

Office of the Independent Monitor

Modified Consent Decree
333 So. Beaudry Avenue, 18th Floor
Los Angeles, California 90017
Tel: (213) 241-1797
Fax: (213) 241-7551

FREDERICK J. WEINTRAUB
Independent Monitor

JAY R. ALLEMAN
Administrative Coordinator

JAIME E. HERNANDEZ
Outreach Coordinator

September 28, 2007

David Brewer III
Superintendent of Schools
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th 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 2006-2007 School Year – Part I

Dear Mr. Brewer 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 two parts. Part I, this report, will address the status of the Los Angeles Unified School District (District) performance on nine outcomes and two activities for which data was available by the end of June. Part II, expected in November 2007, will report on the District's performance on the remaining three outcomes.

The outcomes of the MCD are statistically based. For the outcomes not met on June 30, 2006, each remaining outcome has at least one data target that the District was to meet by June 30, 2007. 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 #7: Placement of students with other disabilities
- Outcome #8: Home school placement
- Outcome #10: Timely completion of evaluations
- Outcome #13: Delivery of Services
- Outcome #14: Increased parent participation
- Outcome #15: Timely completion of future translations

- Outcome #16: Increase in qualified providers
- Outcome #18: African-American students identified as emotionally disturbed
- Annual Hearing
- Facilities

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
2006-07	7,638	489	6.40%
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 enrolled on 12/1/2006 that have been 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
2006-07	623,026	36,224	5.82%	74,346	7,638	10.28%	1.77
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

OUTCOME # 5 (CONT.)

◆ **Data Source:** SIS/Welligent

% of SWD suspended

- Numerator is SWDs ages 5-22 suspended.
- Denominator is all SWDs ages 5-22 enrolled on 12/1/2006.

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 12/1/2006.

◆ **Discussion:** This outcome has three different components the District must meet to attain 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 20.4% reduction in the number of students suspended six or more days, 6.4% of students with disabilities suspended, were suspended long-term. This is due to the similar reduction of overall suspensions of students with disabilities. There was still a marked improvement over the previous year's performance.

The second component of the outcome requires the District to reduce the overall number of suspensions of students with disabilities to a rate lower than 10.30%. The District made significant progress toward this target by reducing suspensions of students with disabilities from 11.47% to 10.28%. This was a reduction of approximately 10.37% from the previous year. The District met the target of 10.30%.

The third component of the outcome requires a reduction in the relative risk of suspensions for students with disabilities to 1.75. The District's relative risk ratio remained the same this year as last year at 1.77 however, this is very close to the target of 1.75.

Overall, the District did not meet two of the three components. 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 40 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 fifty top suspending schools which are comprised of large comprehensive middle and high schools have suspension rates of students with disabilities ranging from 19.7% to 48.9% (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 "high suspending" schools account for the majority of suspensions to students with disabilities of six days or more. The District targeted many of these "high suspending" schools for assistance this year. It still remains that 64 % of last years high suspending schools remain on this year's top 50 list. 50% of them are high contributors to the long term suspension problem. Although, in comparing the high suspending schools over two years, there has been an improvement of 14.2% in the overall suspension rate and 5.3% in the suspension of students with disabilities. While the District's established a District wide policy on discipline it may have come too late to have an effect on this year's performance. The District's targeted strategy plan for the upcoming school year is designed to address the various issues surrounding the suspension of students with disabilities.

OUTCOME # 5 (CONT.)

◆ Discussion (Cont):

During the 2007-08 school year, the OIM will conduct a validation study to verify the accuracy of the District's suspension data and enrollment census.

◆ Determination: Outcome 5 not 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
2006-07	20,921	9,778	46.74%
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.
 - For this outcome caution must be taken when comparing the outcome performance by year due to the number of IEPs and quality of data. The 2006-2007 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 2006-2007 school year, 46.74% of students with all other eligibilities were placed in the general education classroom for 40% or more of the day (See Appendix B). While this falls below the target specified within the outcome, this is a significant improvement over the previous year and an indicator that the District's targeted strategy plan is working. Last year the District increased the number of students spending 40% or more of the instructional day in special education by 2,135. Adding approximately 1,100 more students will enable the District to meet this outcome.
- ◆ **Determination:** Outcome 7 not met.

