

Office of the Independent Monitor

Modified Consent Decree
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March 2, 2011

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

Ramon Cortines
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 2009-10 School Year – Part II

Dear Mr. Cortines 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. As in past years, the IM is submitting the report in two parts. Part I, submitted on September 29, 2010, reported on the District's performance on five outcomes and three activities. Part II, this report, will address the status of the District's performance on the remaining three outcomes, an update on one outcome and two activities.

The outcomes of the MCD are statistically based. Each 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 analyze 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.

This Report makes determinations on the following outcomes:

- Outcome #2: Performance in the statewide assessment program
- Outcome #4: Completion rate
- Outcome #16: Increase in qualified providers

It also reports on the following:

- Update on Outcome #7B: Placement of students with Multiple Disabilities Orthopedic (MDO)
- Making Schools Accessible
- Integrated Student Information System (ISIS)

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 (SWD) 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 2009

School Year	Proficiency Categories	# of Special Education Students	# of Special Education Students Ranked as Basic or Above	%
2009-10	English/Language Arts	43,286	12,721	29.39%
	Mathematics	42,447	12,375	29.15%
2008-09	English/Language Arts	50,796	14,425	28.4%
	Mathematics	49,160	13,684	27.8%
2007-08	English/Language Arts	51,995	13,050	25.1%
	Mathematics	49,599	12,552	25.3%
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%

- ◆ **Data Source:** 2010 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:** This outcome consists of two targets. The first is to increase the percentage of SWD with performance levels of "basic or above" on the English Language Arts (ELA) section of the CST to 27.5%. During the 2009-2010 school year, the District exceeded this target with 29.39% of SWD performing at these levels (See Appendix A).

The second target focuses on increasing the performance of SWD in the area of mathematics and requires 30.2% of these students to perform at the "basic or above" categories. This year, 29.15% of SWD performed within these categories, falling slightly short of the target. The District is very close to meeting this outcome and if similar progress is made during the 2010-2011 school year, it will most likely meet this outcome.

This year the District encountered resistance from a small number of charters (see Appendix B) who refused to provide the District with CST data. For the purpose of measuring compliance with these outcomes, these schools were included in the denominators, with all students being counted as "below basic." While the cumulative number of students is relatively small (547) compared to the population, further refusal to provide performance data may have negative implications on the District's overall performance on this outcome.

- ◆ **Determination:** The District did not meet this outcome by June 30, 2010.

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	# of Students in Cohort	# of Special Education Students Receiving Diplomas	% of Special Education Students Receiving Diplomas	# of Special Education Students Receiving Certificates of Completion	% of Special Education Students Receiving Certificates of Completion	# of Special Education Students Who Aged Out	% of Special Education Students Who Aged Out	# of Special Education Students Grade 7-12 that Dropped Out	% of Special Education Students Grade 7-12 that Dropped Out	% of Completion
2009-10	4,977	2,421	48.6%	464	9.3%	8	0.2%	2,084	41.9%	58.1%
2008-09	4,630	1,384	29.9%	1,175	25.4%	21	0.5%	2,050	44.3%	55.7%
2007-08	3,484	1,061	30.5%	754	21.6%	15	0.4%	1,654	47.5%	52.5%
2006-07	3,502	1,720	49.1%	419	12.0%	9	0.3%	1,354	38.7%	61.3%
2005-06	2,999	1,636	54.6%	364	12.1%	11	0.4%	988	32.9%	67.1%
2004-05*	3,279	1,974	60.2%	350	10.7%	177	5.4%	778	23.7%	76.3%
2003-04		Data not available		Data not available		Data not available		Data not available		Data not available

* District Reported Data

- ◆ **Data Source:** SIS/Welligent/Student Rosters
 - 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 2009-10 school year.
 - The dropout data are preliminary. Final dropout data are not available until May 2011.

◆ Discussion

This outcome aims to increase the percentage of SWD who complete high school with a diploma, receive a certificate of completion or age out. This outcome also looks to decrease the percentage of SWD who drop out. Performance on this outcome is calculated by comparing those who complete school with a diploma, certificate or age out, to those who drop out. It is important to note that drop-outs consist of students in grade 7-12, while completers are only students in grades 12 and students who stay in school through age 22. For measuring compliance with this outcome, completion data for 12th grade SWD are obtained three times. The first set of data is derived directly from the SIS system. Second, schools are provided lists of all students and are required to update completion data and make any changes to the SIS system prior to resubmitting this data to the District. Lastly, the Office of the Independent Monitor (OIM) validates the accuracy of data by visiting schools and collecting completion data.

