I suggest that the District review the results of this study and its recommendations prior to the 2005-06 traditional school year.

Outcome 8: Home School Placement has numerous sub-parts. On some, the District's performance has improved; some have barely changed; others have declined. This outcome was the focus of considerable parent comment over the course of the past year and during our annual community hearing on June 15, 2005. It is evident from these comments that the District would benefit from facilitating the transfer of students to their home schools with parent understanding and support.

Last year, AIR conducted a scientific study for my office in order to determine baseline rates for Outcome 13: Delivery of Special Education Services. This year the same study was conducted by the District's Program Evaluation and Research Branch (Appendix F.1). As required by the MCD, my office collaborated with AIR to conduct the validation of the PERB study (Appendix F.2). This validation presents a largely positive review of PERB's work, although it recommends several changes in data collection and analysis for the final year.

Last year, a large percentage of students with disabilities had no evidence of service provision. This year, PERB found that the percentage of students with evidence of service provision increased from 33.8% to 72.8% for students with SLD and from 63.7% to 93.2% for students with all other eligibilities. Both the PERB study and AIR validation report indicate that this increase is associated with better record-keeping and increased provider response rates.

However, in their validation report, AIR raises concerns that the process of data collection may have inflated rates of log evidence.

In regards to the frequency of service provision (the number of times a service is provided) and duration of service (the length of the service), the results in the AIR 2003-04 study and the 2004-05 PERB study are nearly identical. This result indicates a consistent failure on the part of a large percentage of service providers to provide students with disabilities with the level of special education services detailed in their IEPs. As PERB notes in their recommendations, the District should take steps to reduce the time that providers spend in IEP meetings and other non-service oriented tasks. Students who are not receiving services because providers are attending to other tasks are not receiving any educational or therapeutic benefit from the service.

The initial AIR study, this year's PERB study and the AIR validation report provide a series of recommendations for improvements in service tracking and provision. Many of these recommendations address areas that have a direct effect on the accuracy of the study's findings. Until the District implements each of these recommendations, I will not validate next year's study. My staff is available to review these recommendations with the District and discuss a timeline for their implementation.

#### *Low Performance*

The District's performance was low on the following six outcomes: Outcome 7: Placement of Students with Disabilities with All other Eligibilities in the Least Restrictive Environment; Outcome 5: Suspensions; Outcome 10: Timely Completion of Evaluations; Outcome 15: Timely Completion of Translations; Outcome 16: Increase in Qualified Providers; and Outcome 18: African-American Students Identified as Emotionally Disturbed. There is a wide gap between the District's current performance on these outcomes and the target for June 30, 2006.

On Outcome 7: Placement of Students with Disabilities with All other Eligibilities in the LRE, the District did make progress over the previous year's figures. However, current performance of 35.5% is only 1% over the 2002-03 baseline of 34.5%. This figure indicates that the District failed, over the past two years, to foster the conditions that would allow schools to integrate these students into regular classrooms. This outcome was also the subject of considerable parent commentary in our Annual Hearing and during our monthly Parent Council meetings. It is clear from this feedback that the District must make a stronger effort to both provide opportunities for integration and convince parents of its benefits. Parents have commented on the importance of eliminating barriers to integration and building the capacity of schools and teachers to create safe environments where students with low incidence disabilities can receive a quality education.

For Outcome 15: Timely Completion of Translations, the District did a good job of clearing a long-standing backlog of translation requests. In spite of this progress, current performance lags far below the outcome's targets. For Outcome 16: Qualified Providers, the District increased the percentage of qualified special education teachers but the difference between the percentages of qualified special and general education teachers grew. In both of these areas, the District has indicated that it faces constraints associated with collective bargaining agreements that prevent it from taking dramatic action to improve its performance. Since I am unclear how these

constraints can impede compliance with a federal consent decree, I expect the District to provide me with additional information on the relationship between its collective bargaining agreements and the requirements of the MCD prior to the start of the 2005-06 traditional school year.

