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***Office of the Independent Monitor***  
Modified Consent Decree  
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August 26, 2011

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**Re: Approval of Amended Targeted Strategy Plans for Outcomes 7A and 7B**

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

On July 1, 2011 the District submitted amended Targeted Strategy Plans (TSP) for MCD Outcomes 7A and 7B. Outcome 7A pertains to increasing the percentage of students with disabilities, ages 6-18 with disabilities other than SLD, SLI and OHI placed in general education settings for 40% of the day to 51%. Outcome 7B requires the District to increase the percentage of students with multiple disabilities orthopedic (MDO) placed in the general education setting for 40% of the instructional day to 23%. The Parents' Council discussed and provided comments on the TSPs to the Plaintiff's Counsel and the Office of the Independent Monitor (OIM) during their meeting on July 11, 2011. The OIM met with the District on August 3, 2011 to discuss the TSPs. On August 12, 2011 the Plaintiffs submitted their objections to the proposed amended TSPs. The District responded to the Plaintiffs objections on August 22, 2011.

In the September 29, 2011 *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) noted that for Outcome 7A the Welligent IEP data showed the District having met the Outcome target. The OIM validation study found a significant discrepancy between what was required on many students' IEPs and their class schedules. These students were actually participating in general education for less time than specified in their IEPs. The failure to provide students with the education specified in their IEPs constitutes substantial noncompliance with Federal and State law. The District's primary strategy is to require school personnel to align class schedules with the time in general education specified in each student's IEP. This means that class schedules will have to be revised for about 6,000 students in order to meet the Outcome target. If it is believed that the IEP is inappropriate then an IEP meeting will have to be convened to revise the IEP. The Plaintiffs' major concerns related to information the District is planning to provide to schools and performance accountability. The IM finds the District's response to the Plaintiffs concerns acceptable. The IM has two concerns. First Strategy 7A-1.6 is limited to targeted schools. In order for this Strategy to produce the desired results it must apply to all schools that are serving the designated students. Second, the verification of aligning class schedules with IEPs is not expected to be completed until January 2012. Since the beginning of the school year is the appropriate time to do the aligning, it should be expected that it would be completed by November 2011.

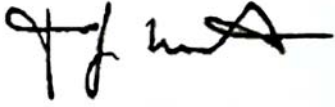
Outcome 7B, which focuses on a much smaller population of students with disabilities also has the same problem of class schedules that do not align with IEPs. Approximately 100 students will have to have their class schedules aligned with their IEPs to attain the Outcome 7B performance reported by the Welligent IEP data system. This will be challenging given the severity of these students disabilities. Further, even if all class schedules could be aligned the District would still be far from meeting the Outcome 7B target. This is further complicated by the reality that the majority of these students are currently attending special education centers where there is no opportunity for participation in general education. While the District has begun to open classes on general education campuses the problems associated with making such a transition are well articulated in the District's response to Plaintiffs objections. The Plaintiffs' objections address both of these issues. The IM finds the District's response acceptable. It is important to note that successful implementation of the TSP will not result in meeting Outcome 7B in the foreseeable future without the movement of a significant percentage of students with MDO from centers to general education campuses over the objections of their parents. The IM encourages the Parties to find a resolution to this problem.

## **Determination**

The IM approves the proposed amended TSP for Outcomes 7A and 7B with the following stipulations:

1. The District shall amend the proposed TSPs to incorporate the changes proposed in their letter of August 22, 2011
2. The District shall amend Outcome 7A Strategy 7A-1.6 to include all schools serving students covered by this Outcome.
3. The District shall amend Outcome 7A Strategy 7A-1.6 to have the validation process completed by November 2011.
4. The District shall provide the OIM and the Plaintiffs a copy of the approved TSPs by September 16, 2011.

Respectfully Submitted,

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

Frederick J. Weintraub

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