

***Office of the Independent Monitor***

Modified Consent Decree  
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Roy Romer  
Superintendent of Schools  
Los Angeles Unified School District  
333 S. Beaudry Avenue, 24<sup>th</sup> Floor  
Los Angeles, CA 90017

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 2005-2006 School Year – Part II**

Dear Mr. Romer 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. This year the IM has chosen to submit the report in three parts. Part I submitted on July 7, 2006 addressed a number of activities the District was to complete by June 30, 2006. Part II, this report, will address the status of the District performance on 13 outcomes and three activities for which data was available by the end of June. Part III, expected in October 2006, will report on the District's performance on the remaining five outcomes.

The 18 outcomes of the MCD are statistically based. Each outcome has one or more data targets that the District was to meet by June 30, 2006. 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 analyze performance on the target. Much of the data used in the analyses is derived from District data sources. In all cases the data is 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:

- Outcome #5: Reduction of suspensions
- Outcome #6: Placement of students with specific learning disabilities and speech language impairments
- Outcome #7: Placement of students with other disabilities
- Outcome #8: Home school placement
- Outcome #9: Individual Transition Plan
- Outcome #10: Timely completion of evaluations
- Outcome #11: Complaint response time
- Outcome #12: Informal dispute resolution
- Outcome #13: Delivery of services
- Outcome #14: Increased parent participation

- Outcome #16: Increase in qualified providers
- Outcome #17: Behavioral interventions, strategies and supports
- Outcome #18: African-American students identified as emotionally disturbed
- Accountability
- Due process plan implementation
- Adequacy of data systems

**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.

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
2005-06	8,644	695	8.04%
2004-05	10,741	991	9.23%
2003-04	9,671	828	8.56%

- ◆ **Data Source:** SIS/Welligent
  - Numerator is students with disabilities (SWDs) ages 5-22 suspended 6 or more cumulative days.
  - Denominator is all SWDs ages 5-22 suspended.

**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 2002-2003 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

Number of Students Suspended

School Year	General Education Student Enrollment	# of General Education Students Suspended	% of General Education Students Suspended	Special Education Students Enrollment	# of Special Education Students Suspended	% of Special Education Students Suspended	Relative Risk Ratio
2005-06	634,890	41,216	6.49%	75,380	8,644	11.47%	1.77
2004-05	662,538	42,332	6.39%	76,059	10,741	14.12%	2.21
2003-04	673,443	38,777	5.76%	75,943	9,671	12.73%	2.21

- ◆ **Data Source:** SIS/Welligent
  - % of SWD suspended
    - Numerator is SWDs ages 5-22 suspended.
    - Denominator is all SWDs ages 5-22 enrolled on 12/2/2005.
  - Risk Ratio
    - % of special education students suspended divided by the general education suspension rate.
    - General education suspension rate is calculated by the number of general education students suspended divided by the number of general education students enrolled on 12/2/2005.

## OUTCOME # 5 (CONT.)

◆ **Discussion:** This outcome has three different components the District must meet for compliance with the outcome.

The first component requires that the District reduce the percentage of students with disabilities with long-term suspensions, defined as six or more days to 2% of all students with disabilities suspended. Despite a 30% reduction in the number of students suspended six or more days, 8.04% of students with disabilities suspended were suspended long-term. This is due to the similar reduction of overall suspensions of students with disabilities.

The second component of the outcomes requires the District to reduce the overall number of suspensions of students with disabilities to a rate lower than 10.30%. The District made progress toward this target by reducing suspensions of students with disabilities from 14.12% to 11.47%. This was a reduction of approximately 20%.

The third part of the outcome requires a reduction in the relative risk of suspensions for students with disabilities to 1.75. The District made commendable progress and reduced the relative risk from 2.21 to 1.77.

Overall, the District did not meet the requirements of Outcome 5 by June 30, 2006. However, the District has shown a considerable reduction of the overall number of students with disabilities suspended and those suspended for six or more days and should be commended. Furthermore, there were less than 60 students suspended over the 10 day legal limit.

It is evident the District has engaged in efforts that have had observable positive effects toward the performance of this outcome. However, an examination of the data continues to show a sizable number of schools with high rates of student suspensions of both students with disabilities and their general education peers. For example, the 50 top suspending schools which are comprised of large comprehensive middle and high schools have suspension rates of students with disabilities ranging from 20.08% to 53.6% (See Appendix A). Such a high rate of suspensions is a clear indication that these schools are not adequately addressing this issue. Further analyses done by the Office of the Independent Monitor (OIM) found that the majority of these suspensions are one time suspensions for two primary minor offenses. The District needs to address these "high suspending" schools and develop alternatives for suspension for these types of offenses. By the District's own admission this problem is exacerbated by the lack of a district wide policy on discipline. The IM is aware that such a policy is nearing adoption and that it is essential to the attainment of this outcome. In my letter<sup>1</sup> approving the District's Targeted Strategy Plan on this outcome I required that the District adopt the Discipline Policy by October 30, 2006. It is also clear from the study done by PERB on the role of Elected Deans on suspensions that in low suspending schools the principal, the person responsible for discipline and the special education coordinator work collaboratively to address discipline matters and that this does not occur in high suspending schools. The District's Targeted Strategy Plan addresses these issues.