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
2006-07	59,068	55,691	94.28%
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:** Welligent/Special Education Transportation System/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 2006-2007 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%)			
2006-07	1,696	986	58.14%
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%)			
2006-07	1,886	1,172	62.14%
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%)			
2006-07	2,028	1,077	53.11%
2005-06	2,001	1,009	50.42%
2004-05	1,420	652	45.92%
2003-04	950	432	45.47%

- ◆ **Data Source:** Welligent/Special Education Transportation System/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 an eligibility other than SLI/SLD at their home school.
 - Denominator is the number of students, grades K, 6 and 9 respectively, with an 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 2006-2007 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%)			
2006-07	8,909	4,881	54.79%
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%)			
2006-07	3,596	1,989	55.31%
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%)			
2006-07	5,262	1,971	37.46%
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:** Welligent/Special Education Transportation System/ 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 2006-2007 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 with seven targets 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

OUTCOME # 8 (CONT.)

◆ Discussion (Cont):

level above 92.9%. During the 2006-2007 school year, 94.28% 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 2006-2007 school year, the District had 58.14% of kindergarten students, 62.14% of sixth grade students and 53.11% of ninth grade students with all other disabilities attend their home school. Although in general the District has demonstrated incremental progress in the attendance by students with disabilities in the transition grades of their home schools, the majority of improvement needs to be concentrated on this group of students.

The third part of the outcome requires of students with all other disabilities in grades 1-5 (62%), students in grades 7-8 (55.2%), and students in grades 10 and above (36.4%) to attend their home school. During the 2006-2007 school year, the District had 54.79% of students with all other disabilities in grades 1-5, 55.31% of students in grades 7-8, and 37.46% of students in grades 10 and above attending their home schools.

Of the seven targets for the outcome, the District met three, made progress on three and declined on one.

The IM has concerns over the accuracy of the data for determining home school placements. These concerns have been consistently expressed by the OIM since the inception of the MCD and many have been addressed. The OIM will continue 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. The District has asked that SIS permit data be used in the home school calculation. During the 2007-2008 school year, the OIM will conduct a validation study to verify the accuracy of the permit data and all other home school information.

◆ Determination: Outcome 8 not 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)	
		#	%	#	%	#	%	#	%
2006-07	14,438	13,142	91%	13,728	95%	14,010	97%	428	3%
2005-06	13,465	11,565	86%	12,495	93%	12,933	96%	532	4%
2004-05	11,213	7,025	63%	8,870	79%	9,671	86%	1,239	11%
2003-04	12,300	8,142	66%	10,038	82%	11,056	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 (60, 75 and 90).
 - Denominator is the number of requested initial evaluations aged according to the number of days overdue on 6/30/2007.
- ◆ **Discussion:** This outcome requires the District to complete an initial evaluation within the timelines required by law¹. The District is to complete 90% of all initial evaluations and hold an IEP within 60 days. During the 2006-2007 school year, the District completed 91% of the initial evaluations within the 60 day timeframe and 95% within the 75% timeline, based on data from the District's Welligent system. Although both of these targets either meet or exceed the target levels of the outcome, the District came close but did not meet the requirements of the third timeline of IEPs completed within 90 days

Although the District appears to be very close to meeting the targets for this outcome, the IM continues to have concerns over the quality of this data. During the 2006-2007 school year, the OIM conducted a validation study to verify the accuracy of this data (See Appendix C). The percentage of IEPs reviewed in the study found to have been completed within the 60 day timeframe did not meet the target of 90%. The study found errors within the Welligent data that will continue to be examined during the 2007-2008 school year.

Some of these errors included differences in dates of receipt of assessment plans between the Welligent system and what was documented in the student's IEP folder. For example, in many instances where the date of the receipt of the assessment plan in the Welligent system did not match the date found in the IEP file, a later date was entered into the Welligent. This error resulted in an inaccurate calculation of the completion date as it subsequently increased the 60 day timeline. This type of error is primarily a data entry concern since school personnel are required to maintain record of the receipt of the assessment

¹ 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):

plan and accurately enter that date into the Welligent. This source of error is compounded with limitations observed within the Welligent system, as the program appears to have more than one field (i.e., management field and assessment plan form) where the date of receipt can be entered with no edits to auto-populate or cross-check these fields. Therefore, in some instances it was noted that dates between the management field and the assessment plan form did not match within the Welligent system.

