

Office of the Independent Monitor
Modified Consent Decree
333 S. Beaudry Avenue, 18th 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

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John Deasy, Ph.D.
Superintendent of Schools
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017

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 2011-2012 School Year**

Dear Dr. Deasy and Board of Education:

Section 13 of the Modified Consent Decree (MCD) requires the Independent Monitor (IM) to present an annual, 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 set is 19 performance-based outcomes pertaining to students with disabilities (SWD) receiving special education services. Prior to this report, the District had met the requirements of 15 of the outcomes. The second set of requirements pertains to making District schools accessible to individuals with disabilities. The third concerns the development and implementation of the Integrated Student Information System (ISIS).

This report addresses the status of the District's performance on four outcomes, making schools accessible and the ISIS. It also includes discussions regarding the following: changes to three outcomes by stipulation of the parties; schools of choice; updates on two outcomes; and the annual hearing.

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 that the IM used to make determinations on the District's performance on the outcomes.

This report addresses the following outcomes:

- Changes to the MCD by Stipulation
- Outcome #7A: Placement of Students with Other Disabilities

- Outcome #7B: Placement of Students with Multiple Disabilities Orthopedic (MDO)
- Outcome #13: Delivery of Services
- Outcome #16: Increase In Qualified Providers
- Update on Outcome #4: Completion
- Update on Outcome #18: Disproportionate Identification of African American Students with Emotional Disturbance

It also reports on the following:

- Making Schools Accessible
- Charter Schools
- Magnet Schools
- Data Systems – Integrated Student Information System (ISIS)
- Annual Hearing

CHANGES TO THE MCD BY STIPULATION OF THE PARTIES

Paragraph 85 of the MCD provides the parties, plaintiffs' counsel and defendants (LAUSD), with the ability to modify outcomes through stipulation. During the 2011-2012 school year, in accordance with the MCD, the parties met to discuss possible changes to MCD outcomes. On September 17, 2012, the parties agreed to a stipulation to modify three outcomes (4, 7A and 7B) (See Appendix A).

The stipulation replaces two outcomes (7A and 7B) regarding the integration of students with moderate to severe disabilities in the Least Restrictive Environment (LRE). Outcome 7A focused on students with all other disabilities excluding students with Specific Learning Disabilities (SLD), Speech and Language Impairments (SLI) and Other Health Impairments (OHI), ages 6-18, and aimed to increase the percentage of students participating in the general education instructional setting for 40% or more of the day. Outcome 7B solely aimed to increase the percentage of students with Multiple Disabilities Orthopedic (MDO), ages 6-18, in the general education setting for 40% or more of the instructional day. Both of these outcomes were intended to increase the percentage of students with moderate to severe disabilities receiving instruction in general education classes. The stipulation also considers Outcome 4: Completion Rate as met¹.

Outcomes 7A and 7B are replaced with a new Outcome 7 that has two mutually exclusive parts designed to integrate SWD in special education centers into general education campuses and classes. Outcome 7.1 aims to reduce the number of students attending special education centers by 33% by June 2015. Additionally, in centers that become co-located or merged with another general education campus, SWD are not to exceed 35% of the school population.

Outcome 7.2 intends to increase the participation of SWD in general education settings at co-located schools, to an average of 12% of the instructional day and during lunch, breaks, recess and school-wide activities.

¹ Additional discussion on the progress of Outcome 4. Completion Rate is included on page 17.

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 |
|-------------------------------------|---------------------|---------------------------|---------------------------|
| 2011-12 As reported in OIM Study | 1,602 | 638 | 39.83% |
| 2011-12 As reported in Welligent | 17,298 | 8,519 | 49.25% |
| 2010-11 As reported in OIM Study | 1,136 | 413 | 36.36% |
| 2010-11 As reported in Welligent | 17,065 | 8,964 | 52.53% |
| 2009-10 As reported by OIM Study | 1,765 | 563 | 31.90% |
| 2009-10 As reported in Welligent | 16,739 | 8,657 | 51.72% |
| 2008-09 As reported in Welligent | 16,297 | 8,044 | 49.36% |
| 2007-08 As reported in Welligent | 15,766 | 7,369 | 46.74% |
| 2006-07 As reported in Welligent | 14,841 | 5,627 | 37.92% |
| 2005-06 As reported in Welligent | 14,591 | 4,282 | 29.35% |

- ◆ **Data Source:** Welligent and study conducted by the Office of the Independent Monitor (OIM). 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.
 - Note: Please be advised that changes in the Welligent data system have created problems in the data. The numbers and percentages reported are not accurate and are only an approximate estimation of the District's performance.
- ◆ **Discussion:** Outcome 7A requires the District to increase the percentage of students with disabilities (ages 6-18) with all other eligibilities, not including 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. The goal of this outcome is to increase to 51% the overall percentage of students with these disabilities receiving instruction in the general education setting.

