

***Office of the Independent Monitor***  
Modified Consent Decree  
333 So. Beaudry Avenue, 18<sup>th</sup> Floor  
Los Angeles, California 90017  
Tel: (213) 241-1797  
Fax: (213) 241-7551

FREDERICK J. WEINTRAUB  
*Independent Monitor*

JAY R. ALLEMAN  
*Chief Analyst*

JAIME E. HERNANDEZ  
*Research Director*

October 16, 2010

Sharyn Howell  
Executive Director  
Division of Special Education  
333 S. Beaudry Avenue, 17<sup>th</sup> Floor  
Los Angeles, California 90017

Robert M. Myers  
Attorney  
Newman, Aaronson, Vanaman  
14001 Ventura Blvd.  
Sherman Oaks, CA 91423-3558

Catherine Blakemore  
Attorney  
Protection & Advocacy, Inc.  
100 Howe Avenue, #185-N  
Sacramento, CA 95825

**Re: Clarification of the Independent Monitor's Determination That MCD Outcome 18 Has Been Met**

Dear Ms. Howell, Mr. Myers and Ms. Blakemore:

In the *Report on the Progress and Effectiveness of the Los Angeles Unified School District's Implementation of the Modified Consent Decree During the 2009-2010 School Year-Part I*, the Independent Monitor (IM) made a determination that the District had met Outcome 18 regarding reducing the disproportionate identification of African American students as emotionally disturbed. The Modified Consent Decree (MCD) required that the District during the 2003-2004 school year provide the IM with data and analysis concerning whether African American students are disproportionately identified as emotionally disturbed. Based on the data provided the IM determined that African American students were disproportionately identified and that the problem was the identification and placement process. Thus the IM developed Outcome 18 requiring a comprehensive initial and triennial evaluation. The 28 elements of the evaluation were established by the IM. The Outcome required that 90% of African American students identified as emotionally disturbed would have an initial or triennial evaluation that included all 28 elements.

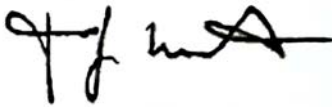
In school year 2004-2005, 2.7% of evaluations met the criteria. By 2008-2009 the percentage had grown to 81.1% and 83% in 2009-2010. Since the inception of Outcome 18 the percentage of African American students identified as emotionally disturbed has declined by 41.2% and the percentage of such students placed in non-public schools has decreased by 30.5%. Further analysis shows that 97% of African American students had a comprehensive evaluation that included all but one of the components.

Based on the above findings the IM determined that:

1. African American students identified as emotionally disturbed are receiving a comprehensive evaluation.
2. The evaluation process has resulted in significantly reducing the percentage of African American students identified as emotionally disturbed.
3. While the Outcome 18 target, established by the IM, has not been reached the intent of the Outcome has been achieved.

As with all outcomes that have been met, the IM will continue to monitor and report on the District's performance on Outcome 18.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Weintraub', with a stylized flourish at the end.

Frederick J. Weintraub

c: Diane Pappas, Deneen Cox, Brigitte Ammons, Veronica Smith, Thomas Hehir