There was progress on this outcome from the previous year (58.1% in 2009-2010 vs. 55.7%, 2008-2009). This performance continues to fall well below the 76.3% target needed to meet this outcome, primarily due to the relatively constant number of students who dropped out. While the number of students who received a diploma increased considerably (2,421 in 2009-10 vs. 1,384 in 2008-2009), this is a result of the reinstatement of the CAHSEE exemption by the State Board of Education¹. This policy shift has also resulted in a reduction of students who received a certificate of completion, as many were eligible for diplomas. This finding is positive for many students, as ultimately a diploma will provide more educational and employment opportunities than a certificate of completion. The increase in the number of students receiving a diploma should provide

¹ California Education Code Section 60852.3

state legislatures, policymakers and the State Department of Education with evidence of the impacts of CAHSEE on SWD across the state.

While the increase in the number of students receiving a diploma is commendable, the District continues to be plagued by problems with the accuracy of its completion data. Over the past five years, these problems have been well-documented by the OIM's study to validate graduation and completion data. While the District has addressed some of the persistent issues within the SIS system, this year's validation found that these problems continue to be pervasive across schools (see Appendix C). Similar to past years, the validation study found errors within the SIS system that have negative impacts on students and the District. These errors include students being reported within the SIS as drop-outs when in fact they had completed the necessary requirements and in many instances were reported by the school as having received a diploma. In some instances, students may have completed all the requirements but were not issued a diploma due to a lack of follow-up and updates within their transcripts. This year, as a result of these continued discrepancies, the OIM provided the District all the data collection sheets highlighting those students with discrepancies between what schools reported and the leave codes within SIS. Students with credits close or above the 230 credit requirement were also highlighted for additional follow-up.

To illustrate these discrepancies and the positive impact of the District's follow-up, an additional 376 students were identified and/or confirmed to have earned and/or received a diploma than were previously reported by the SIS system. Of these, 238 students were erroneously coded as drop-outs, while 39 had been coded as receiving a certificate of completion. The study also found 328 students who had been reported by both schools and the SIS system as unknown or drop-outs. Upon follow-up, 23 students now have diplomas, two received a certificate of completion and 28 were recoded to indicate a transfer to another school, district or state. These findings are evidence that the system fails to both maintain and update completion data accurately. These findings also imply that the District is over-estimating the number of drop-outs reported.

Significant problems exist within the processes for gathering, maintaining and reporting completion data. While past reports have focused on the problems and nuances of leave codes and fields within the SIS, a broader examination of these processes reveals that the District's current policy, processes and data system represent systemic problems. The following discussion will provide an overview of these problems and shortcomings. While this discussion is limited to SWD, these problems can more than likely be generalized to all students.

First, it is District policy² that the official transcript for all students is the paper file known as the cumulative folder. While schools are aware of this policy, in practice it contains many shortcomings. Schools are required to complete and close each student file at the end of each school year. In some instances, the cumulative records are packaged and stored by the end of the summer prior to students' completing their requirements. This practice results in the official transcript not being updated and/or the cumulative file not being closed. In some instances, since the cumulative record is stored, the electronic transcript may be updated upon completion of all requirements. This results in a discrepancy between the data on the cumulative file and the transcripts in the SIS system. Per District policy, schools hold these cumulative files for a period of five years before they are transferred to the Student Records Center. At that point, they are scanned and stored in perpetuity. These records are made available to students. Per the Student Records Center, the records are not reviewed to ensure they were properly closed and/or cross-referenced with the records maintained in the SIS. This office notes that it does not have access to data within SIS and only appears to act as a storage and retrieval service of student records. The Records Center reports problems with this process as many cumulative files are not closed correctly by schools and many former students who request transcripts or proof of graduation are not provided such due to incomplete files. They are then directed back to their former schools to resolve these discrepancies and/or obtain proof of graduation and/or credits completed. This office reports that on average, one to two students a week have incomplete records and are directed back to their former school.