I am deeply concerned about the District's worsening performance on Outcome 5: Suspensions. Not only has the District's performance declined from 2003-04 but our data indicates that there are a number of schools that have consistently reported suspensions for a high percentage of their students with disabilities (Appendix G). I expressed my concerns to the Division of Special Education about its failure to address the poor performance of these schools. I also commented on the possible effect of the election of middle and high school deans on suspension rates. It is possible that deans may be elected by teachers precisely because they are willing to take a "hard line" and suspend students. Several administrators interviewed by my staff indicated that elected deans may, in some circumstances, contribute to high suspension rates. The District should assess the effects of the elected dean on suspension rates in its report on the relationship between collective bargaining agreements and the requirements of the MCD.

Lastly, the District's performance on Outcome 10: Timely Completion of Evaluations and Outcome 18: African-American Students Identified as Emotionally Disturbed is abysmal. Performance on Outcome 10: Timely Completion declined since 2003-04. At the same time, the number of completed evaluations<sup>16</sup> dropped by a little over 1,000 students. In light of this decline in evaluation numbers, this drop in performance is even more incomprehensible. Since the failure to provide a timely evaluation was the source of the original *Chanda Smith* complaint, I assumed that the District would focus particular attention on achieving this outcome. The low performance rate indicates a failure to prioritize this outcome and provide adequate supervision to ensure its achievement.

The low performance of the District on Outcome 18: African-American Students Identified As Emotionally Disturbed (ED) is similarly incomprehensible. Last year, I noted that analyses of District data by three national experts in the area of disproportionality found severe rates of disproportional identification of African-Americans in the ED category. As a result of concerns about the unintended effects of a performance outcome requiring a reduction in the percentage of African-American students identified as ED, the parties agreed to craft an outcome that requires 90% of African-American students identified as ED to have a comprehensive evaluation as defined by the Independent Monitor. My office worked with national experts in this area to develop a rubric for a comprehensive evaluation process that meets basic professional standards and the requirements of the law. This rubric was then provided to the District for comment. Rather than requesting the removal of elements, the District asked to add elements. The final rubric was used in a study performed by my office and AIR (Appendix H). The results of this study speak for themselves. Less than 3% (2 out of 73) of the evaluations of African-American students met all of the criteria in the rubric. Figures were similarly poor for Latino and White students. Since the District was in possession of this rubric prior to the beginning of the 2004-05 school year, these results can only be the result of a failure to provide adequate training and supervision.

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<sup>16</sup> The evaluation must be completed and a meeting held to discuss the results within 50 days

I am sure that the Board is aware of the sensitive nature of these findings. I hope that the Board and Superintendent will take an interest in the disproportional identification of African-American students and ensure that this year's performance is not repeated.

To sum up, I cannot yet determine performance for four outcomes. For five outcomes, the District's performance was high; for three outcomes it was mixed; and for six outcomes it was low. While I commend the District for its successes, I must note that many of these gains were in areas such as parent complaints or informal dispute resolutions where the Division of Special Education can have a direct impact. Many of the outcomes that showed progress benefited from changes in the Welligent system that either forced school personnel to engage in practices such as writing behavior or transition plans or prevented them from engaging in practices such as failing to enter parent attendance information on IEPs. These gains, while commendable, were to some degree, quick fixes. On those outcomes that are not amendable to quick fixes such as reducing suspensions or increasing the placement of students with all other eligibilities in the least restrictive environment, there has been little or no progress.

Put another way, if the Consent Decree were a three mile race, at this point in time, the District should have completed the second mile and be aiming for the finish line. Instead, the District has gone a little more than one third of the distance in two thirds of the time with the steepest part of the race still ahead. In order to have a chance to finish on time, the District cannot afford to let up and give in to what some have referred to as "consent decree fatigue." It must make a monumental effort in the little time remaining to make as much progress as it can.