Lastly, the method by which the District determines timeliness should be reviewed. The Welligent system is currently programmed to determine timeliness by first determining the due date of the IEP and counting backwards from that date. Although the programming within the Welligent system appears to account for all of the calendar nuances associated with multi-track schools, this process raises several concerns. First, once the program identifies the due date it assigns a negative number of days for those IEPs completed on time. However, the program includes non-school calendar days (i.e., vacation, off-track periods) therefore allowing for a number of negative days greater than -60 days. This creates a lack of one-to-one correspondence with the timeline categories and complicates the ability to verify the accuracy of data.

For example, in one instance the Welligent system showed a date of receipt of the signed assessment plan to be 8/31/06. The due date calculated by the Welligent system was 2/13/07. This due date was calculated for approximately 5 1/2 months after the date of the signed assessment plan which one may assume that even with track changes and vacation periods this calculation extends beyond the 60 day timeline. According to the Welligent calculation this IEP was conducted within the 60 day timeline and was coded as having been completed -117 days from the due date. Based on the OIM review and Welligent, the IEP meeting was held on 10/19/2006. This means the IEP was held within the 60 day timeline and 49 days after the receipt of the signed assessment plan. Again, although this IEP was held on time and was reported to have been held on time by the Welligent system, this methodology may be susceptible to error since a different IEP meeting date could have been entered up to 2/13/07 and found that IEP to have been held within the 60 day timeline. Furthermore this process limits our ability to verify the accuracy of the District's data in respect to the timeliness since it is essentially impossible to verify the accuracy on the number of days it took to complete the IEP.

The primary difference with the OIM's calculation to determine timeliness with initial evaluations is that the methodology relies on a count of the number of days to complete an IEP starting from the date of the receipt of the assessment plan and omits days associated with track changes and vacation periods. This calculation thereby establishes a one to one correspondence with the timeframes of the outcome. If the District elects to continue counting timeliness by counting back from the due date, it is highly recommended that the District omit days associated with track changes and vacation periods to facilitate the validation of District data. For example, by excluding all additional days each record could not have more than -60 days for IEPs held within the 60 day timeline, thereby establishing one-to one correspondence with the timeline categories. It is important that the calculation used be verifiable therefore a meeting will be scheduled within one month to discuss and resolve this issue.

◆ Determination: Outcome 10 not 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*
2006-07	86.6%	*N/A	74.0%	*N/A
2005-06	84.8%	86.4%	79.4%	85.0%
2004-05	93.2%	77.2%	72.8%	79.0%
2003-04	63.7%	85.6%	33.8%	92.6%

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

- ◆ **Data Source:** Services Study
 - 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
2006-07	73.0%	70.0%
2005-06	63.0%	65.0%
2004-05	57.2%	59.9%
2003-04	57.2%	61.5%

- ◆ **Data Source:** Services Study
 - 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 Program Evaluation and Research Branch (PERB) conducted the third year of the study (See Appendix D) 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 E) and found reliable for making a

OUTCOME # 13 (CONT.)

◆ Discussion (Cont):

determination for compliance with the outcome. Overall, the District did not meet the requirements of Outcome 13 by June 30, 2006.

This year PERB found that the percentage of students with evidence of service provision at 79.0% for students eligible as specific learning disabled (SLD) and 86.6% for students with all other eligibilities (See Appendix F). Both of these are below the 93% target of service provision as mandated by the MCD. In addition, students with disabilities are not receiving the adequate amount of services as specified in their IEPs. The study found that 73% of students were provided the frequency of services (frequency) equal to that specified in their IEP and 70% were provided the amount of time (duration) specified in their IEPs. Although this is an improvement from last year, it continues to fall below the 85% target specified to meet compliance with Outcome 13.

In the past, site visits were used to validate the estimate of delivery of services. Since a primary responsibility of the IM is to validate the accuracy of the District's data, a modification was made to the methodology associated with site visits during the 2006-2007 school year. This modification was made for two primary reasons. The first, the use of site visits for validation of delivery of services became increasingly difficult and did not provide accurate estimates of service provision due to several factors such as obtaining accurate information regarding date and time of service provision, and the increase of flexible services within students IEPs. The second, to focus on the validation of the accuracy of the District's provider log data as documented on the Welligent system. The focus of the site visitation during the 2006-2007 school year was to observe if services were being delivered as noted in the IEP and provider logs (similar to prior years) and compare data on provision, frequency and duration with what was entered in the Welligent provider logs. For example, PERB would first attempt to identify the date and time of service provision and schedule a site visit. At the time of the site visit PERB would observe the provision of service and the duration of such service. PERB then would obtain the provider log from the Welligent IEP database of that same week and validate the accuracy of the documentation. Furthermore, all services observed were assessed for accuracy (i.e., even if a service was not provided, the log was reviewed to validate that the service was not provided).

