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Modified Consent Decree  
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October 1, 2008

David Brewer III  
Superintendent of Schools  
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333 S. Beaudry Avenue, 24<sup>th</sup> Floor  
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Honorable Board of Education  
Los Angeles Unified School District  
333 S. Beaudry Avenue  
Los Angeles, CA 90017

**Re: Report on the Progress and Effectiveness of the Los Angeles Unified School District's Implementation of the Modified Consent Decree during the 2007-2008 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. The MCD has three primary sets of requirements the Los Angeles Unified School District (District) must meet. The first is eighteen performance based outcomes pertaining to students with disabilities (SWD) receiving special education services. Prior to this report the District had met the requirements of eight of the outcomes. The second set of requirements pertains to making District schools accessible to individuals with disabilities. The third concerns the development of the Integrated Student Information System (ISIS).

This year the IM has chosen to submit the report in two parts. Part I, this report, will address the status of the District's performance on seven outcomes and accessible schools for which data was available by the end of June. Part II, expected in January 2009, will report on the District's performance on the remaining three outcomes, ISIS and personnel accountability.

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

During this past year, the parties and the Office of the Independent Monitor (OIM) worked constructively to modify outcomes to account for changes in State policy or problems in the construction of an outcome. On April 28, 2008, the IM approved a change in Outcome 3 pertaining to graduation rate to account for the new State requirement that SWD must pass the California High School Exit Exam in order to graduate with a diploma. On September 16, 2008, the IM approved the following outcome changes:

- Outcome 5: Suspensions, replaces the three outcome measures into a single outcome measure that reduces the risk of suspension for students with disabilities to a rate lower than 8.6%.
- Outcome 7: Placement of students with disabilities (ages 6-18) with all other disabilities creates a two part outcome targeted on students with the most severe disabilities.
- Outcome 8: Home School, agreed that this outcome is met.
- Outcome 16: Qualified Providers, requires that 88% of District special education teachers are credentialed, and maintain that performance at the time of disengagement.

These modifications are a result of the good faith negotiations between both parties with the facilitation of Dr. Thomas Hehir. They represent an acknowledgement of the District's progress and a commitment to outcomes that are achievable by the District. The parties are to be commended for these good faith efforts.

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 #16: Increase in qualified providers
- Outcome #18: African-American students identified as emotionally disturbed
- School Accessibility (Facilities)

It also reports on the following:

- Making Schools Accessible
- Annual Hearing
- Data Systems

**OUTCOME # 5: REDUCTION OF SUSPENSIONS**

- ◆ **Outcome:** The District will reduce the risk of suspension for the population of students with disabilities to a rate lower than 8.6%.

Percent of Students with Disabilities Suspended

School Year	Special Education Students Enrollment	# of Special Education Students Suspended	% of Special Education Students Suspended
2007-08	71,965	6,428	8.93%
2006-07	74,346	7,638	10.28%
2005-06	75,380	8,644	11.47%
2004-05	76,059	10,741	14.12%
2003-04	75,943	9,671	12.73%

- ◆ **Data Source:** SIS/Welligent
  - Numerator is SWD ages 5-22 suspended.
  - Denominator is all SWD ages 5-22 enrolled on 12/1/2007.
- ◆ **Discussion:** This outcome requires the District to reduce the overall number of suspensions of SWD to a rate lower than 8.6%.

During the 2007-2008 school year, the District continued to demonstrate progress in decreasing the number of out-of-school suspensions for SWD. It should be noted that the District reduced the number of SWD suspended by 1,210 and missed the target by 0.3% or 237 students. Since the 2003-2004 school year, the District has decreased the number of SWD suspended for at least one day by 33.5%. These efforts are commendable and present evidence of the District's ability to create and sustain change. Furthermore, this progress has benefited SWD toward better accessing their educational program while promoting the implementation of the District's school-wide discipline program which benefits all students.

During the 2007-2008 school year, the OIM conducted a validation study to measure the accuracy of the District's suspension data (See Appendix A). The study found high levels of agreement (96%) within the suspension data for students with disabilities in the following areas: date of suspension; number of days suspended; and reason for suspensions. It is important to note that this level of accuracy may be due to the primary utilization of the Student Information System (SIS) for maintaining suspension data. In addition, these data are entered and maintained in one field, thereby promoting higher levels of accuracy. The minimal discrepancies within the suspension data found within the study appear to be from non-connected school sites or selected charter schools that rely on separate data systems. These non-connected sites provide data to the District via student lists, where the information is then transferred into a separate database. Overall, the District's suspension data from the SIS system appears to be accurate and reliable for determining the District's progress with Outcome 5.

Past annual reports have included information regarding high suspending schools as these schools are large contributors to the rate of suspensions. During the 2007-2008 school year, an examination of the 50 high suspending schools (See Appendix B) demonstrated an overall decrease in the range of the rates of suspensions (16.4% - 43.5%) compared to that observed during the 2006-2007 school year (19.7% - 48.9%). If the District continues to target interventions to focus on high suspending

schools and schools that observed significant increases in suspensions of SWD during the 2007-2008 school year, it should meet this outcome this school year.