This monumental effort will not occur without the energetic commitment and direct involvement of the Board of Education and Superintendent. Nor will it occur without a strong accountability system enforced by the Superintendent and the District's senior leadership. Without accountability, the District's performance will always be dependent on those educators that choose to make progress on the outcomes because of their commitment to the underlying purpose of the Modified Consent Decree - to improve the educational system for children with disabilities in LAUSD.

I have noted before that the MCD provides the Associate Superintendent of Special Education with the power to hold individuals accountable for their failure to comply with special education law. To date, there has been no evidence of the use of this power despite evidence of instances where active accountability was necessary. The Board of Education and the Superintendent should inquire into whether the Associate Superintendent of Special Education is capable of meeting her obligations under the Modified Consent Decree to provide the accountability necessary for the District to meet its obligations under this agreement.

Indeed, during the final year, neither the Board nor the Superintendent will benefit from the belief that any single individual can guarantee the District's achievement of the MCD. Progress toward the outcomes will require the direct involvement of the superintendent, the collaborative efforts of the District's senior leadership and focused attention of the Board of Education. Given sufficient advance notice, I am willing to meet with members of the Board or its representatives and the plaintiff's attorneys in a mutually agreeable setting to provide information or

clarification on the District's status, this letter or any documents or reports referred to herein or attached.

When I accepted this position, I fully expected the District to achieve the outcomes. Despite the District's current performance, I still hold out hope that it will make considerable progress in the final year. Special education consent decrees should end. They do end. On June 1, 2005, the federal court disengaged the state of Hawaii from the *Felix* Consent Decree after twelve difficult years. For this to happen, a series of impediments to the implementation of the consent decree in Hawaii's education policies, collective bargaining agreements and budget had to be overcome. In the interests of bringing this consent decree to a similarly successful conclusion, I will work with the parties and Dr. Thomas Hehir to identify any such impediments to achievement of the Modified Consent Decree in LAUSD and consider the steps that will be necessary to eliminate them. On a basic level, improving the educational system for children with disabilities in the Los Angeles Unified School District may require extraordinary changes.

Sincerely,

A handwritten signature in blue ink that reads "Carl A. Cohn". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Carl A. Cohn

c: Hon. Judge Ronald Lew, Robert Myers, Catherine Blakemore, Rowena Lagrosa,  
Kevin Reed, Donnalyn Jaque-Antón, Thomas Hehir



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 22, 2005

Office of the Independent Monitor  
Los Angeles Unified School District

Status of Modified Consent Decree Outcomes – June 30, 2005

#	Outcome		6/30/05 Status	6/30/06 Target
1	Participation in the (STAR) Statewide Assessment Program (without modifications)	ELA	Not Available	75%
		Math	Not Available	75%
2	Performance in the (STAR) Statewide Assessment Program (at basic or above)	ELA	Not Available	27.5%
		Math	Not Available	30.2%
3	Increase Graduation Rate		Not Available	46.32%
4	Increase Completion Rate/Reduce Drop Out		Not Available	Not Available
5	Reduce Suspensions of Student with Disabilities	Long Term (6 Days or more)	9.23%	2%
		Spec Ed Rate	14.1%	10.3%
		Risk Ratio	2.21	1.75
6	Increase Placement of Students with Specific Learning Disabilities (SLD) and Speech and Language Impairment (SLI) in the Least Restrictive Environment		72.7%	73%
7	Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment		35.5%	52%
8a	Increase Home School Placement: SLI/SLD		93.1%	92.9%
8b	Increase Home School Placement: All Other Disabilities	Grade K	56%	65%
		Grade 6	56%	65%
		Grade 9	46%	60%
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	57.3%	62.0%
		Grades 7-8	54.0%	55.2%
		Grades 10-PG	36.0%	36.4%
9	Individual Transition Plan in IEP (14 years and above)		99.6%	98%
10	Timely Completion of Initial Special Education Evaluations	50 Days	63%	90%
		65 Days	79%	95%
		80 Days	86%	98%
11	Response Time to Parent Complaints	5 Days	40%	25%
		10 Days	70%	50%
		20 Days	95%	75%
		30 Days	99%	90%
12	Informal Dispute Resolution Prior to Formal Due Process (within 20 days)		69%	60%
13a	Delivery of Special Education Services	SLD Only	73%	93%
		Other Disabilities	93%	93%
13b	Delivery of Special Education Services	Frequency (# of times)	57%	85%
		Duration (length)	60%	85%
14a	Increased Parent Participation (Attendance at IEP Meetings)	Attendance	74.1%	75%
14b	Increased Parent Participation (Attempts to convince parent to attend IEP)	Sufficient Attempts	79%	95%
15	Timely Completion of IEP Translations	30 Days	11%	85%
		45 Days	38%	95%
		60 Days	75%	98%
16	Increase in Qualified Special Education Teachers (Reduction in disparity with Gen Ed)	Difference	18.9%	3.4%
17	IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students	Autism	47%	40%
		ED	82%	72%
18	Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed	% Meeting Criteria	3%	90%