As noted above, this outcome has been replaced. While the District is no longer required to meet the target of this outcome, it is worthwhile to share the findings of the monitoring activities carried out during the 2011-2012 school year. These findings have implications on the quality of the

Welligent system's Least Restrictive Environment (LRE) data as well as how schools are complying with placement decisions for student integration in the general education setting as specified in IEPs.

On June 30, 2012, the Welligent IEP data system indicated that 49.25% of students with all other disabilities were placed in the general education classroom for 40% or more of the day. While this performance nears the 51% target, inaccuracies found by the OIM's validation study within the LRE data indicate a continued overestimation of the time students with all other disabilities spent in the general education setting (See Appendix B).

The OIM LRE validation study examined the accuracy of the Welligent data by reviewing the LRE time reported by the Welligent IEP system and the student's class schedule provided by the school. Consistent with past studies, the validation study noted discrepancies that continue to overestimate the number and percentage of students in the general education setting for 40% or more of the day. The study found that these inaccuracies are primarily found for students with Welligent LRE times that show medium to higher levels of integration in the general education setting (40% to 80%; or 20% to 60% in special education). This finding is consistent with past years' observations, and has been attributed to schools entering a lower percentage of time in special education in the student's IEP and thus in the Welligent system, for the purpose of complying with this outcome.

During the past year, the District committed to improving the accuracy of the Welligent LRE data and ensuring compliance with the LRE time specified in students' IEPs. The District engaged schools by requiring them to compare the LRE time specified in the IEP and a student's class schedule. For students with class schedules that did not match the time in the IEP, schools were instructed to take corrective action by doing one of the following: Change a student's class schedule to comply with the time in their IEP; or, hold an IEP meeting to have the LRE time accurately reflect the student's instructional program. This effort had some impact on improving the accuracy of the data, as the study found improvement for students with IEP meetings held after the sampling of the study who are in special education classes for the majority of the day (40% or less in general education). This means that for those students who were identified as having a difference between the LRE time in their IEP and schedule, the LRE times of the newer IEPs were decreased (showing less time in general education settings) to reflect the class schedules.

To further examine the District's performance on integrating students in the general education setting, data were analyzed by removing students who attend special education centers and non-public schools (NPS). Since students attending special education centers and NPS do not have an opportunity for integration in the general education setting, this analysis provided insight into the extent of the efforts across the District. Based on the OIM sample, almost half (47.6%) of the students (excluding students with SLD, SLI, OHI) attending general education campuses had schedules showing integration of 40% or more of the day in a general education setting. This finding demonstrates clear progress toward integrating students and is evidence of the District's commitment to promote integration.

While the District no longer needs to meet this outcome as a result of the stipulation, it should continue its efforts in identifying and correcting LRE time discrepancies between IEPs and students' schedules. This is critical for ensuring compliance with the placement decisions made by IEP teams and to further the quality and accuracy of the Welligent LRE data. Furthermore, since this outcome is no longer required, schools should have no motivation to enter an LRE time for the purposes of meeting a numerical target. The District should take this opportunity to examine the process for determining instructional programs and placement during the IEP meeting. The IEP document should be improved to better guide and document the decision making process for when students are integrated and how they will be supported in general education settings. An example would be providing IEP teams a tool to calculate time in general education based on a

student's class schedule. The instructional program and supports are an integral component of a free and appropriate education (FAPE) and should be clearly defined at the IEP meeting and recorded within the IEP document.

- ◆ **Determination:** Outcome 7A not met but is replaced by stipulation of the parties.

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 |
|-------------------------------------|---------------------|---------------------------|---------------------------|
| 2011-12 As reported by OIM Study | 1,078 | 50 | 4.63% |
| 2011-12 As reported in Welligent | 1,078 | 127 | 11.78% |
| 2010-11 As reported by OIM Study | 1,111 | 63 | 5.67% |
| 2010-11 As reported in Welligent | 1,111 | 195 | 17.55% |
| 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 | 1,107 | 114 | 10.30% |
| 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: Please be advised that changes in the Welligent data system have created problems in the data. The numbers and percentages reported are not accurate and are only an approximate estimation of the District's performance.
- ◆ **Discussion:** Outcome 7B requires the District to increase to 23 percent of the overall population the number of students with multiple disabilities orthopedic (MDO) (ages 6-18) placed in the general education setting for 40% or more of the instructional day.

Similarly to outcome 7A, by stipulation of the parties, this outcome has been replaced. Again, while the District is no longer required to meet the target of this outcome, a brief discussion is included to discuss progress related to the integration of students with moderate to severe disabilities.

First, it important to note that this outcome was negotiated in 2008 to promote the integration of a group of students with multiple disabilities who have a history of low levels of participation in general education settings. This outcome as negotiated was a challenging and ambitious endeavor for the District.