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

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

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

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

School Year	Total # of Students	# of Students 40% or more	% of Students 40% or more
2007-08	15,131	7,106	46.96%
2006-07	14,328	5,433	37.92%
2005-06	14,147	4,133	29.21%

- ◆ **Data Source:** Welligent. Students with an eligibility other than SLI/SLD/OHI ages 6 to 18
  - Numerator is the number of all other disabilities placed in the combined categories of 0-20% and 21-60% in a special education setting.
  - Denominator is the number of all other disabilities.
  - 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 and 2007-2008 data are the most reliable data and presents the most accurate description of the District's performance.
- ◆ **Discussion:** The new Outcome 7A requires the District to increase the percentage of students with disabilities (Ages 6-18) with eligibilities other than specific learning disabilities (SLD) speech language impairments (SLI) and other health impairments (OHI) placed in the general education setting for 40% or more of the day to 51%. During the 2007-2008 school year, 46.96% of students with all other eligibilities were placed in the general education classroom for 40% or more of the day.

It is important to note that the data presented for Outcome 7A were modified for the 2007-2008 school year. Although the outcome remains similar in format, it is significantly different since it now excludes all students with a primary eligibility of OHI and all students ages 19-22 as per the modification agreed to by the parties and approved by the IM.

During the 2007-2008 school year, the OIM conducted a study to validate the accuracy of LRE data for students with all other disabilities (See Appendix C). Overall, the study found improvements in the District's LRE data from the 2006-2007 school year. Although the data continue to contain some errors in the reporting categories, the majority of these errors have a minimal effect on the percentage of students in each time category. Therefore, the data are reliable for making a determination for this outcome.

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

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

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

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

School Year	Total # of Students	# of Students 40% or more	% of Students 40% or more
2007-08	1,107	114	10.30%
2006-07	1,114	72	6.46%
2005-06	1,124	52	4.63%

- ◆ **Data Source:** Welligent. Students with a eligibility of MDO ages 6 to 18
  - Numerator is the number of MDO students placed in the combined categories of 0-20% and 21-60% in a special education setting.
  - Denominator is the number of MDO students.
- ◆ **Discussion:** The new outcome 7B requires the District to increase the percentage of students with multiple disabilities orthopedic (MDO) (Ages 6-18) placed in the general education setting for 40% or more of the instructional day to 23%. During the 2007-2008 school year, 10.30% of students with the eligibility of MDO were placed in the general education classroom for 40% or more of the day. The 2008-2009 validation study will modify the sample design to specifically sample students with an eligibility of MDO.
- ◆ **Determination:** Outcome 7B 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
2007-08	54,308	50,334	92.68%
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 - SWD 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 and 2007-2008 data are the most reliable data and present 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%)			
2007-08	1,846	1,091	59.10%
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%)			
2007-08	1,849	1,202	65.01%
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%)			
2007-08	2,177	1,307	60.04%
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 - SWD 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 and 2007-2008 data are the most reliable data and present 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 within 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%)			
2007-08	9,452	5,553	58.75%
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%)			
2007-08	3,731	2,249	60.28%
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%)			
2007-08	5,368	2,224	41.43%
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 - SWD 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 an 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 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 and 2007-2008 data are the most reliable data and present 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/SLI attending their home school and requires that the District maintain a level above 92.9%. During the 2007-2008 school year, 92.7% 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 2007-2008 school year, the District had 59.10% of kindergarten students, 65.01% of sixth grade students and 60.04% of ninth grade students with all other disabilities attend their home school. The District met the targets for grades 6 and 9 and made improvement with kindergarten students.

The third part of the outcome requires 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 2007-2008 school year, the District had 58.75% of students with all other disabilities in grades 1-5, 60.28% of students in grades 7-8, and 41.43% of students in grades 10 and above attending their home schools.

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

During the 2007-2008 school year, the OIM conducted a validation study to verify the accuracy of the permit data and all other home school information (See Appendix D). The MCD defines a student's home school as "any school a student with disabilities may attend if the student were not disabled". The study was designed to validate both the accuracy of the District's home school data to determine whether SWD are enrolled at their home school, and if the reason for attending their school was for purposes of meeting their individual needs related to their disability. It is important to note that home school data are derived from a combination of District's data systems and data fields, including: Welligent IEP system (page one); Student Information System (enrollment and permit fields); and, the Special Education Transportation Data System. Although it is important to utilize and review all sources of data that maintains enrollment information, multiple sources are likely to increase the possibility for discrepancies within the data. The validation study reviewed multiple data sources including information provided by school personnel.

In determining whether a SWD is attending a non-home school placement for reasons related to their disability, the OIM and District agreed to the following criteria: non-public school placement; special education center placements; special education assignments or placements at District's schools for the purpose of accessing a specific class or program otherwise not offered at their home school; and non-voluntary discipline assignments referred to as opportunity transfers.