The results of the site visitation observations present some concerns about the accuracy of the District's data associated with service provision. The study found many discrepancies in the accuracy of the Welligent Provider log data. An example of some discrepancies seen for the 69 completed observations where the delivery occurred, 60 logs (87%) reviewed had service provision documented for that same day. Of these 60 cases, 36 logs (60%) had the correct start time and 43 logs (72%) had the current amount of time or duration of the IEP. It is important to note that these errors in the data affect the service provision estimates both ways. In some instances the District does not receive credit for services that are provided because of the lack of documentation in the provider logs, while other instances the logs indicated a provision of services which clearly did not occur.

During the 2006-2007 school year another modification to the services study was approved by the IM. In the past, AIR was charged with the role of validating PERB's findings. In the past, AIR has found high levels of agreement with PERB's estimates of service delivery. This finding has consistently shown that the methodology and rules applied to determining service delivery are reliable and produce valid results. A modification to AIR's validation study was made and charged AIR with developing a program that could be utilized for determining service delivery provision between electronic Welligent IEPs and electronic provider logs in the Welligent system (See Appendix G). Although this year's validation did not validate the service provision of the entire sample (this validation was limited to only those students with Welligent IEP and provider logs), the results demonstrate a high level of agreement with PERB's analysis. This finding is encouraging as this may serve as an initial step in the process of building the capacity for increasing the accuracy and monitoring of service provision within the Welligent system.

OUTCOME # 13 (CONT.)

◆ Discussion (Cont):

During the 2007-2008 school year, the OIM will continue to work in collaboration with PERB, AIR and the District to better improve the ability to measure delivery of special education services. It is recommended that the District continue to emphasize the importance of the accurate documentation of service provision by service provider as this will be an area which must improve in order for the District to reach and eventually disengage from this outcome. It is also essential that the District continue its efforts to increase the number of provider logs entered in the Welligent system.

This outcome, in the view of the IM, is most important. If students do not receive the services as specified in their IEPs it is a serious violation of Federal and State law and denies them an opportunity to benefit from an education. The District will only meet this outcome if it aggressively addresses three problems. First, the District is well aware of the large number of students who are not receiving their required speech and language services, because of the District's inability to employ an adequate number of speech language pathologists or privately secure such services. This problem must be eliminated. The District convened an expert panel to examine its speech and language program. The panel offered recommendations which have been incorporated into the District's targeted strategy plan which is currently under consideration by the IM. When approved, it is expected that the District will fully implement the plan. Second, the District has been unable to get all service providers to electronically maintain service logs. Last year, the District in its targeted strategy plan stated that appropriate disciplinary action would be taken against service providers who fail to maintain electronic service logs. The District reports that as of May 2007 approximately 25% of the resource specialists (RSPs) were still not entering logs electronically. A significant percentage of these RSPs are clustered in a limited number of schools. School principals have been informed of the problem and their responsibility to resolve it. The IM expects that the Superintendent, consistent with the Accountability Plan approved by the IM, will take the steps necessary to ensure compliance. Third, it is the District's policy that school principals are responsible for ensuring that students receive services as specified on their IEPs. The IM expects the Superintendent to hold principals accountable for doing so.

◆ 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	
		#	%	#	%	#	%
2006-07	84,585	67,628	80.0%	16,864	19.9%	93	0.1%
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.
 - For this outcome caution must be taken when comparing the outcome performance by year due to the number of IEPs and quality of data.
- ◆ **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 ⁽¹⁾	# With No Evidence to Convince	% With No Evidence to Convince ⁽¹⁾
2006-07	562	471	83.8%	91	16.2%
2005-06	1,233	997	80.9%	236	19.1%
2004-05	1,044	821	79.4%	223	20.6%

⁽¹⁾% 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 meeting 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 2006-2007 school year, 80.0% of parents attended their children's IEP exceeding the target specified within the outcome. The District is to be commended for continuing to improve the number of parents attending their child's IEPs. Although the percentage of the increase seems small (from 78.8% to 80.0%) this is a net gain of 2,249 more parents that attended their child's IEP during the 2006-2007 school year. For Part B. of Outcome 14, the District only demonstrated evidence of recorded attempts to convince a parent to attend the IEP meeting for 83.8% of parents that did not attend (See Appendix H). This continues to fall below the target of 95% as specified by the outcome. The IM commends the District for the number of

OUTCOME # 14 (CONT.)