During the past two years the District has been engaged in efforts to establish programs for students with moderate to severe disabilities on general education campuses. During the 2011-2012 school year, the District opened one new program for students with Multiple Disabilities (MD) at a high school to create a matriculation pattern with a neighboring middle and elementary school. The District also opened 11 new pre-school classes for students with moderate to severe disabilities. Additionally, the District created 26 new programs on general education campuses for the 2012-2013 school year (15 elementary, 3 middle school, 8 high school). During the 2010-2011 school year, the District also opened seven classes for students with MDO on general education campuses.

Despite its best intentions and efforts, the District made minimal to no progress over the last four years in successfully integrating students with MDO. While these results are discouraging, the recent efforts of the District should yield positive results in the integration of students with moderate to severe disabilities on general education campuses. It is important to note that this outcome only pertains to students ages 6-18, which means that pre-school students who were integrated in general education settings are not included. Therefore, it may be reasonable to anticipate that these pre-school students will continue to have the opportunity for integration if they matriculate to general education on elementary school campuses. The District stands to see improvement in this area within the next two years.

During the 2011-2012 school year, the OIM conducted a validation study (See Appendix C) of the LRE time for students with eligibilities of MDO. Similarly, the study found that the Welligent LRE data continue to show discrepancies when compared to students' schedules. Despite efforts by the District to identify and correct such discrepancies, this finding is disappointing primarily because the number of students attending general education campuses and participating in general education settings is relatively small and should be very manageable for the District to oversee. As mentioned earlier, these discrepancies imply that schools are not implementing the placement decisions agreed upon by IEP teams and reflect non-compliance. The District should continue to address these issues to improve the decision making process for determining the instructional program and supports, as well as compliance and the quality of its Welligent LRE data.

- ◆ **Determination:** Outcome 7B not met but replaced by stipulation of the parties.

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 a 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 – Log Analysis | IEP – Site Visit* |
| 2011-12 | 94.1% | *N/A | 94.5% | *N/A |
| 2010-11 | 94.5% | *N/A | 90.8% | *N/A |
| 2009-10 | 94.8% | *N/A | 93.0% | *N/A |
| 2008-09 | 93.7% | *N/A | 91.2% | *N/A |
| 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.

- ◆ **Data Source:** Services Study
 - Office of Data and Accountability and American Institutes for Research (AIR).
- ◆ By June 30, 2006, the District will provide evidence that at least 85% of the services identified on the IEPs of SWD 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 |
| 2011-12 | 83.5% | 70.2% |
| 2010-11 | 81.8% | 68.9% |
| 2009-10 | 74.5% | 66.6% |
| 2008-09 | 72.3% | 66.9% |
| 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
 - Office of Data and Accountability (ODA) and American Institutes for Research (AIR).

- ◆ **Discussion:** The purpose of this outcome is to ensure that SWD receive services as specified in their IEPs. This includes instructional services such as the Resource Specialist Program (RSP) and Adapted Physical Education (APE), as well as designated instructional services such as speech and language and occupational and physical therapy. Evidence of eight weeks of service is required for meeting both the frequency and duration requirements as specified in the student’s IEP. Additionally, this outcome requires the District to maintain accurate records of service delivery in the Welligent system by thousands of special education teachers and service providers.

The provision of services to SWD in the District has been comprehensively examined over the past nine years. Over the course of the MCD, the OIM, the Office of Data and Accountability (ODA) and the American Institutes for Research (AIR) have worked collaboratively to better understand service delivery. During the 2011-2012 school year, focus groups with service providers and administrators were conducted to identify factors that may be impacting the ability to provide and track services at schools². The findings of the focus groups guided the development of an online survey for service providers to better understand such factors. This effort has led to ground-level insights regarding service delivery and the Welligent tracking system. The study also examined the reports utilized by the District to monitor service delivery (specifically the “300 Report”) and cases where students did not have evidence of a log during the study’s timeframe. It is important to note that this level of scrutiny and examination of service delivery is unprecedented, particularly on such a large scale.

During the 2011-2012 school year, the ODA and AIR, in collaboration with the OIM, conducted for the ninth year a study to measure the delivery of service for SWDs (See Appendices D and E). Overall, the District’s performance showed some improvement but continued to fall below two of the three targets for this outcome. The District’s performance toward the first part of the outcome meets or exceeds the target level (93%) for demonstrating evidence of service for SLD (94.5%) and for students who have a disability in all other categories (94.1%). This part of the outcome measures evidence of students who received at least one session of the services specified in their

² The report may be viewed at: http://oimla.com/pdf/20120412/LAUSDFocusGroup_Final.pdf

IEP for the eight-week period reviewed. As noted earlier, all cases (400) that did not have any evidence of service during this period were reviewed to understand why service was not provided (See Appendix F). As part of this process, the District was asked to review these cases and provide reasons for lack of service delivery. This review found that approximately 34% of the cases were coded as not receiving services due to the District's failure to identify data anomalies, such as inactive IEPs or IEPs that did not timely or accurately reflect a change in service. In 16% (n= 64) of the cases, the District reported that students received at least one service; however, no documentation was either in Welligent or provided to the study team. In 40% of the cases, reasons could not be determined to account for why students did not receive services within the study's timeframe. This includes 12 students that the District could not find in its data system.