Office of the Independent Monitor  
Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.

- ◆ **2004-2005 Benchmark:** 75% of students with disabilities in state-identified grade levels will have participated in the statewide assessment program with no accommodations or standard accommodations during the 2003-2004 school year. The percentage of students participating in the statewide assessment program will be comparable to the percentage of nondisabled students participating in the statewide assessment program.

- ◆ **Status:**

Participation Rate

School Year	Test	Enrolled Grades 2-11	Tested with CST	Tested with Standard or No Accommodations	Participation Rate with Standard or No Accommodation	Combined Participation Rate with Standard or No Accommodation	Tested with CAPA	Participation Rate with CAPA and CST	Combined Participation Rate with CAPA and CST
2004-05	CST-ELA	Data available 8/05							
2004-05	CST-Math								
2003-04	CST-ELA	67,205	58,640	49,347	73.4%	74.4%	5,337	95.2%	93.5%
2003-04	CST-Math	67,205	56,332	50,590	75.3%		5,337	91.8%	

Source: STAR - Spring 2004

Office of the Independent Monitor  
Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 2: PERFORMANCE IN THE STATEWIDE ASSESSMENT PROGRAM**

- ◆ **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 27.5% in English Language Arts and at least 30.2% in Mathematics.
- ◆ **2004-2005 Benchmark:** 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 22% in English Language Arts and at least 22% in Mathematics.
- ◆ **Status:**

California Standards Test (CST)

School Year	Proficiency Categories	# of Special Education Students	# of Special Education Students Ranked as Basic or Above	%
Spring 2005	English/Language Arts	Data available 8/05		
	Mathematics	Data available 8/05		
Spring 2004	English/Language Arts	57,597	10,276	17.8%
	Mathematics	54,827	10,032	18.3%

Source: STAR - Spring 2004

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.
- ◆ **2004-2005 Benchmark:** 44.11% of grade 12 students with disabilities will receive diplomas.

◆ **Status:**

Graduation with Diploma

School Year	# of Grade 12 Special Education Students	# Receiving Diplomas	% Receiving Diplomas
2004-05	4,367	Data Available 10/2005	Data Available 10/2005
2003-04	4,498	No Reliable Data Available	No Reliable Data Available
2002-03	4,189	1,397	33.35%

Source: Fall Survey  
CASEMIS Dec.

**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).
- ◆ **2004-2005 Benchmark:** The completion rate for students with disabilities will increase 5% from the completion percentage of the 2003-2004 school year.

◆ **Status:**

Completion Rate

School Year	# of Special Education Students Grades 9-12	# 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
2004-05	23,966	Data Available 10/2005	Data Available 10/2005	Data Available 10/2005	Data Available 10/2005	Data Available 10/2005
2003-04	22,194	No Reliable Data Available	No Reliable Data Available	No Reliable Data Available	No Reliable Data Available	No Reliable Data Available
2002-03	21,143	1,397	235	119	1997	46.7%

Source: Fall Survey  
CASEMIS Dec.