◆ Discussion (Cont):

parents attending their children's IEPs. The District should continue to review and monitor the effectiveness of the 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.

◆ Determination: Outcome 14 not met.

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.

Completion of IEP Translations

School Year	# 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
2006-07	14,525	96.2%	98.9%	99.5%	0.52%	0	0
2005-06	14,032	54%	88%	97%	3%	8	8
2004-05	8,492	11%	38%	75%	19%	1,261	36
2003-04	7,947	8%	13%	18%	41%	4,141	4,141

- ◆ **Data Source:** Welligent. Calculations based on completed translations on 8/30/07.
 - Numerator is the number of IEPs translated within the appropriate number of days (30, 45 and 60).
 - Denominator is the number of requested translations through 6/30/07.
- ◆ **Discussion:** This outcome requires the District to provide translations of IEPs in a timely manner, for those parents that requested translations during the IEP. The District has made very good progress in their performance since the 2003-2004 school year, with the vast majority of parents having received a translated copy of their children's IEP within 60 days. The District is to be commended for their efforts in reaching this outcome.
- ◆ **Determination:** Outcome 15 was 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
2006-07	25,777	95.4%	3,484	83.2%	12.2%
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 6-15-07. 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 certificated special education teachers in order to decrease the disparity between certificated special education and general education teachers to 3.4%. During the 2006-2007 school year 83.2% of the District's special education teachers were certificated while 95.4% of general education teachers were certificated. The disparity between special education and general education teachers is 12.2%. This disparity exceeds the requirement of the outcome.

- ◆ **Determination:** Outcome 16 not 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
2006-07	African American	190	96	50.5%
	Latino	262	145	55.3%
	White	145	75	51.7%
	Total	597	316	52.9%
2005-06	African American	174	44	25.3%
	Latino	206	73	35.4%
	White	105	35	33.3%
	Total	485	152	31.3%
2004-05	African American	73	2	2.7%
	Latino	119	3	2.5%
	White	45	4	8.8%
	Total	237	9	3.8%

- ◆ **Data Source:** Study conducted by the Office of the Independent Monitor.
- ◆ **Discussion:** Outcome 18 requires the District to reduce the disproportionality of African American students identified as emotionally disturbed (ED) by providing 90% of African American students a “comprehensive evaluation” as defined by the IM. During the 2006-2007 school year, 50.5% of all African American students identified as ED received a “comprehensive evaluation” as specified by the outcome. This continues to fall below the target.

Despite the overall low performance, this year's study found that all students are meeting higher percentages of elements of the comprehensive evaluation. For example, 89% of all students received a comprehensive multidisciplinary assessment including health, academic, cognitive, and social emotional components. Approximately 98% of all students have an eligibility statement included in their identification which states the areas for which the child meet's the ED eligibility criteria. This is a positive in terms of improving the quality of assessments and therefore the appropriateness of identifications.(See Appendix I). Also, there has been significant improvements in the services students are receiving upon identification, as well as IEP teams considerations of the least restrictive environment. The two areas that are continuing to impede the District from meeting Outcome 18 are in the areas of pre-referral interventions, and parent attendance at the IEP meeting. First, the items related to pre-referral interventions need to be well documented within the child's IEP and/or cumulative folder. This includes if parents or county or state agencies are requesting an assessment. Furthermore, it is important to emphasize that parent attendance/participation at the IEP meeting for students identified as ED is required by Outcome 18 of the MCD. This participation may also include alternative means of participation other than attending the IEP meeting if it is documented in the IEP. Finally, the study found a decrease in the risk of African American students being identified as ED. Although a small increase was noted in the risk ratio for African American students, it is important to keep in mind the impact of declining enrollments has on this calculation. Essentially, since a decrease in the overall ED identification on this

OUTCOME # 18 (CONT.)

◆ Discussion (Cont):

on this calculation. Essentially, since a decrease in the overall ED identification rates of students within the three race/ethnicity categories has been observed, it is evident that an increase in the risk ratio is not due to an increase in African American students ED identifications.