In addition to the cumulative file transcripts, schools maintain student records within the SIS system. These records have several fields that capture completion data such as course credits, CAHSEE scores, leave codes and reasons, and a year-end flag that also captures completion or leave data. As mentioned, previous reports have focused on the multiple problems with the data collected in these fields. The design of the SIS system lacks the necessary safeguards against incorrect data entry and lacks the necessary edits to prevent conflicting completion data from being entered. For example, schools may enter any leave code and/or reason regardless of the number of required credits a student completed. This means that a student with 200 credits can be coded as a graduate with a diploma without the system recognizing that the student does not have the 230 necessary credits. Similarly, a student with 240 credits can be coded as an "unknown" or drop-out even if the

² Cumulative Record Handbook for Secondary Schools, Revised January 2005

student received a diploma. In essence, the system's success relies on the accurate data entry and coding by school staff. This variable becomes exponentially flawed when considering the range of users and their understanding of the leave codes, graduation requirements and fields within the SIS system. Past reports have noted that a major source of error is based on the variability of users by school. For instance, some schools have SIS data entered by the SIS coordinators, while others rely on a number of clerks and counselors to enter this data. Another factor with maintaining accurate data is the transfer or bumping of personnel such as counselors, clerks and administrators at the end of each school year. This results in lack of continuity for students who complete requirements through summer. In the past six years, the OIM's site visits have observed the value of counselors and clerks who know students without updated transcripts and codes. Often, during the validation review, they recall students having attended summer or adult school and are able to make the necessary updates that had been overlooked. Past validation studies have also noted that higher rates of errors appear to be school-specific. Despite uniform District policy and procedural guidelines, the inconsistency observed among schools and personnel is a primary factor in the persistent problems with the District's completion data.

These limitations and shortcomings of the processes described above are unacceptable. Graduation requirements such as "A-G" are adopted by the Board of Education to hold students and schools accountable. Students who complete these requirements deserve a system that accurately maintains their records. The lack of accountability for the accurate maintenance and reporting of completion data is evidence that the District is negligent in carrying out its basic responsibility to ensure that students graduate and complete school. These behaviors and practices must cease. Since the inception of the MCD, District and school personnel have acknowledged problems with the accuracy of its completion data. Often, the shortcomings are justified by explanations including: the state's instructions for reporting completion data are too complicated, factors attributed to students' mobility, inconsistency in data entry or lack of training by school staff, lack of integrated data systems between comprehensive high schools and adult schools, and flaws within the SIS. While these factors may contribute to the complex nature of completion data, it is not understandable why the District chooses to continue with such a deficient system.

The studies of SWD graduation and dropout data conducted by the OIM over the years have consistently found that the District's data underreports the number of graduates and over reports the number of dropouts. Given the nature of the problems with the system, it is reasonable to assume that the same is true for all students. Since the District has placed a priority on increasing the graduation rate and decreasing the drop out rate, maintaining accurate data would seem to be imperative.

The MCD requires the District to have accurate data pertaining to SWD. The District has to decide whether it chooses to improve its system for graduation and drop out data for all students or just SWD. The IM expects such a decision by May 2, 2011.

Fixing the data system alone will not achieve this outcome. The interventions the District put in place through their Targeted Strategy Plan either were not successfully implemented or were not effective in improving the District's performance. Since there are only a few months left in this year, the District is directed to present to the IM, by March 25, 2011, those actions it can take to improve performance this school year.

- ◆ **Determination:** The District did not meet this outcome by June 30, 2010

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
2009-10	3,904	92.2%
2008-09	3,840	88.9%
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%

- ◆ **Data Source:** Human Resources/Personnel Research. 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 requires the District to maintain the percent of fully credentialed special education teachers to at least 88%. As of June 30, 2009, 88.9% of the District's special education teachers were fully credentialed. During the 2009-2010 school year, the percentage of qualified special education teachers increased 3.3% to 92.2%. The District is commended for its continuous progress in employing credentialed special educators. 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:** Requirement met, but not disengaged.