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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 2001-2002 school year to 2% of the total suspension of students with disabilities.
- ◆ **2004-2005 Benchmark:** Reduce the percent of students suspended 6 or more cumulative days occurring during the 2004-2005 school year to 5.14%.
- ◆ **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
2004-05	10,741	991	9.23%
2003-04	9,671	828	8.56%
2002-03	11,175	1,113	9.96%

Source: SIS (6/30/05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 5: OTHER SUSPENSIONS**

- ◆ **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 10.30%

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

- ◆ **2004-2005 Benchmark:** 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 2.00X discrepant, such that the population of students with disabilities is no more than 2.00 times more likely to be suspended than the population of their nondisabled peers.

- ◆ **Status:**

Number of Students Suspended

School Year	General Education Student Enrollment <sup>(1)</sup>	# of General Education Students Suspended <sup>(3)</sup>	% of General Education Students Suspended	Special Education Students Enrollment	# of Special Education Students Suspended <sup>(3)</sup>	% of Special Education Students Suspended	Difference	Relative Risk Ratio <sup>(4)</sup>
2004-05	662,538	42,332	6.39%	76,059 <sup>(3)</sup>	10,741	14.12%	+7.73	2.21
2003-04	673,443	38,777	5.76%	75,943 <sup>(2)</sup>	9,671	12.73%	+6.97	2.21
2002-03	670,844	42,817	6.38%	76,008 <sup>(2)</sup>	11,175	14.70%	+8.32	2.30

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

<sup>1</sup> Fall Norm Enrollment

<sup>2</sup> CASEMIS – December (ages 5-22 excluding NPS students)

<sup>3</sup> Source: SIS (6/30/05 ages 5-22 excluding NPS students)

<sup>4</sup> % of Special Education Students Suspended Divided by % of General Education Students Suspended

Office of the Independent Monitor  
Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.
- ◆ **2004-2005 Benchmark:** 68% 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 In Gen Ed 40% or more	% of Students in Gen Ed 40% or more	% of Students in Special Education 61% or More
2004-05 *	43,846 <sup>1</sup>	32,277	72.7%	27.3%
2003-04**	57,081	36,047	63.2%	36.8%
2002-03**	58,136	38,453	66.1%	33.9%

<sup>1</sup> Ratio of .8057 used to determine # of NPS students added to total # of students in Welligent

Source

\* Welligent Current (6/15/05)  
\*\* CASEMIS



Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.
- ◆ **2004-2005 Benchmark:** 40% of students with all other disabilities other than specific learning disability (SLD) and speech and language impairment (SLI) 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 In Gen Ed 40% or more	% of Students in Gen Ed 40% or more	% of Students in Special Education 61% or More
2004-05 *	17,531 <sup>1</sup>	6,223	35.5%	64.5%
2003-04**	19,743	5,687	28.8%	71.2%
2002-03**	17,841	6,152	34.5%	65.5%

<sup>1</sup> Ratio of .8057 used to determine # of NPS students added to total # of students in Welligent

Source \* Welligent Current (6/15/05)  
\*\* CASEMIS

Office of the Independent Monitor  
Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 8A: HOME SCHOOL PLACEMENT**

- ◆ **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.
- ◆ **2004-2005 Benchmark:** 92% of students with specific learning disability (SLD) and speech/language impairment (SLI) eligibilities will attend their home school
- ◆ **Status:**

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

School Year	Total	# in Home School	% in Home School
2004-05	48,106 <sup>1</sup>	44,789	93.1%
2003-04	32,215	29,801	92.5%

<sup>1</sup> Ratio of .8057 used to determine # of NPS students added to total # of students in Welligent

Source: Welligent Current (6/15/05)  
SIS Combined (4/15/05)