In addition, there appears to be a continued decrease in the number of students identified as ED placed in nonpublic schools. Although this is encouraging, the study found high rates of evidence that IEP teams continue to rely on placements outside of a child's home school with high frequency for students with prior placements in the general education setting. This finding may continue to reflect the lack of availability of programs and supports to educate students at their home schools and in less restrictive 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 (i.e., initials, re-evaluations) and missing students, which may considerably impact the sample selection and monitoring efforts of the outcome.

◆ Determination: Outcome 18 not met.

ANNUAL HEARING

Section 13 of the MCD requires the IM to conduct at least one hearing each year to hear from parents and other interested persons about the District's compliance with special education laws. This year's hearing was held on May 7, 2007. Notices inviting persons to present were made available in the eight primary languages of the District which include: English, Spanish, Tagalog, Chinese, Korean, Russian, Vietnamese and Armenian. To promote the annual hearing the following means of outreach were conducted: two direct mailings to homes of parents of students with disabilities; district-wide distribution to all schools including charter and non-public schools; direct mailings to community agencies and regional centers; distribution to Board Members; and, press release to all local media.

To facilitate attendance a hearing was held in the morning and another in the evening. A total of fifty-eight persons signed in as attending in the morning and thirty-four in the evening. Forty-three persons presented oral testimony, twenty-eight in the morning and fifteen in the evening. An additional three persons provided written statements at the hearings and fifteen email and/or mail statements were received. The morning hearing was broadcast live on KLCS and rebroadcast on Sunday May 13, 2007.

Individuals who presented specific complaints or problems were afforded the opportunity to meet with District staff to discuss the matter in greater depth and hopefully find resolution. This resulted in a total of thirty-one referrals seen by District staff.

An analysis of comments expressed at the Annual Hearing indicates that the provision of services was the biggest concern for parents. Services was the most frequent concern with 34% of all comments related to the provision of services in the following areas: speech (13.4%); instructional (9.3%); AAA (8.2%) and other (3.0%) such as OT and PT. Other frequently expressed concerns related to placement (12.4%), lack of academic progress/benefit (11.3%), and hostile environment (8.3%). Parents also expressed concerns with issues related to: timely and appropriate evaluations (8.2%), District's non-compliance with dispute resolution agreements (7.2%), and discipline and school safety (5.1%).

FACILITIES

The District must meet three primary responsibilities in order to comply with the requirements associated with Section 10 of the MCD. The first requires the District to ensure that all new construction is compliant with accessibility standards required by law. The second responsibility requires the District to expend or enter into binding commitments of at least \$67.5 million dollars for accessibility renovations and/or repairs to existing sites. The third requires the District to appropriate, make available and/or expend up to \$20 million dollars for rapid "on-demand" task orders related to accessibility. In addition, the District must create a unit within the division of special education that is staffed by special education and facilities personnel that respond to these requests. On July 7, 2006 the (IM) determined that the unit had been established. Finally, the MCD requires that all work comply with the accessibility standards consistent with Section 504 and the American with Disabilities Act (ADA).

During the 2006-2007 school year, to measure the accuracy of the District's data in the area of facilities, the OIM contracted with Disability Access Consultants (DAC) to conduct a verification audit of the District's obligations as specified by Section 10 of the MCD. The verification audit consisted of the following:

1. A desk audit, reviewing records of a sample of projects to determine the accuracy of data reported by the MCD tracking log for both projects from the \$67.5M and \$20M programs. A total of 67 projects from the May 2006 MCD tracking log were finally selected and reviewed for verification.
2. A field audit, consisting of site inspections of a sample of projects from the \$67.5M and \$20M programs, and new facilities to determine if work completed met compliance with accessibility standards. A total of 22 projects from the May 2006 MCD Tracking log were selected and inspected to determine compliance.

Overall, the verification audit² clearly found that the documentation required to support the data reported on the May 2006 MCD tracking log for both the \$67.5M and \$20M projects was so incomplete or inaccurate that it could not be relied upon for making determinations on the progress of the District in meeting fiscal obligations under Section 10 of the MCD. Furthermore, there was a high frequency of non-compliant work found on both new construction and renovations and/or repairs of existing sites. Therefore, the District is not on course to meet this obligation by June 30, 2008.

