

Office of the Independent Monitor

Modified Consent Decree
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February 17, 2012

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

John Deasy, Ph.D.
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 2010-11 School Year – Part II

Dear Dr. Deasy 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 implementation of the MCD's terms and conditions. As in past years, the IM is submitting the report in two parts. Part I, submitted October 5, 2011, reported on the District's performance on four outcomes and six activities. Part II, this report, will address the status of the District's performance on the remaining two outcomes, as well as updates on one outcome and two activities.

The outcomes of the MCD are statistically based. Each outcome has at least one data target the District must 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 used to analyze performance. 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:

- Making Schools Accessible
- Integrated Student Information System (ISIS)

A summary of the District's performance on all 18 outcomes is presented at the end of this report (Appendix A).

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 2011

School Year	Proficiency Categories	# of Special Education Students	# of Special Education Students Ranked as Basic or Above	%
2010-11	English/Language Arts	36,802	12,648	35.74%
	Mathematics	39,487	15,791	34.96%
2009-10	English/Language Arts	43,286	12,721	29.4%
	Mathematics	42,447	12,375	29.2%
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%
2003-04	English/Language Arts	57,597	10,276	17.8%
	Mathematics	54,827	10,032	18.3%

- ◆ **Data Source:** 2011 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 2010-2011 school year, the District exceeded this target with 35.74% of SWD performing at these levels (See Appendix B).

The second focuses on increasing the performance of SWD in mathematics by requiring 30.2% of these students to perform at the "basic or above" level. During the 2010-2011 school year, 34.96% of SWD performed at the "basic or above" category, exceeding the target.

The data reported above do not include the performance of SWD who participated in the California Modified Assessment (CMA)¹, an alternative to the CST that tests for the same grade-level content knowledge of the CST using a slightly different format. For instance, questions may include three possible answers instead of four, may include additional graphics, larger fonts and shorter reading passages. During the 2010-2011 school year, 13,541 SWD participated in the ELA section of the CMA with 40.47% performing at the basic or above categories. In mathematics, 11,263 SWD participated in the CMA, with 46.49% scoring in the basic or above categories. While these students are not included in the performance of this outcome, it is important to point out the accomplishments of these students and schools.

Overall, the District should be commended for improving the educational attainment of SWD. As demonstrated in the table above, this progress has been consistent over the past five years, and more SWD are performing at the basic or above proficiency levels.

- ◆ **Determination:** The District met this outcome by June 30, 2011.

¹ Due to the recent adoption of the CMA, the agreed-upon methodology only included SWD who participated in the CST.

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 SWD 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 Completion
2010-11	4,324	2,295	53.1%	453	10.5%	11	0.2%	1,565	63.8%
2009-10	4,977	2,421	48.6%	464	9.3%	8	0.2%	2,084	58.1%
2008-09	4,630	1,384	29.9%	1,175	25.4%	21	0.5%	2,050	55.7%
2007-08	3,484	1,061	30.5%	754	21.6%	15	0.4%	1,654	52.5%
2006-07	3,502	1,720	49.1%	419	12.0%	9	0.3%	1,354	61.3%
2005-06	2,999	1,636	54.6%	364	12.1%	11	0.4%	988	67.1%
2004-05*	3,279	1,974	60.2%	350	10.7%	177	5.4%	778	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 2010-11 school year.
 - The dropout data are preliminary. Final dropout data are not available until May 2012.

◆ 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 several 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. During the 2010-2011 school year, the District required all schools to provide copies of the diplomas, certificates of completion and transcripts to verify completion data from the SIS. Additionally, transition teachers were deployed to assist in this data collection and verification of SIS data before submitting it to the District and, ultimately, the OIM. The OIM also validated the accuracy of data by visiting schools and collecting completion data.

The District continues to demonstrate progress in reducing the number of SWD who dropped out. In turn, the completion rate increased to 63.8%. Over the past four years, the District has noted a considerable increase in the number and percentage of

students who graduated with a diploma (1,061, or 30.5%, in 2007-2008 compared to 2,295, or 53.1%, in 2010-2011). This is commendable progress.

