

Office of the Independent Monitor

Modified Consent Decree
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January 14, 2008

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

David Brewer III
Superintendent of Schools
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017

Re: Report on the Progress and Effectiveness of the Los Angeles Unified School District's Implementation of the Modified Consent Decree during the 2006-07 School Year – Part II

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 submitted on September 28, 2007 reported on the District's performance on nine outcomes and two activities. Part II, this report, will address the status of 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 outcomes:

- Outcome #2: Performance in the statewide assessment program
- Outcome #3: Graduation rate
- Outcome #4: Completion rate

A summary of the District's performance on all eighteen outcomes is presented at the end of this report (Table 1).

OUTCOME # 2: PERFORMANCE IN THE STATEWIDE ASSESSMENT PROGRAM

- ◆ **Outcome:** By June 30, 2006, the percentage of students with disabilities in Grades 2-11 participating in the California Standards Test (CST) whose scores place them in the combined rankings of Basic, Proficient and Advanced will increase to at least 27.5% in English Language Arts and at least 30.2% in Mathematics.

California Standards Test (CST) Spring 2007

School Year	Proficiency Categories	# of Special Education Students	# of Special Education Students Ranked as Basic or Above	%
2006-07	English/Language Arts	51,904	11,531	22.2%
	Mathematics	49,639	11,242	22.7%
2005-06	English/Language Arts	53,707	10,709	19.9%
	Mathematics	50,826	10,258	20.2%
2004-05	English/Language Arts	56,926	11,596	20.4%
	Mathematics	54,784	10,605	19.4%
2003-04	English/Language Arts	57,597	10,276	17.8%
	Mathematics	54,827	10,032	18.3%

- ◆ **Data Source:** 2007 STAR testing file
 - Numerator includes SWD with performance levels of "basic," "proficient," and "advanced."
 - Denominator includes SWD with performance levels of "far below basic," "below basic," "basic," "proficient," and "advanced."

- ◆ **Discussion:**
The District increased the percentage of SWD achieving Basic and above on the CST by 2.3% and 2.5% in English/Language Arts (ELA) and Mathematics, respectively (See Attachment A). While far short of the targets, it is the most significant real progress to date.

The Targeted Strategy Plan for Outcome 2 developed by the District and approved by the IM instituted an ELA supplemental instructional program (*Voyager Passport*) for SWD who were performing below basic on the CST. The District did not begin the implementation until well into the 2006-2007 school year, thus SWD received only about half of the required instruction. Further, there were issues about the fidelity of instruction in some schools.

After a review of two analyses of the effectiveness of the instructional program it is premature to make any conclusions on its effectiveness. A review of the analysis conducted by the *Voyager* Research Department¹ found the following:

In the 2005-2006 CST administration 4,259 students who participated in *Voyager Passport* (as measured by the presence of Initial and Final fluency scores described below in Oral Reading Fluency section) had CST scores with 3.5% of those scores falling in the Basic, Proficient, or Advanced performance levels. In the 2006-2007 CST data file, 10.9% of the 4,836 students who participated in *Voyager Passport* based on the same criteria mentioned above obtained scale scores on the CST that fall in the Basic, Proficient or Advanced performance levels (p.1).

¹ California Standards Test from 2006 through 2007 for Student who Receive Reading Intervention with Voyager Passport, December 2007

Although the aforementioned finding may indicate progress, it is difficult to determine progress as a result of the effect of the *Voyager Passport* without analyzing the progress of a group of students with similar characteristics that did not participate in the *Voyager Passport* program. This analysis was conducted by Dr. Pete Goldschmidt (See Attachment B) and found that students that participated in the *Voyager Passport* program performed an average of 13-16 scale score points below SWD not participating in the *Voyager Passport* program. His analysis also found that there was "a significant variation among school's in the program's impact".

The District has fully implemented *Voyager Passport* this year and will be in a better position to have its effectiveness evaluated after the SWD take the 2007-2008 CST.

Lastly, it is important to acknowledge and commend the Superintendent and District on the inclusion and commitment outlined for improving the academic performance of students with disabilities in the Superintendent's Strategic Plan².

- ◆ **Determination:** The District did not meet this outcome by June 30, 2007.