◆ **Determination:** Outcome 5 not met.

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<sup>1</sup> Letter from Frederick Weintraub dated August 11, 2006, Re: Approval of Targeted Strategy Plans

**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.

SLD/SLI Students 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
2005-06	51,622	38,059	73.7%
2004-05	43,846	32,277	73.6%
2003-04	57,081	36,047	63.2%

- ◆ **Data Source:** Welligent. Students with a eligibility of SLI/SLD ages 6 to 22
  - Numerator is the number of SLI/SLD students placed in the combined categories of 0-20% and 21-60% in a special education setting.
  - Denominator is the number of SLI/SLD students plus an equivalent % of students placed in NPS.
  - For this outcome caution must be taken when comparing the outcome performance by year due to the use of different data sources and quality of data. The 2005-2006 data is the most reliable data and presents the most accurate description of the District's performance.
  
- ◆ **Discussion:** Outcome 6 requires the District to increase the percentage of students with disabilities (Ages 6-22) with the eligibilities of specific learning disabilities (SLD) and speech and language impairments (SLI) placed in the general education setting for 40% or more of the day to 73%. During the 2005-2006 school year, based on the data from the Welligent IEP system, 73.7% of students with eligibilities of SLD and SLI were placed in the general education classroom for 40% or more of the day. This exceeds the target specified within the outcome; therefore, the District has met the requirements of Outcome 6 by June 30, 2006.

During the 2005-2006 school year, my office conducted a study to validate the accuracy of this data (See Appendix B). The study consists of a comparison of the time of placement in the general education classroom per the child's IEP and their actual daily schedule. This comparison was conducted to determine if the Welligent IEP system is a reliable data source for making a determination on Outcomes 6 and 7. The study identified sources of error within the system and analyzed its overall effect on the performance levels of the outcome. Overall, the study found the Welligent system as a reliable indicator of students' time in the LRE.

- ◆ **Determination:** Outcome 6 was met.

**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.

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
2005-06	20,199	7,643	37.84%
2004-05	17,531	6,223	35.49%
2003-04	19,743	5,687	28.81%

- ◆ **Data Source:** Welligent. Students with a eligibility other than SLI/SLD ages 6 to 22
  - 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 plus an equivalent % of students placed in NPS.
  - For this outcome caution must be taken when comparing the outcome performance by year due to the use of different data sources and quality of data. The 2005-2006 data is the most reliable data and presents the most accurate description of the District's performance.
- ◆ **Discussion:** Outcome 7 requires the District to increase the percentage of students with disabilities (Ages 6-22) with eligibilities other than SLD and SLI placed in the general education setting for 40% or more of the day to 52%. During the 2005-2006 school year, 37.84% of students with all other eligibilities were placed in the general education classroom for 40% or more of the day. This falls below the target specified within the outcome; therefore, the District has not met the requirements of Outcome 7 by June 30, 2006.

The performance on this outcome has been relatively unchanged over the past two years.<sup>2</sup> To achieve this outcome will require increasing the time in general education for approximately 3000 students. This will require a significant effort.

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

<sup>2</sup> Although the number of students in the 40% or more category has changed, this is largely due to an increase in the # of students in the Welligent system.

**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.

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

School Year	Total	# in Home School	% in Home School
2005-06	56,593	52,070	92.01%
2004-05	48,106	44,789	93.10%
2003-04	32,215	29,801	92.51%

- ◆ **Data Source:** Special Education Transportation System/Traveler Transportation System/Welligent/Non-Connected Welligent/SIS - SWDs ages 5 to 22 not at their resident school
  - Numerator is the number of students with an eligibility of SLI/SLD at their home school.
  - Denominator is the number of students with an eligibility of SLI/SLD.
  - For this outcome caution must be taken when comparing the outcome performance by year due to the use of different data sources and quality of data. The 2005-2006 data is the most reliable data and presents the most accurate description of the District's performance.

**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%.

School Year	Total	# in Home School	% in Home School
Kindergarten Students (65.0%)			
2005-06	1,507	777	51.56%
2004-05	1,253	697	55.63%
2003-04	609	315	51.72%
Grade 6 Students (65.0%)			
2005-06	1,807	1,100	60.87%
2004-05	1,541	869	56.39%
2003-04	979	536	54.75%
Grade 9 Students (60.0%)			
2005-06	2,001	1,009	50.42%
2004-05	1,420	652	45.92%
2003-04	950	432	45.47%

- ◆ **Data Source:** Special Education Transportation System/Welligent/Non-Connected Welligent/SIS - SWDs ages 5 to 22 not at their resident school
  - Numerator is the number of students, grades K, 6 and 9 respectively, with a eligibility other than SLI/SLD at their home school.
  - Denominator is the number of students, grades K, 6 and 9 respectively, with a eligibility other than SLI/SLD.
  - For this outcome caution must be taken when comparing the outcome performance by year due to the use of different data sources and quality of data. The 2005-2006 data is the most reliable data and presents the most accurate description of the District's performance.