While these findings indicate that more students are receiving at least one session of service than is being reported, it also points out the methodological challenges of measuring moving targets (e.g., IEP changes, student movement). It is important to note that the District reviews all data to ensure students are currently enrolled and eligible for services during the sampling period, so there was opportunity to provide the study team with the information prior to the analysis. As reported above, the District was unable to identify a clear reason why it did not have evidence of a log for 40% of 400 cases. This is indicative of limitations within the data system and general oversight.

The District's performance for meeting the targets for frequency (83.5%) and duration (70.2%) are an improvement but continue to fall below the 85% target. This part of the study compares the number of sessions and duration minutes specified within the IEP with those completed and documented in the Welligent provider logs within the same time period. It is important to note that for the purpose of meeting the duration requirement of the outcome, students must receive 98% of all minutes prescribed³.

Analyses were conducted of all service records that did not meet the frequency (n=946) and duration (n=1,688) requirements. The data indicate that about 42% of the cases that did not meet the frequency requirement were missing only one session. Similarly, 34% of those cases that did not meet the duration requirement were missing only one session. To test the impact of services that are near but under the required duration on the population estimates, cases were examined to determine how many students received services within 10% and 15% of the required duration minutes reported in the IEP. For example, if a student is to receive counseling for 30 minutes a week, or 240 minutes of service over an eight-week period, this student would have had to receive at least 216 minutes (90%) or 204 minutes (85%) to meet these adjusted criteria. The analysis found that 75.4% of the population received 90% of their total minutes of prescribed services, and 81.8% received 85% of their minutes.

For the purpose of the study, frequency and duration are considered separate events and criteria. The District uses duration minutes as the primary measure of compliance with IDEA. Exhibit 1 in Appendix G examines the relationship between frequency and duration on the performance of the outcome. In total, 1,840 cases were missing the frequency and/or duration requirement, with 8.3% (n=152) having missed only the frequency requirement and about half (48.6%, n=894) missing only the duration requirement. In other words, services were less likely to miss only the frequency, suggesting that the District is correct to focus attention on meeting the duration compliance, which impacted 91% of the 1,840 cases. Missing a session directly impacts the ability to provide all service minutes to students.

This year, the study aimed to identify possible factors that were preventing service providers from delivering all sessions and minutes prescribed. As noted above, focus groups were held to better understand these factors at the ground level. Feedback from the focus groups highlighted the

³ Under the current methodology/rule, the study considers the duration requirement to be met if it falls within 2% of the total required minutes over the eight-week period.

challenges that impact service delivery such as: administrative policies (or lack thereof), practices, staffing shortages and inefficient technology. For example, in some cases, services such as RSP or APE, which are daily classes, should have no instances where students do not meet frequency or duration. When providers are absent these students should still receive services from a substitute teacher or other provider. However, these providers might not track that particular session, and the Welligent system lacks an option to indicate that a substitute provided the service. Similarly, the District has policies and/or practices that require RSP teachers to serve students who are not on their rosters while relying on other teachers to track the students on their caseloads. Teachers reported a dislike for this practice and the communication it requires, as well as a dislike for being held accountable for someone else documenting services for their student.

Focus group participants overwhelmingly reported not having enough time to complete all their duties. Many reported that time spent on documentation (Welligent and non-Welligent), attending meetings (IEP and school or District meetings), and serving a large amount of students and schools left limited time to make up sessions. The challenge to make up missed sessions has led many providers to elect monthly or yearly services on the IEP for flexibility. This challenge is further compounded by everyday events at schools (e.g., testing, assemblies, IEP meetings, special lessons) that may disrupt a provider's or student's schedule.

Based on these findings, the OIM conducted a District-wide web-based survey of providers (See Appendix H) via an e-mail to 4,861 providers. Of those, 2,653 responded. Providers reported a variety of factors that impact their ability to deliver services. Overall, approximately one-third (31.8%) of providers noted that the number of students assigned to their caseload was a major to moderate factor in completing their service sessions. The following were also reported as being a moderate to major factor in delivering services: time spent conducting assessments and writing reports (47.8%); completing Welligent documentation (42.6%); attending IEP meetings (40.7%); and completing non-Welligent documentation (33.1%). Depending on service type, providers reported spending approximately two-and-a-half to four-and-a-half hours a week on Welligent documentation.