In past reports, the validation study of the District's graduation data has noted persistent problems. In May 2011, the District indicated that it would improve its overall data system that captures graduation data. While the system does not appear to have been changed considerably, the District continued to communicate expectations for accurate data entry and maintenance to schools. The IM's most recent study found improvements in the quality of the data, which may be attributed to the additional efforts by the District to follow up and verify its completion data (see Appendix C). These efforts allowed schools to update information for students who may have completed their graduation requirements through summer and early fall. While this follow-up was directed only for SWD, the District should consider requiring schools to update and provide completion data through the fall semester for all students.

Overall, the completion rate of SWD continues to improve. While this performance is below the established target of 76.3%, this rate was based on inaccurate data that over-represented the true completion rate. While the outcome was based on making progress from the aforementioned baseline, the District has shown consistent progress in improved graduation and completion rates over the past four years and is to be commended for this accomplishment.

- ◆ **Determination:** The District did not meet this outcome by June 30, 2011

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
2010-11	3,806	95.8%
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 January 17, 2012, 95.8% of the District's special education teachers were fully credentialed. The District continues to demonstrate 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.

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 Americans with Disabilities Act (ADA).
- 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.
- 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.

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

As reported in Part I of this Report, the District committed to re-surveying and developing new corrective action plans for the 83 new schools included within the stipulation made by the parties. As promised, the District has completed surveys on all 83 schools that identified existing barriers for removal by December 31, 2011. Of these, 41 schools began design and/or construction in January 2012 and are expected to be completed by August 30, 2012. The remaining schools were awarded contracts by January 31, 2012 and have an anticipated completion date of October 2012. The District appears to be on target for completing repairs at all schools by December 31, 2012.

Renovation or Repair Projects (\$67.5 million)

In Part I of this report, it was noted that the District met the requirements of the repair and renovation commitment. However, the District continues to commit resources to improve accessibility at its existing sites and recently completed 67 additional projects with combined expenditures of over \$19 million. While these projects do not require approval by the IM, the District is to be commended for its continued effort to make its existing sites accessible.

On-Demand Projects (\$20 million)

To date, the District has 120 approved projects for expenditures in excess of \$11.3 million. Additionally, there are 27 projects that will be completed by May 30, 2012. To better streamline the process and to enhance the efficiency and consistency of requests for program accessibility, the District made recent modifications to the “On-Demand” program. These changes were made in collaboration with the Division of Special Education, Facilities Division, Office of General Counsel and Office of Risk Management.

The goals of these revisions were to: reduce the time spent finding solutions that provide program accessibility and do not require extensive physical alterations; focus on minor renovations that improve program accessibility; provide interim solutions for program accessibility while physical alterations are made; ensure funds are readily available for beginning required renovations in a timely manner; and develop a system for assessing and referring projects that may require extensive repairs. The IM commends the District’s efforts to enhance this program and ensure that it follows a process that is sustainable while at the same time meets the needs of individuals with disabilities in a timely manner.

Ensuring Access Compliance at Independent Charter Schools

As reported in Part I of this report, all 126 independent charter sites were surveyed and inspected by March 31, 2011. The success of this effort can be credited to the collaboration between the Facilities Access Compliance Unit (FACU) and the Los Angeles Department of Building and Safety (LADBS). Since this collaboration, 41 campuses have closed or relocated to a

District site. Of the remaining 85 sites, all have begun construction, with 46 fully (100%) completed and cleared by the FACU and LADBS. The remaining 39 sites are expected to be completed and validated by March 30, 2012. However, the District indicates that this deadline may be impacted by budget cuts within the LADBS inspection department, which has seen a reduction in personnel committed to this effort from four to one inspector. Also, the District reports that repairs at all schools due for a renewal of their charter for the 2012-2013 school year have been completed and verified as compliant by the FACU.

Summary

The District continues to commit effort and resources toward meeting the requirements of Section 10 of the MCD: Facilities. This commitment is a testament to the intent and spirit of the MCD for creating a system that promotes equity and access for all individuals with disabilities in the LAUSD.