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

Update

- ◆ **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
2010-11 As reported by OIM Study	1,016	48	4.30%
2010-11 As reported in Welligent	1,116	231	20.70%
2009-10 As reported by OIM Study	1,169	51	4.36%
2009-10 As reported in Welligent	1,169	184	15.73%
2008-09 As reported by OIM Study	1,109	49	4.41%
2008-09 As reported in Welligent	1,109	151	13.61%
2007-08 As reported in Welligent	1,191	143	12.01%
2006-07 As reported in Welligent	1,186	102	8.60%
2005-06 As reported in Welligent	1,191	75	6.30%

- ◆ **Data Source:** Welligent and study conducted by the OIM. Students with an 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.
 - Note: Changes have been made to numbers and percentages from previous reports because of a miscalculation in the age category.
- ◆ **Discussion:** Outcome 7B requires the District to increase the number of students with MDO (ages 6-18) placed in the general education setting for 40% or more of the instructional day to 23% of the overall population. This outcome has two categories for measuring progress: students integrated for 40% or more of the day and those who spend less than 40% of the day. Time in the general education setting is only for instructional time and excludes activities such as lunch and recess.

As noted in Part I of this Report, an update on the District's progress to integrate students with MDO in the general education setting is provided to facilitate planning prior to the end of this school year. This update is consistent with the year-end analysis that compares students' classroom schedules to the time in the least restrictive environment (LRE) specified in their IEP. To measure progress with this outcome, weekly schedules were obtained from classroom teachers where the percent of time in the general education setting was identified. This was then compared to the percentage of LRE time specified within the student's IEP. These percentages are compared to determine if students are being integrated within the same LRE category of 40% or more or 40% or less. For example, if a student had an LRE time in the IEP showing

50% of time in the general education, and their classroom schedule reflected 45% in general education, this student was counted within the 40% or more category. Due to the small population of students with MDO in the District, particularly those students attending general education campuses, this update provides an accurate picture of the number and percentage of students integrated in the general education setting for 40% or more of the day.

As of January 15, 2011, the population of students with MDO was 1,116, with 75% attending special education centers. Of these students, only 25% (279) of students attend general education campuses. The file review continues to indicate no progress on this outcome. The Welligent LRE data report 231 (20.70%) students participating in the general education setting for 40% or more of the instructional day. Of these students, only 48 (4.30%) had class schedules that showed corresponding placements in the general education setting. This performance continues to be well below the target of 23%.

The file review noted 24 students with schedules showing integration in the general education curriculum between 30-39% of the instructional day. The remaining 207 students had schedules with much lower levels of integration than their IEPs, indicating that schools at an IEP meeting determine an LRE time without consideration of the students' actual schedules, or at an IEP meeting agree to an LRE time that they fail to implement.

Consistent with past findings, the file reviews found three sources of error that contribute to the discrepancies between the Welligent LRE time and students' schedules. First, there are problems within the Welligent system for students who receive services from the Carlson Home/Hospital program (35 students). For these students, the Welligent IEP calculates the service time as a general education setting. Many students who receive instruction through the Carlson Home/Hospital program receive 300 weekly minutes of service. The Welligent only calculates the 300 minutes as special education services and reports students as being segregated for 16% of the day. Since these students are not attending a school, Carlson should be considered a special education placement of 100%. Second, schools continue to calculate non-instructional minutes in both IEPs and class schedules for a student's time spent in the general education setting. Last, some schools continue to enter a time of more than 40% within the student's IEP and do not seem to program such level of integration with the student's classroom schedule and day. This behavior, if intentional, represents deceptive practices on the part of schools and must be addressed by the District.

In accordance with the District's Targeted Strategy Plan, the support units submitted plans to the Executive Director of Special Education on the number of classes that will be moved to general education campuses³. These plans report a total of seven MDO classes that are to be transitioned from special education centers to general education campuses, with the first scheduled to open late February 2011, while the remaining six are slated to open September 2011. The plans contain thoughtful coordination and considerations that may impact the transition of these classes and their students. This includes information on students' individual needs, including areas of mobility and health, medical considerations and assignment of a school nurse at the receiving school. Also included is information on transportation, teacher staffing and accessible facilities.

The District is to be commended for transitioning these classes from special education centers to general education campuses. This is a step in the right direction. The IM expects that this transition and any integration of students be done with all of the necessary supports and services to ensure a successful experience for students, families and teachers.