The study found inaccuracies within the District's home school data; however, many of these discrepancies appear to be attributed to factors unrelated to the student's disability. This means that although the study identified students with disabilities not attending their home schools as determined by District boundaries, in many cases they were not attending that school for purposes of access to a specific special education program or service. In many cases, schools would confirm that a student was not attending their home school, but were not certain as to the reason why the student was attending that school. Upon further inquiry, in many cases it was determined a child's address had changed resulting in a different home school as determined by boundary areas. These changes were either unknown to school personnel or were known but students were granted informal permission to remain at that school without the required documentation or update within the District's data system. In some cases new schools had opened or were set to open changing the boundary area of the student's address resulting in the student no longer attending their home school. These circumstances are not considered related to the student's disability and similar to those experienced by students without disabilities.

Another common source of error was related to out-of-date home school information from page one of the IEP. Page one of the IEP maintains information of the student's school placement at the time of the IEP and may not reflect the recommended placement made by the IEP team and/or current placement. In some instances, page one of the IEP maintained inaccurate information related to the reason for the student attending that school. This may be due to a limitation of choices offered on page one of the IEP, as well as the lack of edits to prevent the inaccurate selection of the reason for attending that school.

Overall, despite the discrepancies found for students attending a school for reasons related to their disability, the data are fairly reliable for determining progress with Outcome 8. It is important to reiterate the multiple factors that may be associated with these discrepancies such as: multiple data systems that maintain enrollment information; high rates of student mobility; variations in practices at school sites for maintaining and updating enrollment data; the opening of new schools resulting in the restructuring of home school boundaries; and, limitations for documenting reasons for attending a school within the District's Welligent data system. These factors present considerable challenges to an organization with the size and breadth of the LAUSD in maintaining accurate and up to date enrollment data. Despite these challenges, the District would benefit from improving the consistency for maintaining and updating enrollment information by school site personnel, as well as the application of the various enrollment permits offered by the District through a formal process as mandated by District policy.

- ◆ **Determination:** Outcome 8 was met by agreement of the parties.

## 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)	
		#	%	#	%	#	%	#	%
2007-08	15,874	14,345	90%	15,229	96%	15,523	98%	351	2%
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 6/30/2008.
  
- ◆ **Discussion:** This outcome requires the District to complete an initial evaluation within the timelines required by law<sup>1</sup>. The District is to complete 90% of all initial evaluations and hold an IEP within 60 days. During the 2007-2008 school year, the District completed 90% of the initial evaluations within the 60 day timeframe, 96% within the 75 day timeline and 98% within the 90 day timeframe, based on data from the District's Welligent system.

During the 2007-2008 school year, the OIM conducted a study to validate the accuracy of the District's timely evaluation data (See Appendix E). The study was designed to determine if the Welligent system is accurately counting the days required to complete initial evaluations, and whether it reports those days within the timeframe categories associated with the MCD (i.e., 0-60 days; 61-75 days; 76-90 days; Over 90 days).

Overall, the Welligent IEP system is reliable for determining the number of days required to complete an initial assessment and for accurately reporting timeline categories. The study found some discrepancies between the Welligent data reported and the OIM count, however, upon further inquiry many of these discrepancies were reconciled. The study found four types of IEPs that yielded the most discrepancies which include: pre-school students under the age of 3; pre-school students ages 3 to 5; students that may have changed tracks or schools after an assessment plan was signed and received by the school; and dates of receipt of an assessment plan found at the school site that differed with that entered into the Welligent system. The first three types of discrepancies are a result

<sup>1</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.

of limitations of the OIM study and/or different timeline requirements for pre-school students. The limitations within the OIM study refer to the missing information regarding changes in school track obtained and reviewed by the OIM. Recognizing this limitation, the OIM requested Welligent reports that provide a detailed account of the days counted for determining the timeliness of the evaluation, which also included information on track changes that may have occurred during the assessment timeline. This allowed for a more precise verification of the data and resulted in a reconciliation of many cases where discrepancies were observed.

For pre-school students, the majority of the discrepancies observed existed from the different requirements for determining timeliness of an evaluation. For example, pre-school students under the age of 3 are required to have an initial evaluation completed and IEP held by their 3<sup>rd</sup> birthday. In many instances, the assessment plan was provided to the parent and returned to the school up to 6 months prior to the child's 3<sup>rd</sup> birthday. In these cases, the Welligent counted the number of days between the assessment plan and the IEP date resulting in a count that did not coincide with the time category. For instance, a student whose assessment plan was received 4 months prior to their 3<sup>rd</sup> birthday and an IEP was held on their 3<sup>rd</sup> birthday may show within the Welligent that the evaluation took 120 days to complete. The Welligent will consider this same example within the 60 day timeline because it was completed before or on the child's 3<sup>rd</sup> birthday, as required by law.

For pre-school students between the age of 3 to 5, on many occasions, schools and providers have limited access to the child because the child is not yet in school. Therefore, in these cases, notations existed within the Welligent system that explained that an extension had been requested and granted by the parent due to the limited access to the child. These cases were then verified by the OIM.