Office of the Independent Monitor  
Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 8B: HOME SCHOOL PLACEMENT**

- ◆ **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%.
- ◆ **2004-2005 Benchmark:** By June 30, 2005, 90% of the targeted schools will have received training to prepare for home school placement of transition grade students with moderate-to-severe disabilities.
- ◆ **Status:**

Other Disabilities			
School Year	Total	# in Home School	% in Home School
Kindergarten Students			
2004-05	1,253 <sup>1</sup>	697	56%
2003-04	609	315	52%
Grade 6 Students			
2004-05	1,541 <sup>1</sup>	869	56%
2003-04	979	536	55%
Grade 9 Students			
2004-05	1,420 <sup>1</sup>	652	46%
2003-04	950	432	45%

<sup>1</sup> Ratio of .8057 used to determine # of NPS students added to total # of students in Welligent

Source: Welligent (Current 6/15/05)  
SIS Combined (4/15/05)

Office of the Independent Monitor  
Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 8C: HOME SCHOOL PLACEMENT**

- ◆ **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%.
- ◆ **2004-2005 Benchmark:** The District will maintain the percentage of students with disabilities other than (SLD) and speech/language impairment (SLI) attending their home school at the end of 2003-2004 school year.
- ◆ **Status:**

Other Disabilities				
Grades	School Year	Total	# in Home School	% in Home School
1 - 5	2004-05	7,739 <sup>1</sup>	4,436	57.3%
	2003-04	5,603	3,306	59.0%
7 - 8	2004-05	2,735 <sup>1</sup>	1,476	54.0%
	2003-04	1,963	1,032	52.6%
10 - PG	2004-05	3,305 <sup>1</sup>	1,190	36.0%
	2003-04	2,540	881	34.7%

<sup>1</sup> Ratio of .8057 used to determine # of NPS students added to total # of students in Welligent

Source: Welligent Current (6/15/05)  
SIS Combined (4/15/05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.
- ◆ **2004-2005 Benchmark:** 94% 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

School Year	# of Special Education Students 14 or Older in SIS	# of Special Education Students 14 or Older In Welligent	# of Students Not in Welligent	# of Special Education Students with a Individual Transition Plan in Welligent	% of Special Education Students with a Individual Transition Plan
2004-05	24,873 <sup>1</sup>	19,231	5,642	19,159	99.6%
2003-04	24,999 <sup>2</sup>	9,378	15,621	8,638	92.1%

<sup>1</sup> SIS 6/15/05 (Does not include NPS students)  
<sup>2</sup> SIS 6/30/04 (Does not include NPS students)

Source: Welligent Current (6/30/05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 10: TIMELY COMPLETION OF EVALUATIONS**

- ◆ **Outcome:** By the end of the 2005-2006 school year:
  - 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.

- ◆ **2004-2005 Benchmark:** 75% of all initial evaluations shall be completed and IEPs held within 50 days; 90% of all initial evaluations and IEPs within 65 days; and 98% of all initial evaluations and IEPs within 80 days.

◆ **Status:**

Evaluations

School Year	Service	# of IEPs	Within 50 Days		Within 65 Days		Within 80 Days		Over 80 Days	
			#	%	#	%	#	%	#	%
2004-05	Psycho-Educational Evaluations	8,460	5,268	62%	1,430	79%	627	87%	860	10%
	Designated Instructional Services	2,753	1,757	64%	415	79%	174	87%	379	14%
	District Totals	11,213	7,025	63%	1,845	79%	801	86%	1,239	11%
2003-04	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%

Source: Psychological Services Log Data (6/30/05)  
Related Services Database (6/30/05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.

"Complaint" means the allegation of a perceived violation of (a) the Individuals with Disabilities Education Act and implementing regulations; (b) the California State Education Code related to special education and implementing regulations; or (c) the District's Special Education Compliance Guide.