**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%.

Other Disabilities			
School Year	Total	# in Home School	% in Home School
Grades 1-5 (62.0%)			
2005-06	8,709	4,809	55.22%
2004-05	7,739	4,436	57.32%
2003-04	5,603	3,306	59.00%
Grades 7-8 (55.2%)			
2005-06	3,477	1,901	54.67%
2004-05	2,735	1,476	53.97%
2003-04	1,963	1,032	52.57%
Grades 10-PG (36.4%)			
2005-06	4,856	1,877	38.65%
2004-05	3,305	1,190	36.01%
2003-04	2,540	881	34.69%

- ◆ **Data Source:** Special Education Transportation System/Welligent/Non-Connected Welligent/SIS - SWDs ages 5 to 22 not at their resident school
  - Numerator is the number of students, grades 1-5, 7-8 and 10-12 respectively, with a eligibility other than SLI/SLD at their home school.
  - Denominator is the number of student's grades 1-5, 7-8 and 10-12 respectively, with a eligibility other than SLI/SLD.
  - For this outcome caution must be taken when comparing the outcome performance by year due to the use of different data sources and quality of data. The 2005-2006 data is the most reliable data and presents the most accurate description of the District's performance.

- ◆ **Discussion:** Outcome 8 is a three part outcome that requires the District to increase the number of students with disabilities who attend their home school. The first part of the outcome addresses students with disabilities with SLD/SLD and attending their home school and requires that the District maintain a level above 92.9%. During the 2005-2006 school year, 92.01% of students with SLD/SLI were attending their home school.

The second part of the outcome focuses on students with all other disabilities in the transition grades of kindergarten (65%), grade 6 (65%) and grade 9 (60%). During the 2005-2006 school year, the District had 51.56% of kindergarten students, 60.87% of sixth grade students and 50.42% of ninth grade students with all other disabilities attend their home school.

The third part of the outcome requires 62% of students with all other disabilities in grades 1-5, 55.2% of students in grades 7-8, and 36.4% of students in grades 10 and above to attend their home school. During the 2005-2006 school year, 55.22% of students with all other disabilities in grades 1-5, 54.67% of students in grades 7-8, and 38.65% of students in grades 10 and above attending their home schools. Of the nine targets for the outcome, the District only exceeded one; therefore, the District has not met the requirements of this outcome.

The IM has concerns over the accuracy of the data for determining home school placements. The OIM has been working with the District to establish protocols for data entry at the school level and establish procedures for updating a student's home school information at the central level.

- ◆ **Determination:** Outcome 8 not met.

### 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.

Students with Individual Transition Plan

School Year	Number of Special Education Students 14 Years or Older	Number of Special Education Students with a Individual Transition Plan	% of Special Education Students with a Individual Transition Plan
2005-06	23,920	23,887	99.86%
2004-05	19,231	19,159	99.63%
2003-04	9,378	8,638	92.11%

- ◆ **Data Source:** Welligent. Students with disabilities student ages 14 and older
  - Numerator is the number of students with an ITP indicator in their IEPs.
  - Denominator is the number of students with IEPs.
- ◆ **Discussion:** This outcome requires that by June 30, 2006, 98% of all students with disabilities as defined in IDEA age 14 and over shall have an individual transition plan. By June 30, 2006, the District demonstrated evidence of individual transition plans for 99.86% of students with disabilities age 14 and over.

During the 2005-2006 school year, the OIM conducted a study to determine if students 14 years old and older not in the Welligent IEP system differed from those in the Welligent system in regards to evidence of an individual transition plan (ITP), and if so, would this effect the outcome (Appendix C). The study found that there is a difference for students not in the Welligent system from those in the Welligent, as only 82.5% of students demonstrated evidence of an ITP. At the time of review the database used for determining the performance level of this outcome contained all but 1,533 students in the Welligent system. If we were to apply this 17.5% discrepancy to the population of students not in Welligent, the relative small number of students without an ITP does not affect the performance of the outcome. Therefore, the District has met this outcome by June 30, 2006.

- ◆ **Determination:** Outcome 9 was met.

## 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 60 days.
  - b. 95% of all initial evaluations shall be completed within 75 days.
  - c. 98% of all initial evaluations shall be completed within 90 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.

Evaluations

School Year	# of IEPs	Within 60 Days (50 Days prior to 10/8/05)		Within 75 Days (65 Days prior to 10/8/05)		Within 90 Days (80 Days prior to 10/8/05)		Over 90 Days (80 Days prior to 10/8/05)	
		#	%	#	%	#	%	#	%
2005-06	13,465	11,565	86%	930	93%	438	96%	532	4%
2004-05	11,213	7,025	63%	1,845	79%	801	86%	1,239	11%
2003-04	12,300	8,142	66%	1,896	82%	1,018	90%	1,244	10%

- ◆ **Data Source:** Welligent
  - Numerator is the number of initial evaluations completed and the IEP convened within the appropriate number of days (50, 65 and 80). (request for initial evaluations prior to 10/8/05)
  - Numerator is the number of initial evaluations completed and the IEP convened within the appropriate number of days (60, 75 and 90). (request for initial evaluations after 10/7/05)
  - Denominator is the number of requested initial evaluations aged according to the number of days overdue on 6/30/2006.