Lastly, school site visits found a small number of cases where the date of the receipt of the assessment plan observed at the school site (hardcopy) differed from the date reported within the data system. In some cases, this resulted in the changing of a timeline category.

Overall, improvements are noted within the Welligent IEP system's ability to maintain and determine the timeliness of evaluations. One main difference from the data observed during the 2006-2007 school year, is that the Welligent system was re-programmed to count days that maintain a one-to-one correspondence with the timeline categories. This facilitated the validation of the data regarding the number of days required to complete the evaluation and the corresponding timeline category. In addition, the Welligent program appears to be accurately capturing changes in tracks, extended vacation periods and parental requests for extensions. Therefore, the Welligent system appears to be accurately maintaining and reporting information on the timeliness of initial evaluations.

Four years ago, one third of initial evaluations and IEP meetings were not held on time. The District now meets legal requirements 90% of the time. This is a significant achievement for which the District is commended.

- ◆ **Determination:** Outcome 10 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*
2007-08	92.0%	*N/A	93.0%	*N/A
2006-07	86.6%	*N/A	74.0%	*N/A
2005-06	84.8%	86.4%	79.4%	85.0%
2004-05	93.2%	77.2%	72.8%	79.0%
2003-04	63.7%	85.6%	33.8%	92.6%

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

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

Frequency and Duration of Services

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

- ◆ **Data Source:** Services Study
  - Research and Planning Division and American Institutes for Research (AIR).
- ◆ **Discussion:** During the 2007-2008 school year, the District's Research and Planning Division (formerly PERB) and the American Institute for Research (AIR) conducted the fifth year of the study to measure the delivery

of service provision for students with disabilities (See Appendix F). This is a continuation of the study and the results are found to be reliable for making a determination for compliance with the outcome. It is important to note that in the past years, AIR conducted a validation of the Research and Planning Division's findings. In 2007-2008, the methodology was modified and contains a validation of the data by the Research and Planning Division.

During the 2007-2008, the District made considerable progress in increasing the number of Welligent logs for RSP providers. Based on the study, the District is at or near the target level (93%) for demonstrating evidence of service for both disability type categories: students with specific learning disabilities (93%), and students that have a disability in all other categories (92%).

The District's performance for meeting the targets for frequency (76%) and duration (72%) continue to fall below the 85% target required by Outcome 13. These performance levels appear to be affected by the incomplete and or inaccurate documentation of the Welligent logs. Although, the data suggests that the District has made progress in the number of students receiving services, continued efforts must be made to increase the quality and accuracy of the documentation.

This is further supported by the findings of the observation component of the study. The study found adequate levels (78%) of matches between the service provided and what was documented in the Welligent logs. For services observed as completed during the site visit, the agreement between the event and what was reported in the Welligent log was 91%. For cases where services were observed, the study found that 8% of services observed as provided did not have a log demonstrating evidence of that services, while 10% recorded a duration lower than that observed. While the study also found cases of over reporting, improving the accuracy of entering frequency and duration will ensure the continued progress toward the targets of Outcome 13. Furthermore, the study found that the documentation was less consistent for instances observed when a service was not provided for reasons such as a student absence (which for the purpose of the study is considered a met service), therefore the lack of this documentation resulted in that service being counted as not met and as not accurately reported within the Welligent log.

While the District continues to make progress toward meeting the targets of Outcome 13, much more needs to be done. In last year's report the IM reminded the District that failure to provide the services specified in IEPs constitutes substantial noncompliance with Federal and State law. In this regard the District was directed to aggressively address the following problems: the inadequate supply of speech and language pathologists; ensuring that all service providers enter their logs electronically; and, ensuring that school principals are held accountable for ensuring that students receive the services specified in their IEPs. Although the District has made significant progress in providing some services, the progress in meeting the targets for frequency and duration improved at a rate slower than previous years. The continuing shortage of speech language pathologists is a significant constraint on the District's progress. While there was substantial improvement in the number of service providers who maintained electronic logs, the IM is concerned about accuracy. It is expected that the District will address these issues in their proposed targeted strategy plan.

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

**OUTCOME # 16: INCREASE IN QUALIFIED PROVIDERS**

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

Qualified Providers

School Year	Qualified Special Education Teachers*	% Qualified Special Education Teachers
2007-08*	3,748	87.9%
2006-07	3,484	83.2%
2005-06	3,342	80.0%
2004-05	3,063	72.3%
2003-04	3,480	70.6%

\* 7/15/08 Data

- ◆ **Data Source:** Human Resources/Personnel Research 7-15-08. Classroom teachers make up the data set.
  - Numerator is the number of qualified special education teachers.
  - Denominator is the number of special education teachers.
  
- ◆ **Discussion:** This outcome now requires the District to increase the percent of fully credentialed special education teachers to 88% and maintain that level. On July 15, 2008, 87.9% of the District's special education teachers were fully credentialed. The District will be disengaged from this outcome only after all other outcomes are met and the District has achieved and maintained at least the 88% level.
  
- ◆ **Determination:** Outcome 16 met. The District will not be disengaged from this outcome until all other outcomes are met and the 88% rate is maintained.