Determination

1. All new construction and renovation or repairs by the District shall comply with Section 504 and the Americans 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: \$0.00.
Total Approved: \$67,523,202.00. Target Met.
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 \$0.00.
Total approved: \$11,371,337.00

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 schools. Nearly 10 years later, such implementation has been beset by a series of challenges and delays that resulted in the parties' lack of faith in the District's ability to successfully complete the ISIS. However, in Part I of this report, the IM noted that recent leadership changes for the positions of Chief Information Officer and ISIS Project Director had resulted in an improved and constructive relationship between the plaintiffs, District and OIM.

In Part I of this report, it was noted that the District's comprehensive plan for completing the ISIS was conditionally approved by the IM pending the revision and submission of three components: the Financial Management Plan, the Marketing Plan, and the Detailed Work Plan (DWP). These revisions were resubmitted in late October 2011 and the IM approved all the Financial Management and Marketing Plans. The DWP has since been revised and resubmitted two additional times, but has yet to be approved.

The comprehensive plan includes two milestones that were to be met by January 3, 2012. These milestones consist of a variety of activities that are essential for building the capacity of the ISIS program. Milestone one was met three weeks late, in late October 2011, while milestone two was met over one month late, on February 8, 2012.

On January 27, 2012, the District requested to delay the "technical upgrade" associated with milestone two due to performance problems with the version of the software that was to be installed. The District indicated that these problems had been corrected by the vendor in a newer version of the software and requested to implement this version. This request was approved by the IM.

Staffing problems continue to be a concern with the District's ability to meet the milestones of the comprehensive plan. The District reports that delays were noted in the recruitment of staff and consulting resources, which resulted in some required activities beginning later than anticipated.

On January 7, 2012, the District's CIO requested an amendment to the ISIS Phase 2 Implementation Completion Plan, citing a change in the organizational structure within the Information Technology Division (ITD). This change would alter the reporting structure of the ISIS Project, in that it would no longer go to the CIO but instead the Director of Enterprise Systems. The District maintained that this reorganization would provide increased access to additional resources and ensure the timely completion of the ISIS. The IM approved this request on January 13, 2012.

While the delays associated with milestones one and two have been relatively minor in consequence, the requirements of the upcoming milestone to be completed by August 2012, carry considerable implications for the successful implementation and completion of the ISIS. The District has been advised to commit the necessary resources to meet this milestone since failure to do so may result in a significant set-back to the implementation of the ISIS. Finally, the District is expected to continue to maintain open communication with the parties and a positive relationship with its vendor.

CONCLUSION

To date, the District has met 15 of the 19 MCD performance-based outcomes. The IM offers the following observations of the four remaining, unmet outcomes.

As described earlier in this report, the District has made significant progress in improving its performance on Outcome 4 pertaining to increasing the rate that SWD complete school. The framers of the MCD called on the District to merely improve its performance from what proved later to be a highly inaccurate baseline. The District has made substantial effort to increase the number of students who stay in school and graduate as well as improving its graduation and dropout data. The question is whether continuing or increasing this effort will lead to achieving the Outcome. It is the IM's belief that it will not in the foreseeable future. The Parties are encouraged to seek a resolution to this problem.

Outcome 7A calls on the District to increase the percentage of time that SWD, other than those with learning disabilities, speech and language disabilities and other health impairments, receive their instruction in general education classrooms. As noted in Part I of this Annual Report, based on what was cited in student IEPs, the District met the Outcome's target. However, a comparison between what was reported on student IEPs and their class schedules conducted by the OIM found a significant discrepancy leading to the view that students were included in general education at a lesser rate. The District is currently engaged in efforts to resolve this discrepancy.

Outcome 7B is the same as 7A, but focuses on students with the classification of multiple disabilities orthopedic (MDO). The majority of these students are being educated at special education centers that offer them little or no opportunity for inclusion in general education classrooms. While the District has opened more MDO classes on general education campuses, to meet the Outcome would require the arbitrary transfer of a significant number of these students. The Parties are currently engaged in discussions to find a solution to this problem.

Outcome 13 is designed to ensure that SWD receive the services required by their IEPs. It addresses whether students are receiving the services and whether they are receiving them for the required time and frequency. The District has met the target for service provision, but is significantly short of meeting the time and frequency targets. The OIM is conducting a study to better understand this problem.