The survey also contained two open-ended questions for providers to share additional information regarding factors that impact their ability to deliver services and to name one area within the delivery system that could be improved. Many providers expressed similar factors to those examined in the survey, primarily conducting assessments, writing reports and attending IEP meetings. Many providers expressed frustration with the limitations and time-consuming nature of the Welligent system. Many also noted being overextended in their roles and how staffing shortages impacted communication between staff and coordination of IEP meetings. Providers overwhelmingly identified the Welligent system as an area in need of improvement. The majority of respondents believed the Welligent system needs to be more efficient and user-friendly. Additionally, providers reported many specific problems within the system that create difficulties in tracking service delivery. In some instances, providers are unable to timely open service records, resulting in provided services not being recorded.

Overall, the focus groups and survey findings bring context and insight into the District's performance and ability to meet this outcome. Schools are dynamic in nature, with many factors that may result in changes to a student's or provider's schedule. While some factors may be beyond the control of schools or providers, the District should establish guidelines for reducing their impact. For example, providers identified work activities such as coordinating and attending IEP meetings as impacting their ability to deliver services. Ways in which these activities impacted delivery included: IEP meetings scheduled at the last minute; lengthy meetings; limited time at the school (provider serves a particular school for only one day); administrator or clerical staff shortages; and numerous limitations with Welligent (e.g., system is down, can not close the IEP). Since attending IEP meetings is a critical aspect of a provider's role, the District needs to examine these factors and provide guidelines or policies to promote the efficient coordination and scheduling of IEP meetings. This should include how access is assigned to the Welligent system,

particularly since assistant principals and clerks may have limited time at a school. The District should also consider District-wide guidelines for scheduling IEPs so schools limit, to the best of their ability, the times IEP meetings are held. For example, if IEP meetings are mostly held after 1 p.m., providers can limit the number of students they schedule at this time, thereby increasing the likelihood that other students' sessions are not missed.

In the past few years, the system has continued to evolve by way of numerous revisions. In some cases, changes improved the efficiency of the Welligent system. However, in many cases these changes have resulted in frustration by users and added steps for completing data entry. Providers noted many specific areas within Welligent that require immediate attention. The District must also improve the manner by which changes are made, as many providers and administrators encounter changes in the system without the proper notification or training. The District should also focus on reducing the time providers spend on Welligent. This should include having administrators, providers and programmers collaborate on ways to improve the system's ability to access, input, manipulate and save the necessary data.

To validate the accuracy of the District's "300 Report" utilized for monitoring service delivery, the tracking logs of 453 students from the sample were reviewed (See Appendix I). The "300 Report" is a District report for monitoring service delivery using information entered by providers in the Welligent service tracking logs. For the purpose of this review, the "300 Report" was utilized since these are used by managers to monitor service providers. This report allows managers to view the total amount of services provided when compared to what is owed (based on the IEP) for a specified timeframe (including over the entire school year). It is important to note that this report and capacity to monitor service delivery was recently implemented in Spring 2012. Additionally, the District reports that it has developed and begun implementing a series of tools for monitoring service delivery to be utilized by providers and managers.

Of the records reviewed, 76 were excluded due to the following: services ended prior to the timeframe; a log for a different service (not one sampled) was provided; no log was provided; or the student was not included in a "300 Report."

Overall, the review found high levels of accuracy as only four out of 377 (1.0%) showed discrepancies between the provider logs and time reported as delivered in the "300 Report." While these four cases showed services having been delivered and all met or exceeded the target time calculated, the "300 Report" showed a slightly higher number of minutes delivered than those calculated from the logs.

The review found 86 students reported as receiving more services than targeted⁴, with 23 (26.7%) cases showing over-delivery due to student absences. While student absences are given credit as a service provided for both the Services Study and in the "300 Report," this shows a limitation of the Welligent system for tracking make-up sessions. The inability to distinguish make-up sessions results in services looking as if they were over-delivered, and does not accurately reflect a provider's effort to reschedule a session. Programming errors were found in five cases for students with behavior intervention implementation (BII) services, as time was over-calculated due to time being credited for student absences. In these cases, daily absences were credited for time much greater than the daily instructional time. This was only noted for students with BII services and does not appear to be a problem with other service types.

The study found 41 cases with under-delivered services.⁵ While the "300 Report" identifies minutes delivered over the target, it does not conversely identify those delivered below the target. This is a limitation of the report, and adding that functionality would be beneficial for managers in monitoring services out of compliance. Of these cases, six had yearly services. It is unknown

⁴ Cases were considered as being over-delivered if the student received over 125% of the services prescribed (targeted).

⁵ Cases were considered to be under-delivered if the student received less than 75% of the services prescribed (targeted).

whether these services were provided during months outside of the review period. This reflects a limitation of utilizing these reports during an abbreviated timeframe. Seven students were reported as having been under-delivered because of the program's inability to establish target minutes from IEPs. This may occur for three reasons: the provider entered an incorrect end date for the service (the program considers this service terminated); the student is a recent transfer and a 30-day IEP had not been held; or the IEP is in dispute and considered a "Stay Put," which appears to be a programming glitch within the system. While providers were able to log services, these circumstances prevented the program from establishing target minutes, therefore the program could not calculate minutes delivered. This is another limitation of the report since it relies on target minutes to compare against minutes delivered when determining compliance.