² Determination of the District's progress toward meeting its obligations under Section 10. Facilities, of the Modified Consent Decree, 2006-2007 School Year - May 29, 2007

During the 2007-2008 school year, the District was directed to employ or contract an individual to oversee the District's obligations under Section 10 of the MCD. In addition, any work submitted to the IM for review, must include all required documentation and ensure that work completed must meet compliance with ADA and Section 504 standards. The District appears to be moving positively toward implementing these requirements

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. In last years report the IM determined that the District had met six of the outcomes. Of the nine outcomes discussed in this Report the District has met one (See Table A). Of the remaining eight it has made significant progress on most and is close to meeting some. Therefore the MCD continues to be in force.

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

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

Second, the IM is required to issue periodic reports on progress in meeting the outcomes. As data 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.

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. Last year the IM approved targeted strategy plans for all of the remaining outcomes and a separate plan on accountability. For school year 2007-2008 the parties agreed to a process for amending the targeted strategy plans. Some amended plans have been approved and the remainders are in process.

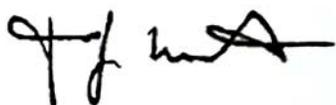
ACKNOWLEDGEMENTS

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

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

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

Sincerely,



Frederick J. Weintraub

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

Current Summary of Final Determination of the Modified Consent Decree Outcomes

#	Outcome		Status	Outcome Target	Outcome Met
1	Participation in the (STAR) Statewide Assessment Program (without modifications)	ELA/Math	85.2%	75%	Yes 6/30/06
		Comparable to Non-Disabled	95.0%	95%	
2	Performance in the (STAR) Statewide Assessment Program (at basic or above)	ELA	19.9%*	27.5%	To be determined
		Math	20.2%*	30.2%	
3	Increase Graduation Rate		42.18%*	46.32%	To be determined
4	Increase Completion Rate/Reduce Drop Out		66.5%*	76.3%	To be determined
5	Reduce Suspensions of Student with Disabilities	Long Term (6 Days or more)	6.40%	2%	No
		Spec Ed Rate	10.28%	10.3%	
		Risk Ratio	1.77	1.75	
6	Increase Placement of Students with Specific Learning Disabilities (SLD) and Speech and Language Impairment (SLI) in the Least Restrictive Environment		73.7%*	73%	Yes 6/30/06
7	Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment		46.7%	52%	No
8a	Increase Home School Placement: SLI/SLD		94.3%	92.9%	No
8b	Increase Home School Placement: All Other Disabilities	Grade K	58.1%	65%	
		Grade 6	62.1%	65%	
		Grade 9	53.1%	60%	
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	54.8%	62.0%	
		Grades 7-8	55.3%	55.2%	
		Grades 10-PG	37.5%	36.4%	
9	Individual Transition Plan in IEP (14 years and above)		99.8%*	98%	Yes 6/30/06
10	Timely Completion of Initial Special Education Evaluations	60 Days	91%	90%	No
		75 Days	95%	95%	
		90 Days	97%	98%	
11	Response Time to Parent Complaints	5 Days	54%*	25%	Yes 6/30/06
		10 Days	82%*	50%	
		20 Days	97%*	75%	
		30 Days	99.9%*	90%	
12	Informal Dispute Resolution Prior to Formal Due Process (within 20 days)		77%*	60%	Yes 6/30/06

Current Summary of Final Determination of the Modified Consent Decree Outcomes

#	Outcome		Status	Outcome Target	Outcome Met
13a	Delivery of Special Education Services	SLD Only	74%	93%	No
		Other Disabilities	87%	93%	
13b	Delivery of Special Education Services	Frequency (# of times)	73%	85%	
		Duration (length)	70%	85%	
14a	Increased Parent Participation (Attendance at IEP Meetings)	Attendance	80%	75%	No
14b	Increased Parent Participation (Attempts to convince parent to attend IEP)	Sufficient Attempts	84%	95%	
15	Timely Completion of IEP Translations	30 Days	96%	85%	Yes 6/30/07
		45 Days	99%	95%	
		60 Days	99%	98%	
16	Increase in Qualified Special Education Teachers (Reduction in disparity with Gen Ed)	Difference	12.2%	3.4%	No
17	IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students	Autism	61%*	40%	Yes 6/30/06
		ED	97%*	72%	
18	Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed	% Meeting Criteria	50.5%	90%	No

* Data from June 30, 2006