**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
2007-08	African American	181	127	70.2%
	Latino	200	156	78.0%
	White	128	110	85.9%
	Total	509	393	77.2%
2006-07	African American	190	96	50.5%
	Latino	262	145	55.3%
	White	145	75	51.7%
	Total	597	316	52.9%
2005-06	African American	174	44	25.3%
	Latino	206	73	35.4%
	White	105	35	33.3%
	Total	485	152	31.3%
2004-05	African American	73	2	2.7%
	Latino	119	3	2.5%
	White	45	4	8.8%
	Total	237	9	3.8%

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

The District continues to demonstrate good progress in the ability to provide comprehensive evaluations to all students identified with an emotional disturbance (See Appendix G). These improvements have resulted in a continued decrease in the overall number of students identified as ED. During the 2007-2008, the District had a decrease in the number of students identified as ED of 250 students of which 107 were African American students. This pattern of declining ED identifications has been consistent across all race/ethnic groups and suggests that the implementation of the policy is being applied universally and limiting any potential unintended consequences.

Furthermore, the District continues to show a decrease in the number (-82) and percentage (-5.0%) of all students identified with ED placed in non-public schools. Although this pattern is positive, it is important that the District continue to develop its capacity to provide and deliver effective programs and supports at general education campuses for students identified as ED.

During the 2007-2008 school year, the OIM conducted a study to measure the District's performance for Outcome 18. The study found that 70.2% of African American students received a comprehensive evaluation as defined by Outcome 18, falling below the 90% target. A further examination of all students that did not receive a comprehensive evaluation (n=116, 23%) found that the majority (60%) of students were missing one item. In addition, the review found that 60% of the students that did not receive a comprehensive evaluation attended a non-public school. The review found that the majority of students that did not receive a comprehensive evaluation were missing at least one component of the multidisciplinary assessment (e.g., health) and/or the parent did not participate (attendance or by telephone) at the IEP meeting.

For African American students, 54 students did not receive a comprehensive evaluation. Of these students that did not meet the criteria: 34 (63%) were missing one item; 11 (20%) were missing two items; and 9 (17%) were missing three or more items. Of these 54 students, 35 students attended non-public schools.

Overall, the District must be commended for the efforts to improve the referral and identification process for students identified as ED. It is evident by the consistent progress observed across all race/ethnicities that the intervention has been applied uniformly and a result of concerted efforts from various personnel and roles associated with the referral and identification process. Furthermore, the progress observed from Outcome 18 demonstrates the District's capacity to move forward a systemic intervention through professional development and available technological resources such as the Welligent system to improve practice that benefits students and families. Lastly, it is important to note that although the focus of the study is not to review the quality of assessments, anecdotally, considerable improvements have been noted in the quality of both assessments and IEPs for students identified as ED since the 2003-2004 school year.

As the District moves toward progress with the 90% target of Outcome 18, it is recommended that an emphasis be placed on assisting schools to improve parental participation at the IEP meeting through phone conferences or alternative means, when a parent is unavailable to attend. The District should continue to focus targeted strategies for improving the compliance rates of students attending non-public schools.

- ◆ **Determination:** Outcome 18 not met.

## MAKING SCHOOLS ACCESSIBLE

### *Introduction*

Section 10 of the MCD requires that:

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

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

During the 2006-2007 school year, the OIM conducted a verification audit of the District's obligations under Section 10 of the MCD. The verification audit consisted of a desk audit of 68 projects and found many inaccuracies within the MCD tracking log and incomplete documentation of evidence of the expenditures and work requested for credit for projects associated with both the \$67.5M and \$20M requirements of the MCD. The verification audit also included site inspections of a sample of projects from the \$67.5M and \$20M programs, and new schools to determine if work completed met compliance with accessibility standards. A total of 19 projects were inspected and found non-compliant work at both existing and new schools<sup>2</sup>.

As a result of the 2006-2007 verification audit, the District was directed to employ or contract for an individual to oversee the District's obligations with section 10 of the MCD. In addition, the District was instructed that any work submitted to the IM for review required prior approval by this expert, and was to include only work deemed compliant with ADA and Section 504 standards with the required documentation necessary to approve credit for projects associated with the 67.5M and 20M obligations of the MCD. In regards to new schools, the District and plaintiffs entered into a stipulation that required the District to carry out inspections at fifty-four recently opened and/or schools slated to open for the 2008-2009 school year (See Appendix H). These surveys were to be conducted by independent inspectors and provide a report of non-compliant findings and an action plan outlining the process for correcting non-compliant work. On July 31, 2007, the District provided a report that addressed the 2006-2007 verification audit, which agreed with the majority of the non-compliant findings of the OIM review and agreed to all of the IM's recommendations<sup>3</sup>.

This report will summarize the progress of the District toward meeting the requirements of Section 10: Facilities for the 2007-2008 school year. During this year, the IM made two determinations regarding the allowance of credit for the fire alarm upgrade program and indirect costs. In addition, the District submitted eight binders for credit for projects associated with both the 67.5M and 20M MCD obligations. Upon review of the documents submitted and subsequent site inspections, the IM was unable to approve any credit toward either the 67.5M or 20M projects. Lastly, the OIM conducted four site reviews of new schools surveyed by the independent inspectors.