Last year, the OIM raised concerns regarding limitations of the current methodology used for measuring progress toward this outcome. While these limitations may never be eliminated, it is important to identify them to better understand the impact of the dynamic factors at schools on achieving this outcome. First, the study's eight-week timeframe reduces the opportunity for services to be made up or counted that were made up outside of the study's timeframe. Conversely, if previously missed sessions are made up during this period, the system would over-estimate the services provided.

Second, to meet the duration requirement, students must receive all of their minutes (within 2% of the requirement) for a given service. While the study allows credit for student absences and specific provider absences (e.g., jury duty), this criteria does not account for those students who received high levels of services (85-90%) over the eight-week period. Similarly, the study does not examine how persistent the under-delivery of services is beyond the timeframe. It is unknown if these students are missing sessions and duration minutes throughout the year and at what levels.

The third limitation is the reliance on Welligent documentation. The study's focus on data and tracking of students relies on the accurate input of data from many users into a system that is efficient and flexible. There are more than 4,000 providers in the District serving more than 82,000 SWD. The cumbersome nature of the Welligent system makes managing so many caseloads a problem. When combined, those factors may be creating delays in tracking services and the provision of services (e.g., students do not appear in the service log module).

The last limitation is the dynamic nature of the IEP process. While steps are taken to collect and update IEP data, changes to IEPs occur daily, resulting in changes to eligibility and service prescriptions. This is evident by the number of cases with no evidence of logs that the District later reported as having left the District or exited from special education.

To summarize, there are many daily circumstances that can impact service delivery, and providers must have the flexibility and time to do their primary job to serve students. The District must find ways to reduce the impact of other factors to ensure that providers have the necessary time to deliver services. The District is required to submit to the IM by February 1, 2013 a targeted strategy plan to improve service delivery. In the past, focus has been heavily placed on improving documentation practices and the accuracy of the data entered. This plan should be enhanced to include ways to support providers in serving students by reducing and simplifying job factors that do not directly impact delivery of services.

In developing the targeted strategy plan, the District should examine the impact of existing policies and practices and determination of caseload assignments (for employees and per diems). This should also include an analysis of whether the current staffing level is adequate for meeting the demands at schools. It should also examine work loads (not just the number of students on a caseload) and additional job factors affecting providers to determine if additional staff is necessary and/or responsibilities can be reduced or eliminated. The District should consider ways to effectively free up time by reducing requirements such as mandatory staff meetings that may require four to eight hours a month (not including travel time.)

Further, the District should examine the impact of staffing shortages (administrative and clerical) have on providers in their attempts to ensure that communication and coordination of IEP meetings and services are not delayed. The District should also consider improvements toward making the Welligent system a time-saving and user-friendly tool that captures only the necessary information and significantly reduces a user's time spent documenting. The OIM is available to provide assistance in the development of the plan.

During the 2012-2013 school year, the Services Study will examine the District's tools and capacity to monitor service delivery. This will include studying the accountability mechanism in place to ensure students receive services as specified in their IEPs.

The IM has repeatedly stated that service provision is the cornerstone of FAPE and substantial compliance. As this consent decree nears completion, the District must demonstrate the ability to deliver services and comply with the service requirements of the IEP. Over the course of the MCD, service delivery has been comprehensively examined, and a wealth of information is available for the District to improve in this area. The District has many dedicated and qualified providers, and their insights and resources should be relied on as the District moves forward.

- ◆ **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 |
|-------------|--------------------------------------|--|
| 2011-12* | 3,784 | 96.0% |
| 2010-11 | 3,824 | 94.4% |
| 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 as of 6/15/12

- ◆ **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 increase the percent of fully credentialed special education teachers to 88% and maintain that level. 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. As of June 15, 2012, 96.0% of the District's special education teachers were fully credentialed.
- ◆ **Determination:** Outcome 16 met and 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.

UPDATE ON OUTCOME #4: COMPLETION RATE

The intent of Outcome #4: Completion Rate, was to increase the number of students who complete school with either a diploma, certificate of completion or age-out, therefore, decreasing the number of students who drop out. This outcome has been limited by several factors that have prevented the District from achieving the target. Primarily, the baseline which was negotiated and agreed upon by the District was unrealistically high and based on assumptions derived from inaccurate data. Another factor is that the structure of this outcome is dependent on two variables (completers and drop-outs) that appear intuitively connected, but do not share an inverse relationship. While the first variable of counting completers is straightforward, determining drop-outs is more complicated. The outcome is also based on two different groups of students for determining progress. Completers can only be students in 12th grade or those who remain in school up to the age of 21, while drop-outs include students in grades 7-12 who are reported by the state.