Despite the transitioning of these classes, the performance and progress on this outcome is disappointing. The number and percentage of students integrated in the general education setting for 40% or more of the instructional day remains relatively stagnant and well below the 23% target. Schools continue to engage in the same behaviors that contribute to the over-reporting of students in the general education setting within the Welligent system. The continuation of these behaviors and lack of oversight by the District is

³ Targeted Strategy Plan – MCD Outcome 7B, Strategy 7B-3, Approved by the Independent Monitor on July 8, 2010.

unacceptable. While the District has removed the statement within the IEP that made IEP teams acknowledge that a student was being placed in the special education setting for more than 60% of the day, it must now address the lack of execution by schools and teachers for integrating students in the general education setting. With only 279 students with MDO attending general education campuses, the District should have a thorough grasp on the placement and accuracy of data for each of these students on a monthly basis. This would require minimal resources and would ensure that schools and IEP teams are implementing the IEP team's placement decisions.

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

MAKING SCHOOLS ACCESSIBLE (UPDATE)

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 to determine that there are no systemic problems within the District's schools that prevent substantial compliance with program accessibility. This report provides an update on the District's progress on making schools accessible to individuals with disabilities as well as its efforts to improve compliance with accessibility standards in independent charter schools within the District.

New Schools

The District continues to demonstrate progress in improving compliance at its new schools. This includes the corrective action plan of 83 new schools, including 54 schools initially identified that opened prior to September 3, 2008, and an additional 29 schools that opened prior to September 2009. Lastly, the District has proactively addressed 22 additional new schools that were to be completed and occupied by December 2010. These schools have been part of a trend analysis that focused on identifying and reducing areas of non-compliance prior to schools being occupied and/or contractors and architects released from their contractual obligations.

The corrective action plan consists of five phases, with each phase requiring each school to be surveyed to identify non-compliant areas, develop designs to address areas of non-compliance, issue contracts and construct or execute the project. To date, the District is on schedule and engaged in various stages of Phase I (13) and Phase II (24) schools. The Phase I schools began the execution phase in November 2010, and construction is expected to be completed by the end of April 2011. These projects will be validated by the OIM this spring, and the findings will be included in the IM's report issued in fall 2011. The Phase II schools are reportedly on track, with the designs having been completed by the end of December 2010 and the contracting phase initiated in early January 2011.

The District's trend analysis of its 22 schools has demonstrated considerable improvements in the reduction of areas of non-compliance at new schools. In January 2011, the OIM visited six schools to validate the surveys and efforts of the trend analysis. These schools were selected based on the time of involvement of the District's Facilities Access Compliance Unit (FACU) to show the impact on the number of elements of non-compliance. As expected, schools that were further along in construction prior to the FACU involvement had higher numbers of non-compliant areas at the time of substantial completion than those that were surveyed earlier in the construction phase. More importantly, all schools reviewed had accurate and comprehensive surveys completed with a plan of action for addressing areas of non-compliance. Overall, these schools were much improved from the original 54 new schools surveyed during the 2007 school year, and are a testament to the benefits of the training, effort and resources dedicated to improving access compliance at new schools.

Renovation or Repair Projects (\$67.5M)

Since the release of Part I of this Report, the District submitted two sets of Repair and Renovations projects for credit. The first occurred on September 30, 2010 and included 28 schools for a total request of \$10.9 million. An additional 16 projects were submitted on December 31, 2010 for a total of \$8.6 million. These projects were reviewed for compliance and on March 1, 2011, the IM granted a combined credit totaling \$19,704,351.00. The repair and renovation projects submitted continue to meet or exceed the expectations for providing complete surveys and financial documentation. The District is to be commended on its consistent progress and performance.

On-Demand Projects (\$20M)

The District submitted 15 projects for a total credit request of \$2,073,211.48. The projects were approved for credit based on improved program accessibility at the site. On March 1, 2011, the District was granted \$2,048,640.94 for these projects. These projects are the first on-demand projects to be submitted utilizing the DACTrack system for completing surveys. This should help streamline the process for all projects submitted to the OIM for credit and will facilitate the validation and approval of future projects.