### *Fire Alarms and Indirect Costs*

Several decisions were made related to costs associated with upgrades to the fire alarms and rate of indirect costs. The issue of fire alarms came to the forefront by the District's inclusion of fire alarm upgrade work of approximately 67M in the District's repair and renovations existing facilities tracking log. Since these were school wide upgrades of the fire alarm systems, the question arose as to how much cost credit should be applied to meeting accessibility requirements. After extensive discussions and communications, the IM on January 29, 2008 determined that the District will be granted credit of \$100 specifically for each strobe light installed. To clarify, this will not be granted for fire alarm upgrades that are either in the process of being installed, and/or those entered into binding commitments.

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<sup>2</sup> The report may be viewed at: [http://oimla.com/pdf/dac\\_05252007/Facilities\\_Report\\_Final\\_05282007.pdf](http://oimla.com/pdf/dac_05252007/Facilities_Report_Final_05282007.pdf)

<sup>3</sup> See J. Mehula, Response to the Independent Monitor's MCD Facilities Report, July 31, 2007

After discussions among the parties concerning indirect cost rates that could be applied by the District to projects submitted for credit under the \$67.5 and \$20 million requirements, the IM requested the District provide documentation of an approved indirect cost rate for its construction projects. On July 7, 2008 the IM approved an indirect cost rate of 13.3%.

### ***67.5M and 20M Projects***

The first project binder seeking credit was submitted twice during Fall 2007, and retracted by the District both times. The District was then instructed to focus their efforts on six "model" binders, three for each of the 67.5M and 20M projects. The District was encouraged to submit "model" binders they were confident would meet the requirements of both the documentation needed and of compliant work. These binders if approved would be the model for future submissions.

The three binders submitted for the 20M projects were improved and provided the necessary financial evidence for approval, yet some non-compliant work was noted upon the site inspections for two of the three projects. The District agreed with these findings and is in the process of correcting non-compliant work. The third project was retracted by the District as it included the expenditure for a piece of portable equipment that was neither a repair and/or renovation to a structural facility. The site inspection also found that this piece of equipment had not been at the school for over a year. The District may submit additional binders for credit.

Although some improvements were noted in the documentation related to the scope of work for the three binders submitted for credit under the 67.5M obligations, the work was overall deemed non-compliant and lacking sufficient financial documentation necessary to identify credit for the components of the projects related to access compliance. The review also noted work submitted for credit that was a partial component of the work (door handles to a bathroom, and did not include the renovated bathroom). A clarification was provided to the District on the submission of partially completed work<sup>4</sup>. As a result of this review, the District raised many questions regarding the IM's expectations of the documents requested and inspection process.

Based on the review of the three \$67.5 M binders and denial of all credit requested, the District was directed to place their efforts toward one project binder that was deemed complete and compliant, and possessed the necessary documentation for granting credit. The objective was to develop a perfect binder that would clarify the expectations for all future binders associated with projects under the 67.5M. The District selected the access compliance work at Peary Middle School. At the time of the submittal, the District indicated that this work was neither complete nor compliant despite an acknowledgement within the binder by the District's expert that this project had complete documentation and compliant work. The District opined that Peary MS would bring forth common issues that would require clarification beneficial for future projects.

As a result of these events, the IM requested a series of activities that would result in a clarification of the IM's expectations for both the content of the binders submitted and the determination of compliant work. This resulted in a number of activities and meetings with the District, including conducting a joint site inspection of Peary MS to identify areas of non-compliance and identify discrepant findings related to the application of code. A series of follow-up meetings were held to discuss the findings of the inspection and issues related to methods for conducting inspections. These agreements were included in a summary letter from the Director of Facilities and IM (See Appendix I).

### ***New Schools Surveys***

As mentioned earlier, after the 2006-2007 OIM verification audit, the parties entered into a stipulation requiring the District to contract independent inspectors and survey fifty-four new schools. To comply with the requirements of the MCD to verify the accuracy of the District's data and to ensure that all new schools meet compliance with applicable federal and state codes, four schools were reviewed to determine if the inspection process appeared to be adequately identifying compliant or non-compliant work. These reviews are not considered thorough

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<sup>4</sup> See F. Weintraub, Re: Partial Completion of Access Compliance Projects, May 13, 2008

inspections, and were spot checks or walk-through to determine if the overall process was appropriately identifying non-compliant findings.

To summarize, the process for inspecting new schools appears to be headed in the right direction. Based on the review of these four phase one schools, the general impression is that the independent inspectors are conducting thorough reviews of new sites. It should be noted that the independent inspections found non-compliance in all schools surveyed. Although our site reviews generally agreed with the findings, the inspections did find some areas of over and under identification of non-compliant findings. The inspections also found some significant non-compliant findings missed by the surveys. It is important that the District develop a process to identify over-identified items and validate the survey findings prior to developing corrective action plans. Furthermore, although it did not appear that each of the independent inspection firms utilized a uniform checklist for conducting inspections, the overall process appears consistent.