Despite these variables, the District has made commendable progress in increasing the number of students who complete school. Over the past three years the District has more students staying or returning to school as noted in the 24% increase in the number of students in the cohort of 12th graders monitored since the 2007-2008 school year. While more students have stayed or remained in school to finish their completion requirements, the number of students considered drop-outs has remained stable. While the District has made progress over the past five years, the constant number of drop-outs reported and the high baseline have prevented the achievement of this outcome. Based on this progress and data anomalies inherent in this outcome, this outcome is met by stipulation of the parties.

UPDATE ON OUTCOME 18: DISPROPORTIONATE IDENTIFICATION OF AFRICAN AMERICAN STUDENTS WITH EMOTIONAL DISTURBANCE

During the 2009-2010 school year, the IM noted that the District achieved this outcome by focusing on improving the quality of the identification and placement processes for all students. The outcome required that African American students who are identified with an emotional disturbance (ED) receive all elements of a comprehensive evaluation as defined by the OIM. During the 2011-2012 school year, the majority of students (158 of 186, 85%) reviewed received all of the elements, with 92.5% (37 of 40) of all initial cases meeting the criteria. It is important to note that the evaluations continue to be of high quality and are a model of best practice.

Over the course of the MCD, the District's overall ED population has decreased 50.6% and has shown consistent decreases in the number and percentages of students identified in all race/ethnic groups (See Appendix J). For African American students, the population of students with an ED eligibility has decreased by 56.8%. However, the decreases in all race/ethnic groups has kept the proportions constant, with African American students still being disproportionately identified when compared to all other students based on a risk ratio measure (4.39). It is important to note that this measure is dependent on several factors, such as the number of students identified with ED in all other subgroups⁶ and the decreases in the overall student population. When examining the risk or probability for African American students being identified with ED, the risk has decreased since 2003 (1.7 to 1.0). This measure is more indicative of improvements in reducing identifications for African American students since it is based on subgroup comparisons.

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 Americans with Disabilities Act (ADA).

⁶ This ratio may indicate significant overrepresentation of one group due to the significant underrepresentation of another.

- 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 that the IM must also determine there are no systemic problems within the District’s schools that prevent substantial program accessibility compliance.

This report will summarize the progress of the District toward meeting the requirements of Section 10: Facilities since the February 2012 report. Since then, the District submitted 21 projects under the \$20M on-demand program. The report also includes an update on the District’s efforts to address non-compliance at 83 new schools.

\$67.5M Repair and Renovation Projects

On August 10, 2011, the District met this requirement of the MCD.

\$20M On-Demand Projects

During the 2011-2012 school year, the District made modifications to improve the on-demand program to ensure a more timely response and approval process, as well as to ensure compliant construction and inspections. One primary goal was to establish a sustainable program with clear guidelines and protocol for responding to on-demand requests. Another was to ensure that approved requests would be minor in nature and focused on providing interim solutions that quickly provide program access for students. This program is now referred to as the Rapid Access Program (RAP).

On October 4, 2012, the District submitted 21 on-demand legacy⁷ projects for a credit request totaling \$1,757,378. It was determined that all projects met the objective of program accessibility and credit was granted for \$1,633,342.

Since the inception of the revised RAP, four requests were submitted to the District. Of these, two were resolved without necessitating renovations at the site. Solutions for providing program access included: changing classroom location and the identification of an alternate accessible bathroom on site. Two requests were determined to require minor renovations and were submitted for credit for a total of \$19,868. The timelines on the two RAP requests demonstrated improved responsiveness for program access for SWD. Both requests were submitted by schools and completed in 2012, and were more representative of the intent of the RAP. These projects met the objective of program accessibility and credit was granted for the total amount.

While the RAP has noted some improvements, the process still needs to be better streamlined and more collaborative between the Division of Special Education and the Facilities Access Compliance Unit (FACU). Decisions for determining interim solutions and for recommending minor renovations should be more consistent and based on an assessment of the site conditions from trained personnel. A fragmentation and lack of effective leadership has persisted since the inception of the on-demand program. In order for it to be effective and sustainable, this program requires leadership that is fully committed and understands program accessibility. Additionally, a better tracking mechanism is needed to facilitate a timely response and resolution to requests.

New Schools

The parties entered into a stipulation agreement requiring the District to address non-compliant findings and work at 83 schools opened after June 30, 2006. The District also has committed to surveying new schools not included in the previous surveys to ensure that non-compliant work be addressed prior to these schools’ openings.

⁷ These projects were initiated prior to the revision of the RAP.

Despite some setbacks during this effort, the District resurveyed the 83 schools and construction has begun at all of them, with more than half nearly completed. All schools are reportedly on course for a December 31, 2012 completion date.