Ensuring Access Compliance at Independent Charter Schools

In February 2010, the OIM issued a report on accessibility of the District's independent charter schools. Since then, the District has been engaged with the Los Angeles Department of Building and Safety (LADBS) to inspect and develop Orders to Comply (OTC) for areas of non-compliance at all its independent charters within the city of Los Angeles. In October 2010, the District presented a schedule for completing the inspections at all its independent charters by the end of March 2011. To date, LADBS and the District have completed about 75% of these schools and are meeting their commitments. Furthermore, five schools are reported to have completed the necessary repairs and have been cleared by both the LADBS and FACU. Considering the initial challenges in working collaboratively with the LADBS, property owners and charter operators, this effort has noted considerable improvements and progress. In addition, the District reports improvements in the quality of inspections conducted by the LADBS and overall cooperation and collaboration by all parties involved. The District is to be commended for its efforts in addressing issues of compliance at its independent charters. Last, it is important to note the IM's expectation that all new independent charter schools and schools up for re-approval have sites verified as compliant by the FACU prior to occupancy as a condition of approval by the Board of Education.

Summary

The efforts to meet the requirements of Section 10: Facilities, continues to be a shining example of the District's ability to develop and sustain the internal capacity necessary to prevent systemic non-compliance. Overall, the District has demonstrated credibility in all of its efforts associated with this obligation of the MCD. Despite another set of changes in leadership, the Facilities Division and the FACU continue to sustain a high level of performance in delivering quality surveys and compliant work. Additionally, the FACU has demonstrated a valuable impact in curbing and preventing non-compliant elements at its new schools. These efforts have positive implications on saving the District time and money as it continues to reduce barriers at all its sites while ensuring accessibility and creating positive and welcoming environments for all individuals with disabilities. More importantly, the FACU has continued to develop its expertise and build a proactive model based on providing consultation and technical assistance across multiple areas of construction such as design, inspection and construction. While the IM recognizes the difficult financial constraints of the District, it is imperative that the FACU maintain staffing levels and expertise required to fulfill all its obligations.

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 on accessibility renovations or repairs to existing school sites consistent with Section 504 and ADA
Additional credit approved: \$19,704,351.00.
Total Approved: \$34,174,365.00
3. The District shall establish a unit to address "on-demand" requests related to accessibility. The District shall expend up to \$20 million for task orders related to requests for program accessibility
Unit Established
Additional Credit approved \$2,048,641.00.
Total approved: \$9,440,587.00.

Integrated Student Information System (ISIS)

Section 11 of the MCD requires the District to comply with the stipulation agreed to on June 20, 2002, for the development and implementation of an Integrated Student Information System (ISIS) at all its schools. This stipulation agreement has been modified twice as a result of delays in meeting the agreed-upon timelines.

On September 2, 2010, the District made a formal decision to postpone the deployment of Phase 2 due to a lack of confidence in the quality of the software provided by its vendor⁴ as well as contractual disputes with its vendor. Contrary to the stipulation, this decision was made without consideration of the procedures for changing timelines in consultation and collaboration with the IM and plaintiff attorneys. As a result, the IM indicated⁵ that the OIM will take a more active role in monitoring the efforts and implementation of ISIS.

Since then, several notable events concerning the ability to proceed with the implementation of Phase 2 of ISIS have occurred. The District made a decision to not renew the vendor's contract, which expired on December 31, 2010. The District asserts that this decision has no bearing on the obligations of its vendor to continue to provide support and meet timelines for agreed-upon deliverables. The District has also had changes in leadership, including its Chief Information Officer and Chief Information Systems Director⁶. While the latter position remains vacant, the District created an additional position, ISIS Project Manager, responsible for managing the implementation of ISIS, and was staffed on January 10, 2011.

These variables have resulted in the District taking several actions to move forward with the implementation of ISIS, which includes conducting testing of the processes to be executed by Phase 2 of ISIS, in a formal environment referred to as Conference Room Pilot (CRP) sessions. The purpose of the CRP is to identify the degree to which the software meets its minimum business requirements. In short, these exercises are expected to identify gaps within the software that will be analyzed to determine whether continuation with the software is feasible. Additionally, the District has committed to testing an alternative program and determining its gaps and readiness for implementation. The District contends that based on the results of both CRP sessions, it will present the parties' recommendations for proceeding with the implementation of ISIS.