Although the IM understands that the survey process has been refined and modified since the inspection of phase one schools, it is expected that the District provide all of the necessary information, including original records of the site inspections for future site reviews of phase two and three schools. This is essential to our ability to verify the accuracy of findings.

Despite the clear evidence of potential for promoting systemic improvements in the ability to identify and correct non-compliant work, it is clear that many processes failed to permit so many new schools to open with numerous non-compliant findings. These surveys are a testament to the failure of the District and the Division of the State Architect (DSA) to ensure that schools meet compliance with applicable code. Although the District is currently addressing this issue internally, the District should expand these efforts by meeting with DSA and developing an action plan to eliminate any future oversights of non-compliant findings prior to new schools obtaining DSA approval for occupancy.

### ***Summary***

During the 2007-2008 school year, a considerable amount of time and effort was expended by both the OIM and the District in the clarification of the documentation required and methods for conducting site inspections. This resulted in an agreement detailed in the summary letter (See Appendix I). At times the District challenged the decisions made by the IM and the IM's consultants Disabilities Access Consultants (DAC) regarding access code requirements. In almost all cases the findings of the IM and DAC prevailed. This reflects the quality of work done by DAC and the confidence of the IM in their performance. The onus now lies on the District to provide all relevant information and data consistent with the agreement when submitting a binder prior to the OIM inspection, as it relates to any exceptions for completing non-compliant work. For projects submitted during the 2008-2009 school year, the District is advised to exercise judicious caution in disagreements with the IM's findings and determinations.

Lastly, it is important to point out the efforts the District is engaged in improving the overall quality and compliance of construction projects. In a letter dated August 21, 2008, the District outlines the changes that are currently being instituted within the facilities division (See Appendix J). Although, there is cause for optimism about these changes and the commitment expressed by the Superintendent and the Chief Facilities Executive, for the purpose of the MCD, the ultimate barometer of progress is the completion of compliant work and approval of credit. This consent decree places a large emphasis on the improvement and building of the District's internal capacity. These changes and actions are a step in the right direction. If implemented with serious accountability, they should enable the District to make systemic improvements and develop organizational capacity.

### ***Determination***

1. All new construction and renovation or repairs by the District shall comply with Section 504 and the American with Disabilities Act (ADA) – ***Improvement***
2. The District shall enter into binding commitments to expend at least \$67.5 million dollars on accessibility renovations or repairs to existing school sites consistent with Section 504 and ADA – ***0 credit***

3. The District shall establish a unit to address "on-demand" requests related to accessibility. The District shall expend up to \$20 million dollars for task orders related to requests for program accessibility – Unit established, model project binder approved, *0 credit*

## **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 May 5, 2008. Notices inviting persons to attend 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: a direct mailing to homes of parents of students with disabilities; district-wide distribution to all schools including charter and non-public schools; and a press release to all local media.

To facilitate attendance, a hearing was held in the morning and another in the evening. A total of forty-six persons signed in as attending in the morning and thirty-one persons in the evening. Thirty-two persons presented oral testimony, sixteen in the morning and sixteen in the evening. An additional person provided a written statement at the hearing.

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

An analysis of comments expressed at the Annual Hearing indicates that the provision of services (18%) and concerns related to the Individualized Education Program (IEP) (18%) were the most common concerns for parents. The provision of services included but was not limited to the following areas: speech and language services and additional adult assistants (AAA). Concerns regarding the IEP included: non-compliance with accommodations; non-compliance with timelines; and the lack of progress with IEP goals. Additional concerns expressed were related to: program placement (12%); home to school interactions and communication (9%); and, concerns related to hostile environments (4%).

## **DATA SYSTEMS**

The Modified Consent Decree relies on accurate data and well maintained data systems. Since the inception of the MCD, the District has engaged in substantial District-wide efforts to implement and improve its capacity to track and maintain student level data associated with both special education and non-special education indicators. The District is to be commended for the success of these efforts and more importantly, its utilization of data to make decisions and promote organizational change. As the District continues to move toward meeting the obligations of the MCD, it should further strive to improve the District's data systems to ensure accurate and timely data.

There are concerns over specific circumstances that may affect this progress and the quality of the District's data systems. The first is related to the increase in the number of schools opting to utilize non-District data systems, primarily the SIS. This includes a number of schools that are chartered or no longer under the direct line of the District's authority. These schools are considered non-connected sites and although these sites are required to utilize both the Welligent system and the Integrated Student Information System (ISIS), when operative, some have selected to forego the SIS data system. Two primary problems arise. The first is related to the accuracy of the data when maintained in more than one data system. As we have noted and observed through the validation of data for various outcomes, the utilization of more than one data system has a higher probability of error or discrepancies due to the transfer of information from one system to another. These issues may be further complicated by the utilization of different codes and data fields. The second problem is associated with time elements of the data. For instance, if schools maintain independent data systems, there may be a lag between current data and updates provided to the District. Thus, it is important that schools maintaining independent data systems are held accountable for the timely provision of data to the District.