"Lawful response" means that a parent is provided with a written response that satisfies the District's legal obligations and may be one of the following: (1) a remedy and, where appropriate, the date by which the remedy shall be implemented; (2) information that an appropriate referral has been made; (3) suggested action the complainant may wish to take; or (4) a determination that the complaint has been investigated and determined to be unfounded.

- ◆ **2004-2005 Benchmark:** 25% of complaints will be responded to within 5 working days or less; 50% of complaints will be responded to within 10 working days or less; 75% of complaints will be responded to within 20 working days; 95% of complaints will be responded to within 30 working days.

- ◆ **Status:**

Complaint Response Time

School Year	# 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
2004-05	847	40%	70%	95%	99%	0.7%
2003-04	637	36%	64%	91%	98%	1%

Source: CRU/PRN Database (6/30/05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.
- ◆ **2004-2005 Benchmark:** The District will timely resolve disputes by concluding its informal dispute resolution process with 20 working days in 45% of cases.
- ◆ **Status:**

Informal Dispute Resolution						
School Year	Formal Due Process Requests	Informal Dispute Resolution Requests	Informal Dispute Resolution Pending Within 20 Days	Informal Dispute Resolution Resolved Within 20 Days	Informal Dispute Resolution Beyond 20 Days	Informal Dispute Resolution Pending Outside Timelines
2004-05	1,174	929	137	544 (69%)	183 (23%)	65 (8%)

Source: IDR Report (6/30/05)

**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.
- ◆ **2004-2005 Benchmark:** 80% 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, 80% of the services identified on the IEPs of students with specific learning disability will show evidence of service provision.
- ◆ **Status:**

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 – Provider	IEP – School Visits
2004-05 (PERB)	93.2%	77.2%	72.8%	79.0%
2003-04 (AIR)	63.7%	85.6%	33.8%	92.6%

Source: Program Research and Evaluation Study (June 2005)



Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 13: DELIVERY OF SERVICES** (CONT.)

- ◆ **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.
- ◆ **2004-2005 Benchmark:** The District will provide evidence that at least 75% of the services identified on the IEPs of students with disabilities have a frequency and duration that meets IEP compliance.
- ◆ **Status:**

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
2004-05 (PERB)	57.2%	59.9%
2003-04 (AIR)	57.2%	61.5%

Source: Program Research and Evaluation Study (June 2005)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 14: INCREASED PARENT PARTICIPATION**

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

Parent Participation

School Year	# in Welligent	Attended IEP		Permission to Proceed		No Data	
		#	%	#	%	#	%
2004-05	70,079	51,940	74.1%	14,629	20.9%	3,510	5.0%
2003-04	59,659	29,612	49.6%	8,746	14.7%	21,301	35.7%

Source: Welligent Current (6/30/05)

- ◆ **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.
- ◆ **2004-2005 Benchmarks:** The rate of parents attending IEP meetings will be 68%.  
75% of the records of IEP meetings held between January 2005 and June 2005 in which the parent does not attend will provide evidence of recorded attempts to convince the parent to attend the IEP meeting.

- ◆ **Status:**

School Year	# in Sample	# With Evidence to Convince	% With Evidence to Convince <sup>(1)</sup>	# With No Evidence to Convince	% With No Evidence to Convince <sup>(1)</sup>
2004-05	1,044	821	79.4%	223	20.6%

<sup>(1)</sup> % are weighted to represent the proportions of high and low incidence disabilities categories in the population.

Source: Office of the Independent Monitor Study (June 2005)

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Los Angeles Unified School District

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.

- ◆ **2004-2005 Benchmark:** 65% of IEP translation requests will be completed within 30 days.

- ◆ **Status:**

Completion of IEP Translations

School Year	# 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	# of Translations Pending over 60 Days
2004-05	9,606	8,456	11%	38%	75%	25%	1,150	36
2003-04	13,543	7,947	8%	13%	18%	41%	4,141	4,141

Source: Translation Office Database (6/30/05)

**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 2002-2003, to 3.4%.

- ◆ **2004-2005 Benchmark:** The District will increase the percentage of qualified special education teachers to 77% in 2004-2005 from 70.3% in 2003-2004.