- ◆ **Discussion:** This outcome requires the District to complete an initial evaluation within the timelines required by law<sup>3</sup>. The District is to complete 90% of all initial evaluations and hold an IEP within 60 days. During the 2005-2006 school year, the District completed 86% of the initial evaluations within the 60 day timeframe. It must be noted that this is a considerable improvement from last year where only 63% of initial evaluations were completed. This improvement may be a result of the lengthening of the timeline by 10 days. Overall, the District has not met the requirements of this outcome by June 30, 2006.

Although the District appears to be on a path to meeting the targets for this outcome, the IM has some concerns over the quality of this data. First, there are a number of assessments and IEPs completed prior to the date of the signed assessment plan. There are also assessments and IEPs completed on the date of the signed assessment plan. While the latter is possible, during the 2006-2007 school year, the OIM will conduct a validation study to verify the accuracy of this data. My last concern regards the changes in the Welligent system to edit the date of the signed assessment plan entry. The OIM has raised these concerns with the District and is confident that a timely resolution to improve the quality of this data for the 2006-2007 school year can be achieved.

This outcome also is void of any clear accountability for schools, local districts and central office departments that are not meeting the 60 day timeline. Of all local districts, only Local District 2 and 6 are

<sup>3</sup> At the beginning of the Modified Consent Decree, California law required that evaluations be completed within 50 days, as of October 2005, California law changed to correspond with the federal timelines of 60 days, at which time the Parties agreed to amend this outcome to reflect the change in law.

OUTCOME # 10 (CONT.)

◆ **Discussion (Cont):**

meeting the 90% target. The lowest performing are Local District 7 (79.42%), Local District 8 (83.07%), Local District 3 (84.12%), non-public schools (82.26%) and charter schools (81.99%). During the 2006-2007 school year, the IM will require the District to provide a list of schools and local districts not making progress toward this outcome.

◆ **Determination:** Outcome 10 not met.

**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.

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
2005-06	966	54%	82%	97%	99.9%	0.1%
2004-05	847	40%	70%	95%	99.3%	0.7%
2003-04	637	36%	64%	91%	98%	1.0%

- ◆ **Data Source:** CRU/PRN database. Calculations are based on complaints responded to/not responded to on 7/30/06
  - Numerator is the number of complaints that have been responded to within the appropriate number of days (5, 10, 20 and 30).
  - Denominator is the number of complaints.
  
- ◆ **Discussion:** The District has consistently exceeded the targets of Outcome 11 since 2003-2004. The District should be commended for their continued performance responding to parent complaints. This outcome has four time frames for responding to parent complaints, 5, 10, 20 and 30 working days. The District has exceeded the targets for all times frames as defined by the outcome and is considered to have met this outcome by June 30, 2006.
  
- ◆ **Determination:** Outcome 11 was met.

**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.

Informal Dispute Resolution

School Year	Formal Due Process Requests	Formal Due Process Requests 1/10/06 – 6/30/06	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
2005-06	1,118	604	605	0 (0%)	466 (77%)	23 (4%)	116 (19%)
2004-05	1,179		946	0 (0%)	656 (69%)	218 (23%)	72 (8%)

- ◆ **Data Source:** IDR database (data from January 10, 2006 to June 30, 2006). Calculations will be based on resolved disputes within 20 working days on 7/28/06.
  - Numerator is the number of disputes resolved within 20 working days.
  - Denominator is the number of disputes.
  
- ◆ **Discussion:** During the 2003-2004 school year, the District piloted an informal dispute resolution process associated with Outcome 12. During this time, the District has made commendable progress in this area and exceeded the timeline to resolve complaints within 20 days. The outcome states that 60% of all informal dispute resolution proceedings will be resolved within 20 days. During the 2005-2006 school year, the District resolved 77% of all IDRs filed within this time frame. Furthermore, it is encouraging to see a trend in the decrease of formal due process filings as reliance on IDR increases. (See Appendix D). The District has met the requirements of Outcome 12 by June 30, 2006.
  
- ◆ **Determination:** Outcome 12 was met.

**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 – Provider	IEP – School Visits
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%

- ◆ **Data Source:** Services Study
  - Study conducted by the Program Evaluation and Research Branch (PERB).
  - Results of the study verified by American Institutes for Research (AIR).
  
- ◆ **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.

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
2005-06	63.0%	65.0%
2004-05	57.2%	59.9%
2003-04	57.2%	61.5%

- ◆ **Data Source:** Services Study
  - Study conducted by the Program Evaluation and Research Branch.
  - Results of the study verified by American Institutes for Research.
  
- ◆ **Discussion:** During the 2005-2006 school year PERB conducted the third year of the study (See Appendix E) to measure the delivery of service provision for students with disabilities. This is a continuation of the study and the results were independently validated by AIR (See Appendix F) and found reliable for making a determination for compliance with the outcome. Overall, the District did not meet the requirements of Outcome 13 by June 30, 2006.

## OUTCOME # 13 (CONT.)

### ◆ Discussion (Cont):

This year PERB found that the percentage of students with evidence of service provision at 79.4% for students eligible as specific learning disabled (SLD) and speech and language impaired (SLI) and 84.9% for students with all other eligibilities (See Appendix E). Both of these are below the 93% target of service provision as mandated by the MCD. It is noted that the percentage of students with evidence of service provision eligible as SLD/SLI increased from the 2004-2005 year. This may be due to the increase of logs entered into the Welligent IEP system. However, there was a decrease in the evidence of service provision for students in all other disability groups.