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. If the District is able to complete the repairs on the 83 new schools discussed earlier in this Report, implement its new on-demand program and maintain its FACU, the IM is prepared to determine that Section 10 of the MCD has been met.

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. Over the last year, under new

leadership, the District has made progress in getting ISIS on track for completion. As described above, the first two milestones of the *Integrated Student Information System Phase 2 Implementation Completion Plan* have been completed only slightly behind schedule. It is critical that the District meet the targeted date for completion of milestone three. Failure to do so could delay the completion of ISIS for as much of a year. Delays have been the result of an ongoing dispute between the District and its primary vendor, the ability to obtain and sustain adequate staffing, and contracting problems. These are all matters that are within the District's ability to resolve. The OIM will continue to closely monitor the District's progress.

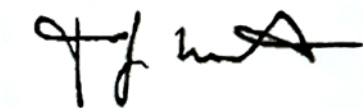
ACKNOWLEDGEMENTS

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 stylized flourish at the end.

Frederick J. Weintraub

c: Hon. Judge Ronald Lew, Robert Myers, Catherine Blakemore, Jaime Aquino, 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 6/30/11	Outcome Determination Status	Outcome Target	Outcome Met
1	Participation in the (STAR) Statewide Assessment Program (without modifications)	ELA/Math	84.8%	85.2%	75%	Yes 6/30/06
		Comparable to Non-Disabled	96%	95.0%	95%	
2	Performance in the (STAR) Statewide Assessment Program (at basic or above)	ELA	35.74%	35.74%	27.5%	Yes 6/30/11
		Math	34.96%	34.96%	30.2%	
3	Increase Graduation Rate		69.78%	41.66%	39.79%	Yes 6/30/08
4	Increase Completion Rate/Reduce Drop Out		63.8%	63.8%	76.3%	No
5	Reduce Suspensions of Student with Disabilities		6.75%	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		90.9%	73.7%	73%	Yes 6/30/06
7A	Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment		36.36%	36.36%	51%	No
7B	Increase Placement of Students with the Disability of MDO in the Least Restrictive Environment		5.67%	5.67%	23%	No
8a	Increase Home School Placement: SLI/SLD		92.9%	92.7%	92.9%	Yes By Stipulation of the Parties 9/16/08
8b	Increase Home School Placement: All Other Disabilities	Grade K	60.2%	59.1%	65%	
		Grade 6	68.6%	65.0%	65%	
		Grade 9	60.0%	60.0%	60%	
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	61.7%	58.8%	62.0%	
		Grades 7-8	66.3%	60.3%	55.2%	
		Grades 10-PG	47.9%	41.4%	36.4%	
9	Individual Transition Plan in IEP (14 years and above)		98.7%	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	83%	54%	25%	Yes 6/30/06
		10 Days	95%	82%	50%	
		20 Days	99.6%	97%	75%	
		30 Days	100%	99.9%	90%	
12	Informal Dispute Resolution Prior to Formal Due Process (within 20 days)		75%	77%	60%	Yes 6/30/06

Summary of Final Determination of the Modified Consent Decree Outcomes

#	Outcome		Current Status 6/30/11	Outcome Determination Status	Outcome Target	Outcome Met
13a	Delivery of Special Education Services	SLD Only	90.8%	90.8%	93%	No
		Other Disabilities	94.5%	94.5%	93%	
13b	Delivery of Special Education Services	Frequency (# of times)	81.8%	81.8%	85%	
		Duration (length)	68.9%	68.9%	85%	
14a	Increased Parent Participation (Attendance at IEP Meetings)	Attendance	83%	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	99.4%	96%	85%	Yes 6/30/07
		45 Days	99.8%	99%	95%	
		60 Days	99.9%	99%	98%	
16	Increase in Qualified Special Education		94.4%	88%	88%	Yes 7/15/08 Not disengaged
17	IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students	Autism	66.4%	61%	40%	Yes 6/30/06
		ED	98.9%	97%	72%	
18	Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed	% Meeting Criteria	80.8%	81%	90%	Yes 6/30/10