² Superintendent's Strategic Plan for High Priority Schools, December 10, 2007

OUTCOME # 3: GRADUATION RATE

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

Graduation with Diploma

School Year	Number of 12 grade Special Education Students	Number Receiving Diplomas	% Receiving Diplomas
2006-07	3,839	1,720	44.80%
2005-06	3,876	1,635	42.18%
2004-05	3,996*	1,974*	49.40%*
2003-04	4,498	Data not available	Data not available

Source: *District Reported

- ◆ **Data Source:** SIS/Welligent/Student Roster
 - Numerator includes grade 12 SWD receiving a diploma or passing the High School Proficiency Exam/GED for the 2006-07 school year.
 - Denominator includes all grade 12 SWD enrolled December 1, 2006 excluding SWD who have left LAUSD to another California public school (L³), California nonpublic school (L⁴) or school outside of California (L⁵) after December 1, 2006.

- ◆ **Discussion**
 This outcome aims to increase the number of SWD graduating with a high school diploma to no less than 46.32%. Due to difficulties with the accuracy of the District's graduation data, the parties agreed to measure the graduation rate of SWD in the LAUSD by first obtaining a fixed count of students identified as 12th graders receiving special education services in order to "track" whether these students graduated with a diploma. A December 1, 2006³ count was obtained from a combination of the District's data systems, to ensure capturing all 12th grade SWD enrolled. To verify the graduation rates of SWD, the Research and Evaluation (RE), previously known as Program Evaluation and Research Branch (PERB), provided schools a list of their SWD that were enrolled as of December 1, 2006, and required schools to verify whether the student had graduated with a diploma. Schools were instructed to identify graduation and enrollment status of the each student by indicating whether a student had completed the requirements of a diploma, received a letter of recommendation, dropped out, did not graduate but continued to be enrolled, and/or transferred to another district school, out of a district school or non-public school. Based on the data reported by District schools during the 2006-2007 school year, 44.20% of SWD graduated with a diploma.

During October 2007, the Office of the Independent Monitor (OIM) conducted a study (See Attachment C) to validate the accuracy of the District's graduation data for the entire population of 12th grade students with disabilities. This validation study consists of visiting all of the District's schools that reported graduation data for SWD enrolled on December 1, 2006, and reviewing various sources of data used by schools for reporting graduation data. This includes reviewing: student transcripts in the SIS and cumulative files, various data fields within the SIS, and counselor/administrator records used for tracking student's graduation requirements and issuance of a diploma.

³ A December 1, 2006 student count was selected for the following reasons: This count coincides with the Title I student count required by federal law; the CASEMIS count of students with disabilities required by the State of California; maximizes the number of students enrolled; and, attempts to avoid capturing SWD promoted to 12th grade after the 2nd semester, as these students would not have sufficient time to graduate during the 2006-2007 school year.

The graduation validation study had two primary goals. The first was to determine the actual graduation rate of SWD within the District by conducting site verification of student outcomes; the second was to identify sources of error associated with the data as reported by schools. It is important to note that charter schools were reported as a separate local district during the 2006-2007 school year. Students with disabilities attending charter schools represent 2.6% of the entire population of SWD (100 students) with the majority of students with an eligibility of learning disability (85%) thereby comparisons should be made with caution.

Overall, errors were observed within the graduation data as reported by schools. However, these errors had minimal impact on the overall graduation rate with schools reporting 44.2% of SWD graduating with a diploma, and the actual graduation rate obtained by the OIM validation study was 44.80%. Despite this minor increase in the graduation rate for SWD, the District does not meet the required target for Outcome 3 of 46.32%. The District needed an additional 58 students to graduate with a diploma to meet the required target.

Overall, the quality of the graduation data continues to improve since the 2005-2006 school year due to the requirements and increased documentation of the Chapman Exemption which allowed students with disabilities to apply for a waiver to graduate with a diploma if they did not pass the California High School Exit Exam (CAHSEE), the implementation of year end codes and clarification of data entry for SIS leave codes, and the ongoing tracking and collection of graduation data of SWD. Another factor that may have contributed to the improvement in the quality of data is the role of the diploma track coordinator.

To further improve the quality of its graduation data, the District needs to improve the mechanisms for tracking students who transfer to another LAUSD school, including adult and alternative schools. Often, students close to meeting the graduation requirements transfer to adult or alternative schools to make up the required courses necessary to graduate. During the 2006-2007 school year, there were a total of 155 instances of student transfers where student enrollment and/or graduation information was not provided by the adult or alternative schools. These students are thereby considered unknowns or drop outs. It may be reasonably assumed that some of these students either continue to be enrolled and or met the graduation requirements, therefore, an improvement in the tracking of students who transfer may potentially improve the graduation rate and completion of SWD from school.