In addition, students with disabilities are not receiving the adequate amount of services as specified in their IEPs. The study found that 63% of students were provided the frequency of services (frequency) equal to that specified in their IEP and 65% were provided the amount of time (duration) specified in their IEPs. Although this is an improvement from last year, it continues to fall considerably below the 85% target specified to meet compliance with Outcome 13.

The PERB study highlights some concerns that must be addressed in order for the District to make progress toward the outcome particularly in the area of log provision and quality of logs and IEPs. The first goes to the heart and nature of the outcome. In order to determine service provision the District is required to provide logs to PERB within the methodological timeframe of the study. This means that next year, all District service providers should be prepared for PERB's request of service logs and should respond in a timely manner. The second concern is with the quality of IEPs and logs. PERB notes that more IEP and logs are now on the Welligent system which has improved the data collection and ability to monitor service provision. PERB also notes that the quality of data entered in the Welligent system needs improvement. It is important that the service provision requirements be clearly and consistently noted in both the IEP and logs. This will not only benefit the progress made toward achieving the outcome, but will help service providers and parents clearly understand how services will be provided to students with disabilities. As is noted in the PERB study, this has been further complicated with the shift to more inclusive service delivery models and increase in services delivered on a flexible schedule. If the District continues to provide services through a flexible delivery model it should create clear guidelines for the provision and documentation of this type of service delivery so that providers may be held accountable.

Lastly, the District must address the shortage of speech and language providers as this continues to be an area of systemic non-compliance that not only affects the performance of this outcome, but also the high rate of due process filings and more importantly, the educational outcomes for students with speech and language impairments. This concern was also reflected by parents during the annual hearing, as the lack of speech and language services was mentioned by 20% of the parents that testified or provided written comments.

The IM expects that the District's Targeted Strategy Plan for this outcome will address the shortage of speech language providers and how the District will ensure that students receive the services specified on their IEP.

### ◆ Determination: Outcome 13 not met.

### 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%.

Parent Participation

School Year	# in Welligent	Attended IEP		Permission to Proceed		No Data	
		#	%	#	%	#	%
2005-06	83,019	65,379	78.8%	17,375	20.9%	265	0.3%
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%

- ◆ **Data Source:** Welligent
  - Numerator is the number of IEPs that indicate Parent/Student (18-21) participated in the IEP meeting.
  - Denominator is the number of Welligent IEPs.
- ◆ **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.

Evidence to Convince

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>
2005-06	1,233	997	80.9%	236	19.1%
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.

- ◆ **Data Source:** Study conducted by the Office of the Independent Monitor.
- ◆ **Discussion:** Outcome 14 requires the District to increase the percentage of parents attending their children's IEP to 75%. It also requires the District to provide evidence of three recorded attempts to convince the parent to attend for 95% of parents that did not attend their children's IEP. During the 2005-2006 school year, 78.8% of parents attended their children's IEP exceeding the target specified within the outcome. However, the District only demonstrated evidence of recorded attempts to convince a parent to attend the IEP meeting for 80.9% of parents that did not attend (See Appendix G). This falls considerably below the target as specified by the outcome. Therefore, the District has not met the requirements of Outcome 14, by June 30, 2006.

The IM commends the District for the number of parents attending their children's IEPs. It is also encouraging to know that parents within the LAUSD feel they are treated as an important member of the IEP team<sup>4</sup>. The District should include edits within the Welligent system that require the entry of attempts to convince a parent to attend the IEP for those parents that do not attend. The District should also place an edit that includes this documentation as part of the final IEP<sup>5</sup>.

<sup>4</sup> During the 2004-2005 school year, SRI conducted a District wide survey of parents that found 67% of parents felt they were treated as an equal and important member of the IEP team.

<sup>5</sup> The notification form that documents the attempts to convince does not print as a part of the IEP.

◆ **Determination:** Outcome 14 not met.

**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%.

Qualified Providers

School Year	Qualified General Education Teachers*	% Qualified General Education Teachers	Qualified Special Education Teachers*	% Qualified Special Education Teachers	Disparity
2005-06	26,536	95.2%	3,342	80.0%	15.2%
2004-05	26,024	91.1%	3,063	72.3%	18.8%
2003-04	26,520	85.7%	3,480	70.6%	15.1%

\* Qualified defined as: permanent, probationary, temporary teachers

- ◆ **Data Source:** Human Resources/Personnel Research 6-15-06<sup>6</sup>. Classroom teachers make up the data set.
  - Numerator is the number of qualified special education teachers/general education teachers respectively.
  - Denominator is the number of special education teachers/general education teachers respectively.
  - Disparity is determined by subtracting the % qualified special education teachers from the % qualified general education teachers.
  
- ◆ **Discussion:** This outcome requires the District to increase the number of qualified special education teachers in order to decrease the disparity between qualified special education and general education teachers to 3.4%. During the 2005-2006 school year 80% of the District's special education teachers were qualified while 95.2% of general education teachers were qualified. The disparity between special education and general education teachers is 15.1%. This disparity exceeds the requirement of the outcome, therefore the District did not meet the outcome by June 30, 2006.