As a result of the District's continued delays in the implementation of ISIS, concerns over adequate staffing and lack of collaboration with the parties in making decisions, the plaintiffs filed a complaint in accordance with the procedures of Section 14 of the MCD on December 22, 2010. Consistent with these procedures the plaintiffs and District have met and conferred in an unsuccessful attempt to resolve the complaint. On February 16, 2011, the District provided a response to this complaint. The parties have agreed to meet with the IM in March 2011, in an attempt to reach a resolution. It is the hope and the expectation of the IM that the parties can come to an agreement. The failure to do so will result in the IM determining a suitable resolution.

While these challenges have impacted the District's ability to continue with its implementation of the Phase 2 functions of ISIS, the IM has continued to remind the District of its obligations under the stipulation for communicating and including the parties in any major decisions. The IM expects that the District inform and involve all parties throughout the CRP process, and will continue to closely monitor the CRP.

The IM also expects that all recommendations brought forth by the District at the conclusion of the CRPs are objective and thoughtful in fixing the current ISIS software issue. This may include solutions for working with its current vendor, acquiring internal expertise to complete the software, contracting with new vendors, or a combination thereof. Any recommendation to abandon the ISIS software should be deemed as a last resort, based upon an analysis that considers the resources committed and those that would be required to develop and implement a completely new data system. It is also the expectation that any recommendations brought forth to the parties are not pre-determined decisions of the District.

⁴ See September 9, 2010 report from Jack Kelanic, Chief Information Systems Director, *Integrated Student Information System Project Status Report for the Independent Monitor*.

⁵ See p 19, http://oimla.com/pdf/annrep8_docs/OIM_Report1_Final.pdf

⁶ This position was responsible for the project management of ISIS.

CONCLUSION

To date, the District has met 14 of the MCD's performance-based outcomes. Five outcomes remain to be achieved. With due diligence, three can be achievable this year. As described in this report, Outcomes 4 and 7B will require significant change in practice if they are to be met

The IM commends the District for the progress being made in meeting Section 10 of the MCD relating to making schools accessible to individuals with disabilities. Meeting these requirements has never been a question of the District's willingness to commit resources, rather it was the incapability to build or repair schools in a manner that met accessibility standards. In recent years, with new leadership committed to improving capacity and the creation of the Facilities Access Compliance Unit (FACU), the District is nearing successful achievement of Section 10. Not only are renovations and repairs being done with a high level of accuracy, but the IM is seeing improvements in new school construction. It is the IM's belief, that getting the job right the first time is saving the District the significant resources that were being spent to correct work that did not meet standards. It would be reasonable to say that the District's process for ensuring accessibility is a national model and one that the District should share with others.

The IM further commends the District for the actions it has taken to make its charter schools accessible to individuals with disabilities. As described, in this report, all independent charters are being re-inspected by LADBS and FACU with appropriate orders to comply being issued, and we are beginning to see the schools making the required repairs. Consistent with State and Federal laws, the IM expects that the Board of Education will only approve for authorization or reauthorization those schools that have verified as compliant.

The MCD requires the District to develop an integrated student information system (ISIS). The stipulation setting forth the requirements of ISIS predates the MCD. Over the years the District has regularly proposed to the Plaintiffs and the OIM timelines that have rarely been met and reported progress that has not always been accurate. The recent determination by the District that there were major problems with Phase 2 came as a great surprise. The hallmark of this consent decree has been the trust and willingness of the District, Plaintiffs and OIM to work together to successfully meet its requirements. Dishonest communication and decisions without consultation undermines such trust. This is especially critical with ISIS since its requirements were set forth in a stipulation between the parties. While neither the IM nor the Plaintiffs wish to micromanage the development of ISIS, the District needs to understand that major decisions must be collaboratively determined.

The IM thanks Superintendent Cortines for his support for the successful implementation of the MCD and commitment to improving the lives of children with disabilities. His willingness to do the right thing for children, even when politically difficult, represented what true educational leadership is about. The IM looks forward to working with new Superintendent Deasy.

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 become available, the IM will report on the District's performance on specific outcomes. These 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.