One positive finding observed during the 2006-2007 school year is related to the impact of the diploma recovery project. Although this verification study did not systematically collect data on students that graduated as a benefit from these efforts, in some instances it was noted that students that had graduated during the 2006-2007 school year, were students from previous graduation classes such as 2005-2006. To highlight these positive benefits of such efforts an example is included observed at a comprehensive high school. During the 2005-2006 school year, this school reported a class of students with disabilities of 38, with 16 of those students (44.4%) having graduated with a diploma. During the 2006-2007 school year, this school saw an increase in the total number of 12th grade students with disabilities to 59, and graduated 35 with a diploma (59.32%). Furthermore, the review found several cases at this school where students that had dropped out previously returned and completed their graduation requirements. The District should be commended for these efforts.

- ◆ **Determination:** The District did not meet this outcome by June 30, 2007.

OUTCOME # 4: COMPLETION RATE

- ◆ **Outcome:** The District's completion rate shall increase based on an increase in the number of students who graduate with a diploma, receive a certificate of completion, or age out, as compared to the total number of students with disabilities who graduate with a diploma, receive a certificate of completion, age out, or drop out (grades 7-12).

Completion Rate

School Year	Number of Special Education Students Receiving Diplomas	Number of Special Education Students Receiving Certificates of Completion	Number of Special Education Students Who Aged Out	Number of Special Education Students Grade 7-12 that Dropped Out	% of Completion
2006-07	1,720	419	9	1,354	61.3%
2005-06	1,636	364	11	988	67.1%
2004-05	1,974*	350*	177*	778*	76.3%*
2003-04	Data not available	Data not available	Data not available	Data not available	Data not available

Source: *District Reported

- ◆ **Data Source:** SIS/Welligent/Student Roster
 - Numerator includes SWD with diplomas (from Outcome 3) plus students with Certificates of Completion or aging out.
 - Denominator includes all SWD in the numerator plus students grades 7 through 12 dropping out the 2006-07 school year.

- ◆ **Discussion**

This outcome aims to increase the number of students with disabilities that complete high school with a diploma, receive a certificate of completion or age out. The outcome aims to reduce the number of students that drop out in grades 7-12. It is important to note that although this outcome was negotiated during the 2002-2003 school year it was during the 2004-2005 school year the Program Evaluation and Research Branch (PERB) collected graduation and completion data (See Attachment D) from schools and reported a completion percentage of 76.3%. This performance was the baseline used for determining progress with Outcome 4. Since this outcome does not have a specific numeric target that the District must meet, the District's performance is measured by an increase in the rate of SWD that graduate with a diploma, receive a certificate of completion, or age out.

As noted in the table above, the District has shown a decrease in the completion rate of students for disabilities since the 2004-2005 school year. This may be attributed to one primary factor, the improvement in the quality of graduation and drop out data. As the District continues to improve the quality of data in this area it appears that the baseline identified by PERB during the 2004-2005 school year was an over estimation of SWD completion. The increase in the number of students who drop out from year to year may also be an indicator of the improved quality of data for students with disabilities who drop out. However, since the number of students who drop out reported for Outcome 4 include students in grades 7-12, not all drop outs were verified as part of the validation study for Outcome 3. Therefore, it may be assumed that as the District continues to improve the quality of its data in the area of drop out, the performance levels for SWD completions may continue to show a decrease as it is more likely that the current rate is an under estimation of student drop out rather than over estimation.

During the 2006-2007 school year, the District did not demonstrate an increase in the rate of students completing high school, therefore the District did not meet the requirements of this outcome as mandated by the MCD.

- ◆ **Determination:** The District did not meet this outcome by June 30, 2007.

CONCLUSION

The IM assumes that the District and Plaintiffs, who developed the MCD, believed that the eighteen outcomes could be achieved by June 30, 2006. In last year's report the IM determined that the District had met six of the outcomes. Of the three outcomes discussed in this Report the District has not met any of them. To date the District has met a total of seven outcomes. Of the remaining eleven 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. 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.

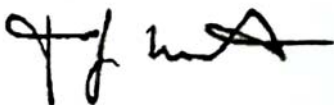
◆ ACKNOWLEDGEMENTS

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, Roger O'Leary-Archer, Thomas Hehir

Summary of Final Determination of the Modified Consent Decree Outcomes

Table 1

#	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	22.2%	27.5%	No
		Math	22.7%	30.2%	
3	Increase Graduation Rate		44.80%	46.32%	No
4	Increase Completion Rate/Reduce Drop Out		61.3%	76.3%	No
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

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