Although this outcome fell short of the target, the IM acknowledges the District's efforts in improving the percentage of qualified special educators. Since 2003-2004, the District has increased the percentage of qualified special education teachers by 9.4%, however, there has been no change in the disparity between special and general education teachers. This raises concerns over the nature of the outcome as it appears that a larger increase in the number of qualified general education teachers nullified any progress in this outcome.

- ◆ **Determination:** Outcome 16 not met.

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<sup>6</sup> June 15, 2006 data was used for this outcome because Human Resources Branch reports that the June 30<sup>th</sup> data is not a real representation of what the District employs because all the retirements/resignations are posted by that date.

**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%.

Students with Behavior Plans by Eligibility

School Year	Eligibility	Total # of Students	# of Students with Behavior Plans	% of Students with Behavior Plans
2005-06	Autistic	6,462	3,934	60.9%
	Emotionally Disturbed	3,010	2,919	96.9%
2004-05	Autistic	4,958	2,351	47.4%
	Emotionally Disturbed	2,052	1,684	82.1%
2003-04	Autistic	3,382	680	20.1%
	Emotionally Disturbed	2,326	955	41.1%

- ◆ **Data Source:** Welligent
  - Numerator is the number of students identified as autistic or emotionally disturbed respectively that have a behavior support plan in their IEPs.
  - Denominator is the number of students identified as autistic or emotionally disturbed respectively on their IEPs.
  
- ◆ **Discussion:** Since 2003-2004, the District has substantially improved their performance on this Outcome. During the 2003-04 school year, 20% of students with autism and 41% of students with emotional disturbance had behavior support plans within their IEPs. As of June 30, 2006, 60.9% of students with autism and 96.9% of students with emotional disturbance had behavior support plans as part of their IEPs. This exceeds the targets set within the outcome and the District is considered as having met this outcome by June 30, 2006.
  
- ◆ **Determination:** Outcome 17 was met.

**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
2005-06	African American	174	44	25.3%
	Latino	206	73	35.4%
	White	105	35	33.3%
	Total	485	152	31.3%
2004-06	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 disproportionality of African American students identified as emotionally disturbed by providing 90% of African American students a “comprehensive evaluation” as defined by the IM. During the 2005-2006 school year, 25% of all African American students identified as ED received a “comprehensive evaluation” as specified by the outcome. This falls considerably below the target, therefore the District has not met the requirement of Outcome 18 by June 30, 2006.

Despite the overall low performance, this year’s study found that the percentage of African American students that met the entire criteria is considerably better after January 2006 (46.7%) than those students that were identified between June 2005 and December 2005 (11.0%) (See Appendix H). This difference is a result of the District’s distribution through the Welligent IEP system of the criteria for meeting the outcome and may be an indicator of future progress. Furthermore, the study found a decrease in the risk and relative risk of being identified as ED for African American students. This is evidence that disproportionality has been reduced. Lastly, the overall decrease in the number of students identified as ED and placed in NPS is encouraging.

Additionally, the District has made improvements in providing all students a more comprehensive evaluation for identification than was first observed during the 2003-2004 baseline year. However, for the District to continue to make progress toward the 90% target to meet the outcome it needs to continue to provide additional professional development guided by the checklist, to psychologists, administrators and other relevant school personnel. Although the District has now provided personnel involved in the pre-referral, referral and assessment process the criteria as part of the Welligent IEP, this method of distribution does not ensure that personnel are aware of the pre-referral and referral intervention requirements prior to the delivery of the interventions. This is of particular concern since there appears to be a misunderstanding and misinterpretation of the requirements of this outcome by psychologists, school personnel and District personnel.

## OUTCOME #18 (CONT.)

### ◆ Discussion (Cont):

Although the study found high rates of evidence that IEP teams considered the LRE upon identification, IEP teams continue to rely on placements outside of a child's home school with high frequency. This finding may suggest that ED identification is driven by the placement desires of an IEP team, and provides insight into the availability of programs and supports to educate students at their home schools and in less segregated settings.

Lastly, the study continues to find discrepancies in the accuracy of data contained within the database provided by the District. This has been ongoing and is of particular concern as the database contained miscoding of IEP types and missing students, which may considerably impact the sample selection and monitoring efforts of the outcome.

### ◆ Determination: Outcome 18 not met.

## ACCOUNTABILITY

It is important to point out that most of the outcomes that have been determined to be met are under the direct or substantial control of the Division of Special Education. Most of the outcomes that have not been met are under the control of school based leaders and the local district and central office officials to whom they are responsible. In previous plans the District has said that it will hold principals and local district officials accountable for the implementation of the MCD. While there has been significant improvement in the performance of many schools, the fact remains that some schools and their leaders are keeping the District from successfully achieving the MCD. Further the Division of Special Education regularly informs the Board, Superintendent and local district leaders of those schools in need of improvement. In their last snapshot report of January, 2006, 116 schools were designated as in need of intensive intervention. On July 24, 2006, I requested the performance evaluations of the 445 school principals conducted during the 2005-2006 school year. Sixty-eight of the principals were from schools rated as intensive. Four hundred and forty-four principals were rated as Meeting Standard Performance and one was rated as Below Standard Performance. In regards to special education, only 33 evaluations had any reference to the MCD or special education. Of these, only 10 evaluations included recommendations in the area of the MCD or special education, and none had negative comments regarding the school's performance in the area of special education. In terms of the District's pledge to hold principals accountable this falls far short of expectations. In future Targeted Strategy Plans the IM will not accept statements such as "we will hold principals (or other individuals) accountable" without a clear description of how that will be done and the provision of evidence that it has been done.