- ◆ **Status:**

Qualified Providers

School Year	Qualified General Education Teachers*	% Qualified General Education Teachers	Qualified Special Education Teachers*	% Qualified Special Education Teachers	Disparity
2004-05	26,703	93.6%	3,147	74.7%	18.9%
2003-04	26,520	85.7%	3,480	70.6%	15.1%
2002-03	24,630	78.7%	3,391	68.3%	10.4%

\* Qualified defined as: perm, prob, temporary teachers

Source: Personnel Research and Assessment  
(6/15/05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**OUTCOME # 17: IEP TEAM CONSIDERATION OF SPECIAL FACTORS - BEHAVIORAL INTERVENTIONS, STRATEGIES AND SUPPORTS**

- ◆ **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%.
- ◆ **2004-2005 Benchmark:** The percentage of students with autism with a behavior support plan will increase to 30% and the percentage of students with emotional disturbance (ED) with a Behavior Support Plan will increase to 62%.
- ◆ **Status:**

Students with Behavior Plans by Eligibility

School Year	Eligibility	Total # of Students	# of Students with Behavior Plans	% of Students with Behavior Plans
2004-05	Autistic	4,958	2,351	47%
	Emotionally Disturbed	2,052	1,684	82%
2003-04	Autistic	3,382	680	20%
	Emotionally Disturbed	2,326	955	41%

Source: Welligent Current (6-30-05)

Progress on Outcomes and Benchmarks for 2004-05 School Year

**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.
- ◆ **2004-2005 Benchmark:** 75% of African American students identified as emotionally disturbed during an initial or triennial evaluation between January 2005 and June 2005 will demonstrate evidence of a comprehensive evaluation as defined by the Independent Monitor and consideration for placement in the least restrictive environment by the Independent Monitor.
- ◆ **Status:**

Comprehensive Evaluations - Initial and Change of Eligibilities

	# of Observations	# of Students Meeting Criteria	% Meeting Criteria
African American	37	1	2.7%
Latino	80	2	2.5%
White	28	2	7.1%
Total	145	5	3.4%

Source: Office of the Independent Monitor Study (June 2005)

Comprehensive Evaluations – Re-evaluations

	# of Observations	# of Students Meeting Criteria	% Meeting Criteria
African American	36	1	2.8%
Latino	39	1	2.5%
White	17	2	11.8%%
Total	92	4	4.3%

Source: Office of the Independent Monitor Study (June 2005)

**List of Appendices to Report on the Progress and Effectiveness of the District's Implementation of the Modified Consent Decree**

- A.1. Welligent Analysis
- A.2. Telephone Survey of Implementation of Welligent Web-Based IEP System
- A.3. A Comparison of the Special Education Data Contained in Welligent to Data Recorded in the Student Information System (SIS): Spring 2005
- A.4. Study of the Accuracy of District Data on Placement in the Least Restrictive Environment
- B.1. *Chanda Smith* MCD Access Compliance Work
- B.2. Minor Facilities Renovations (IDEA and Section 504) Projects – Division of Special Education as of June 30, 2005
- C. June 20, 2005 Response of the Independent Monitor to the 2005-06 Annual Plan
- D. Comprehensive High School Graduation – June 2004
- E. Study of Parent Participation at IEP Meetings: Outcome 14
- F.1. Study to Measure the Delivery of Services in Accordance with the Individualized Education Programs of Students with Disabilities Conducted by the Program Evaluation and Research Branch, Los Angeles Unified School District
- F.2. Validation Review of Year 2 Service Study Methodology and Results, American Institutes of Research
- G. Schools with the Highest Percent of Special Education Student Suspensions, July 1, 2004 through June 30, 2005
- H. Report on the Study of Outcome 18: Disproportional Identification of African-American Students as Emotionally Disturbed