ACKNOWLEDGEMENTS

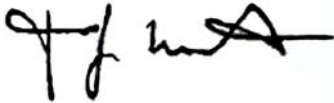
The IM commends both the District and Plaintiffs for the constructive and positive manner in which they have worked together in the process of implementing the MCD. It is not to be expected in an undertaking so broad and significant that

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 are greatly appreciated.

Sincerely,

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

Frederick J. Weintraub

c: Hon. Judge Ronald Lew, Robert Myers, Catherine Blakemore, John Deasy, Judy Elliott, David Holmquist
Sharyn Howell, Diane Pappas, Deneen Cox, Brigitte Ammons, Thomas Hehir

Summary of Final Determination of the Modified Consent Decree Outcomes

#	Outcome		Current Status 6/30/10	Outcome Determination Status	Outcome Target	Outcome Met
1	Participation in the (STAR) Statewide Assessment Program (without modifications)	ELA/Math	75%	85.2%	75%	Yes 6/30/06
		Comparable to Non-Disabled	97%	95.0%	95%	
2	Performance in the (STAR) Statewide Assessment Program (at basic or above)	ELA	29.4%	29.4%	27.5%	No
		Math	29.2%	29.2%	30.2%	
3	Increase Graduation Rate		47.2%	41.66%	39.79%	Yes 6/30/08
4	Increase Completion Rate/Reduce Drop Out		55.5%	55.5%	76.3%	No
5	Reduce Suspensions of Student with Disabilities		7.1%	7.6%	8.6%	Yes 6/30/09
6	Increase Placement of Students with Specific Learning Disabilities (SLD) and Speech and Language Impairment (SLI) in the Least Restrictive Environment		90.3%	73.7%	73%	Yes 6/30/06
7A	Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment		31.9%	31.9%	51%	No
7B	Increase Placement of Students with the Disability of MDO in the Least Restrictive Environment		4.36%	4.36%	23%	No
8a	Increase Home School Placement: SLI/SLD		93.2%	92.7%	92.9%	Yes By Stipulation of the Parties 9/16/08
8b	Increase Home School Placement: All Other Disabilities	Grade K	58.3%	59.1%	65%	
		Grade 6	66.4%	65.0%	65%	
		Grade 9	59.0%	60.0%	60%	
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	60.8%	58.8%	62.0%	
		Grades 7-8	62.6%	60.3%	55.2%	
		Grades 10-PG	44.1%	41.4%	36.4%	
9	Individual Transition Plan in IEP (14 years and above)		97.4%	99.8%	98%	Yes 6/30/06
10	Timely Completion of Initial Special Education Evaluations	60 Days	91%	90%	90%	Yes 6/30/08
		75 Days	96%	96%	95%	
		90 Days	98%	98%	98%	
11	Response Time to Parent Complaints	5 Days	81%	54%	25%	Yes 6/30/06
		10 Days	95%	82%	50%	
		20 Days	99.8%	97%	75%	
		30 Days	100%	99.9%	90%	
12	Informal Dispute Resolution Prior to Formal Due Process (within 20 days)		73%	77%	60%	Yes 6/30/06

Summary of Final Determination of the Modified Consent Decree Outcomes

#	Outcome		Current Status 6/30/10	Outcome Determination Status	Outcome Target	Outcome Met
13a	Delivery of Special Education Services	SLD Only	93.0%	93.0%	93%	No
		Other Disabilities	94.8%	94.8%	93%	
13b	Delivery of Special Education Services	Frequency (# of times)	74.5%	74.5%	85%	
		Duration (length)	66.6%	66.6%	85%	
14a	Increased Parent Participation (Attendance at IEP Meetings)	Attendance	84%	82%	75%	Yes 2/1/08
14b	Increased Parent Participation (Attempts to convince parent to attend IEP)	Sufficient Attempts	NA	96%	95%	
15	Timely Completion of IEP Translations	30 Days	71%	96%	85%	Yes 6/30/07
		45 Days	91%	99%	95%	
		60 Days	99%	99%	98%	
16	Increase in Qualified Special Education		92%	88%	88%	Yes 7/15/08 Not disengaged
17	IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students	Autism	67%	61%	40%	Yes 6/30/06
		ED	97%	97%	72%	
18	Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed	% Meeting Criteria	83%	81%	90%	Yes 6/30/10