## DUE PROCESS PLAN IMPLEMENTATION

The Modified Consent Decree requires the IM to "analyze the number of due process filings and, if necessary, take appropriate actions in this area". During the 2003-2004 school year, an analysis was conducted by the OIM and shared with the parties. Both the District and Plaintiffs agreed that the number of due process filings was excessive and that action was necessary in this area. In addition, the IM posed to the parties two questions: First, are actions, including the possible establishment of a performance outcome necessary? Second, if actions are necessary, what would these actions consist of? The plaintiffs recommended a performance outcome while the District recommended an annual plan. During the 2004-2005 school year, the IM decided to not establish a performance based outcome to reduce filings out of concern of negatively impacting a parent's right to file for due process. In absence of a performance outcome, the IM required the District to develop a plan to reduce due process filings and stated that over the course of the next two years, the OIM would monitor the "implementation of the plan, the District's rate of due process filings and conduct research on the causes and resolutions of the findings." Over the past three years, the District has experienced a small, incremental decrease in formal due process filings. During the 2005-2006 school year, the District had 1,118 due process filings, a small decrease of filings from the 2004-2005 school year (1,179). A look at the trends in due process filings and informal dispute resolutions from January 2006 through June 2006 may provide insights into the District's potential for decreasing filings (See Table 1). Although, these trends provide a positive outlook, the number of due process filings continues to be disproportionately high.

Table 1. Number and Percent of Requests for Due Process and IDR

	January		February		March		April		May		June	
	#	%	#	%	#	%	#	%	#	%	#	%
Formal Due Process Request	79	84.95%	89	61.81%	96	57.14%	74	52.86%	125	49.21%	141	34.39%
Informal Dispute Resolution Request	14	15.05%	55	38.19%	72	42.86%	66	47.14%	129	50.79%	269	65.61%
Total Request	93		144		168		140		254		410	

In 2005, the LAUSD acknowledged that its rate of due process filings was disproportionately high. Data collected by the IM revealed the District had 12% of the California's student enrollment but one-third of the state's due process filings (See Appendix I). The rate of filings per student was higher in LAUSD than all other large urban school districts in California and a comparative sample nationally, with the exception of New York Public Schools. In order to address the high rate of filings, LAUSD developed the Comprehensive Plan to Reduce Due Process Filings.

A primary goal of the due process plan was to reduce the number of formal due process filings by providing school-level IEP teams with a re-affirmation of their authority to make decisions about service provision, placement, etc. A second goal is to ensure that schools receive additional expertise when they required assistance to make such decisions. A third goal was to reduce the number of disputes by providing for a more collaborative IEP team process. Activities to promote all three goals were integrated into the four stages of the Plan.

Over the past year, to monitor the implementation of the Due Process Plan, requests were made for evidence of completion of activities at the central office level. Based on the evidence of completion documentation presented by the central office division of special education, it appears that the District adequately implemented the activities of the plan.

To gauge the level of impact at the school site a district wide telephone survey was conducted of school administrators. A total of 658 school administrators primarily responsible for special education participated in the survey. The survey asked seven questions on the fundamentals of the Plan, including: whether schools received a copy of the plan, whether they received training or supports for handling IEP disputes, and whether they had been re-affirmed about their authority to resolve IEP disputes.

Overall, 42% of schools reported having participated in an IEP that led to a due process filing, while 47% reported participating in an IEP that led to an informal dispute resolution during the 2005-2006 school year. 68% of administrators reported having participated in a District sponsored training and 29% attended a walk-in clinic on handling IEP disputes. When asked if they received a copy of the Plan, two-thirds report having received a copy. When asked whether they have the authority to resolve IEP disputes, 42% of school administrators responded they did. Schools noted that the primary reasons for deferring IEP disputes to local district, support units, and/or central office personnel were non-public placement and service providers, services such as speech and language services and additional adult assistance.

The OIM conducted a review of 100 due process filings and 100 IDRs to identify the nature of filings and outcomes. The five most common categories causes of filings and IDRs are school placement (NPS or another public school), related service provider (NPA or school provider or preference for individual provider), NPA frequency (number of service times), assessment (for eligibility for special education or specific services) and program placement (type of program either public or private). In addition, the results of the analysis of the resolutions indicate that two thirds of parent requests in both informal and formal disputes result in resolutions that favor the parents. Just over 20% result in a compromise resolution. Only 12% of resolutions resulted were favorable to the position by the District after the conclusion of the IEP meeting that provoked the dispute. It should be noted that the review did not ascertain whether the rulings against the District were for procedural versus substantive reasons.