Another concern is related to the on-going implementation of the Integrated Student Information System (ISIS). Section 11 of the MCD requires the development and implementation of ISIS, and had an original completion date of October 30, 2006. Since, extensions have been agreed upon by the parties. It is important that the District continue to make the completion of ISIS a priority and push forward with the implementation of ISIS as it will ensure the seamless maintenance and transfer of student data at all school levels, including at non-connected sites. A more thorough report on the development of ISIS will be contained in Part II of the Annual Report.

Lastly, as the District continues to make edits and changes to its current data systems it is important to consider all of the implications that these changes may bring and how it may affect the quality of the District's data. For instance, if the District conducts significant changes to the Welligent data system, this will require equally significant efforts to provide training to all its users prior to, and during the implementation of such changes. As the District continues to develop better data systems, it is important that it maintains current levels of accuracy.

## CONCLUSION

This Report has documented the District's progress in meeting two major components of the MCD. Of the eight performance based outcomes pertaining to students with disabilities, the District has met three, is close to meeting one and has made significant progress on two. The remaining two are new, as a result of a revision of the previous Outcome 7 agreed to by the parties and approved by the IM. It should be noted that the District would have probably met the previous Outcome 7. As of this date the District has met 11 outcomes (see Table A). Part II of the Annual Report will document the District's progress on three outcomes: Outcome 2: Performance in the Statewide Assessment Program; Outcome 3: Graduation Rate; and, Outcome 4: Completion Rate.

The District is to be commended for its progress toward meeting the outcomes. The progress appears to be the result of the targeted planning process that focuses research based interventions and resources on schools and students whose improved performance is essential to the District's meeting the outcome. However plans are only paper unless they are implemented, monitored and individuals who are responsible are held accountable. The IM commends Superintendent Brewer for having special education represented in his leadership team and holding District personnel accountable for the implementation of the targeted strategy plans. It is essential for progress that this continues.

The IM has noted in previous reports and in meetings with District officials that the MCD, the targeted strategy plans and District special education policies and procedures apply to all District schools. This includes schools chartered by the District and those under the Innovation Division. During this year the OIM will examine the performance of these schools and the District's oversight.

In regard to making District facilities accessible to individuals with disabilities the OIM and the District has spent a year clarifying requirements and expectations that must be implemented if the District is to meet the requirements of Section 10 of the MCD. It is the IM's belief that this process is complete and the onus is on the District to perform consistent with the requirements and expectations. There is no question that the District is engaged in renovating schools to make them more accessible and has instituted the "on-demand" program and is expending the amounts of money required by the MCD. For these two requirements the issue remains completing work in a manner that meets compliance with code and accurately documents cost. The agreements reached in this regard should enable the District to make significant progress this year.

All parties should be disappointed in the number of violations of disability access code requirements in new schools. Hopefully the new inspection processes will diminish this problem in the future. The District should also improve the process of designing new schools to ensure that designs meet accessibility requirements before construction begins.

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.

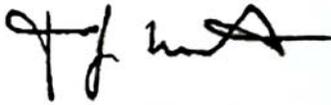
## ACKNOWLEDGEMENTS

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 stylized flourish at the end.

Frederick J. Weintraub

c: Hon. Judge Ronald Lew, Robert Myers, Catherine Blakemore, Ramon Cortines, Roberta Fesler, Donnalyn Jaque-Antón, Diane Pappas, Deneen Cox, 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	22.2%*	27.5%	To be determined
		Math	22.7%*	30.2%	
3	Increase Graduation Rate		44.80%*	46.32%	To be determined
4	Increase Completion Rate/Reduce Drop Out		61.3%*	76.3%	To be determined
5	Reduce Suspensions of Student with Disabilities		8.93%	8.6	No
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
7A	Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment		46.96%	51%	No
7B	Increase Placement of Students with the Disability of MDO in the Least Restrictive Environment		10.30%	23%	No
8a	Increase Home School Placement: SLI/SLD		92.7%	92.9%	Yes By Stipulation of the Parties 9/16/08
8b	Increase Home School Placement: All Other Disabilities	Grade K	59.1%	65%	
		Grade 6	65.0%	65%	
		Grade 9	60.0%	60%	
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	58.8%	62.0%	
		Grades 7-8	60.3%	55.2%	
		Grades 10-PG	41.4%	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	90%	90%	Yes 6/30/08
		75 Days	96%	95%	
		90 Days	98%	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	93%	93%	No
		Other Disabilities	92%	93%	
13b	Delivery of Special Education Services	Frequency (# of times)	76%	85%	
		Duration (length)	72%	85%	
14a	Increased Parent Participation (Attendance at IEP Meetings)	Attendance	82%	75%	Yes 2/1/08
14b	Increased Parent Participation (Attempts to convince parent to attend IEP)	Sufficient Attempts	96%	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		87.9%	88%	Yes 7/15/08 Not disengaged
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	70%	90%	No

\* Data from June 30, 2007