Overall, the District appears to be headed in the right direction as the number of IDRs increases while formal filings decrease. However, it is evident that for the District to reduce formal filings to acceptable levels it needs to further clarify its policies, procedures and responsibilities as to the determining appropriate services and placements for students and insure that school personnel understand and can appropriately utilize them. Finally, substantial success in reducing conflict with parents is also conditioned on the District successful attainment of the outcomes in the MCD. When students learn, when there is an adequate supply of qualified professionals, when there are available the placement and service parents and when timelines are met parents and schools will be in a better position to work collaboratively to reach agreement on what is appropriate for students.

## **DATA SYSTEMS**

With a data based consent decree the timely provision and accuracy of District data is essential. During the course of this three-year agreement, one of the primary responsibilities of the IM has been the monitoring of the progress of the implementation of the data systems and verifying the accuracy of the data. The primary database used for managing the special education process and determining the performance of outcomes is the Welligent IEP system. This database contains student-level data which can then be aggregated to inform District administrators at all levels about a range of system-level issues such as the demographics of the special education population, overall service and programmatic requirements and a variety of compliance issues such as timely completion of evaluations and IEPs.

Due to the importance of the Welligent database, the OIM periodically assesses the implementation of Welligent and reviews the accuracy of its data. These efforts include: monthly tracking of the number of students in Welligent by IEP type; monitoring

of error rates for specific indicators; an annual telephone survey of schools of the implementation of Welligent, 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 placement of data..

Since the inception of the MCD in 2003, the District has been engaged in an aggressive and concerted effort to increase the number of schools using Welligent and students in the database. The District is commended for its success in implementing the Welligent system in such a relatively short-period of time. These efforts have resulted in both the increase in the number of students in Welligent and an improvement in the accuracy of the data. As noted, the OIM monthly monitors the Welligent database to track the number of students in the system and the error rate for selected data elements (Appendix J). This review notes that as of June 15, 2006, the majority (95.4%) of students with disabilities in the District had current IEPs in the Welligent system. It also shows a decrease in the error rates of data indicators such as eligibility and IEP date, over time. Although error-rates of these basic data elements have improved, there are concerns of the accuracy of the data for specific outcomes as noted in the discussion of some outcome earlier in this Report. These outcomes include: Outcome 10: Timely completion of IEPs and Outcome 13: Delivery of Services.

Although the majority of students are now in the Welligent system, it does not include the total population of students with disabilities. Therefore, to determine if differences exist between those students in Welligent and the population of students with disabilities in the District, an analysis was conducted (Appendix K). The analysis found no appreciable differences between the Welligent and Student Information System (SIS) database, indicating that the Welligent database is adequately representative of the population of students with disabilities in the District. The analysis also indicates that this year, there are more students in the Welligent system than the SIS.

To gauge the level of implementation and problems associated with the Welligent system on compliance with IEPs at schools the OIM conducted a confidential telephone survey of all District schools<sup>7</sup>. A total of 658 school administrators were interviewed, with almost all schools (99.5%) reporting using the Welligent IEP system (Appendix L). The survey also found that most (87.4%) schools are using the Welligent management module to manage IEP caseloads and a considerable number of schools (72.6%) are experiencing problems when using the system. More importantly, most of the schools (66.9%) that report problem with the system, say that it has impeded the ability of their school to complete the IEPs within the timeline required by law. The most common problem mentioned by schools are those related to "updates" of the Welligent system. Schools indicate that the Welligent system is frequently updated and there is a lack of notification and training on these updates.

Overall, the District's data appears reliable for making determinations of compliance with the MCD outcome discussed in this report. There continue to be areas that need improvement; however, these concerns do not appear to have significantly impacted the results of the District's performance on outcomes. The IM is confident of the accuracy of the District's data for making determinations on these outcomes. However, for the District to continue making progress toward these outcomes and to be ultimately disengaged from the MCD, it should continue to make improvements to their data systems and their effective usage.

## CONCLUSION

The IM assumes that the District and Plaintiffs, who developed the MCD, believed that the 18 outcomes could be achieved by June 30, 2006. Of the 13 outcomes discussed in this report the District has met five. Of the remaining eight it is close to meeting a few; has met some targets, but not others on a few; and has made significant progress on some and little progress on others. Therefore the MCD continues to be in force.

Three provisions of the MCD are worth noting 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 becomes 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.

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<sup>7</sup> The survey did not include non-public schools.

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.

On May 18, 2006 the parties agreed to discontinue the annual plan and replace it with a Targeted Strategy Plan for each of the outcomes not met by June 30, 2006. The IM has already approved three Targeted Strategy Plans for outcomes the District anticipated would not be met. They included two outcomes covered in this Report, Outcomes 5 and 16. It is expected that the District will develop Targeted Strategy plans for the remaining outcomes not met, consistent with the timelines agreed to by the parties.

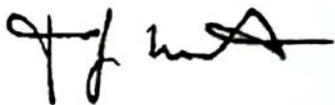
#### ACKNOWLEDGEMENTS

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,

A handwritten signature in black ink, appearing to read 'F. Weintraub', with a long horizontal flourish extending to the right.

Frederick J. Weintraub

c: Hon. Judge Ronald Lew, Robert Myers, Catherine Blakemore, Kevin Reed, Donnalyn Jaque-Antón, Diane Pappas, Peter Keup, Brigitte Ammons, Thomas Hehir