On September 17 and 18, 2012, the OIM and its consultants, and members of the FACU, conducted walk-throughs at six schools that are near completion. Overall, the schools demonstrated that a significant amount of previous noncompliant barriers that were built during the new construction had been removed and remediated. Some issues with the inconsistencies in the prioritizing of items for correction were also noted. In some cases, the District was conservative and made efforts to correct items that may have not been considered high priority, while in other cases some elements were missed. The District noted some limitations in the beginning of this process that led to these inconsistencies, and issues were recognized and remediated through training.

During the 2012-2013 school year, the OIM will continue to evaluate progress at a sample of these 83 schools. Additionally, schools that were opened after June 2006 will be sampled to evaluate if the District's involvement during the construction period had an impact on compliance at these schools. If the District is able to show continued improvement and capacity for building compliant new schools, it may soon meet this requirement of the MCD.

Determination

1. All new construction and renovation or repairs by the District shall comply with Section 504 and the Americans with Disabilities Act (ADA) – **Some improvement noted**
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 – **Total approved: \$67,523,202. 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: \$1,653,210. Total approved: \$13,024,547.**

CHARTER SCHOOLS

During the 2011-2012 school year, the OIM monitored two areas related to charter schools and their collective compliance with the MCD and the IDEA. The first concerns the effort to correct areas of non-compliance at all independent charter schools, which has been an on-going effort for the past two years.

As of August 17, 2012, all but one existing independent charters had completed the necessary repairs and have been signed-off as compliant by the Los Angeles Department of Building and Safety (LADBS). The remaining school resolved its Order to Comply (OTC) on September 9, 2012, after Board authorization to begin the revocation process. While the District's FACU staff had worked collaboratively with the LADBS during this process, the parties agreed to have FACU staff validate the accuracy of the LADBS inspections at four schools (See Appendix K). Two schools were selected as having been signed-off as compliant after closing out the OTC while the remaining two are currently relocating from their existing sites. The new locations were surveyed during the construction phase. The District noted that there continues to be some discrepancies between the surveys and close-out inspections completed by the LADBS. At the two existing sites, the District found some items within the OTC that had not been corrected, however these items have been signed-off by the LADBS. Upon notification of these outstanding items, the District reports that the LADBS reengaged the charters to ensure that the deficiencies were corrected. While the District's findings are generally positive, they continue to note limitations with the quality of the surveys and final inspections conducted by the LADBS.

While independent charter schools fall under the jurisdiction of the LADBS for determining compliance with the accessibility requirements of the ADA and Section 504, the District, as the authorizing agent, is ultimately responsible for ensuring compliance with all applicable laws and the requirements of the MCD. The issues of

non-compliance at these schools was a direct failure of the original surveys completed by the LADBS, and could have been prevented or minimized if the District had a process in place to ensure quality surveys.

Therefore, the District is required to continue to work with the LADBS and ensure compliance at these schools. While political factors may present barriers to continued collaboration with the LADBS, the District must find a viable resolution as long as the MCD is in place. This oversight is in the best interest of all stakeholders, including independent charter operators who lease or purchase sites that may have deficiencies and require renovations to make them compliant prior to occupancy. By ensuring quality surveys and oversight of the LADBS, independent charter operators will ensure sites are compliant prior to occupancy while minimizing costs of repairs. Throughout the course of the effort to correct deficiencies at all independent charters, it is important to acknowledge that most charters were willing to make the necessary renovations and comply.

Another issue involves concerns that charter schools may be screening students by requiring parents to provide information related to special education eligibility and services on the lottery application. Over the past two years, a review of applications has found a considerable number of schools requiring such information despite efforts by the District to eradicate this through oversight of the application process. In June 2012, a similar review was conducted, which found that 28 schools continued to ask parents to provide information related to special education eligibility and/or services of their children. While this is a substantial decrease from the past two years, this finding is evidence of the District's inability to provide rigorous oversight of its independent charter schools. As of July 2, 2012, the District had remediated all of the applications to ensure that information regarding special education status had been removed. By December 15, 2012, the District is required to collect and review all applications and provide a report on its findings to ensure that no schools require parents to include information regarding their children's special education eligibility or services during the lottery process.

Lastly, enrollment of SWD attending independent charters continues to show an upward trend for the third consecutive year. The IM commends the District and charter operators for their effort to work collaboratively to ensure access for SWD at these schools.

MAGNET SCHOOLS

Number and Percentage of SWD who Applied and Were Selected for Magnet Schools by School Year

| School Year | Total # of Students Applied | # of Students Selected | % Selected for SWD who Applied |
|-------------|-----------------------------|------------------------|--------------------------------|
| 2011-12 | 2,401 | 857 | 35.69% |
| 2010-11 | 2,126 | 664 | 31.23% |
| 2009-10 | 2,238 | 850 | 37.98% |
| 2008-09 | 2,061 | 575 | 27.90% |

During the 2010-2011 school year, the OIM conducted a study to examine the impact of the District's magnet schools on its performance in achieving the requirements of the MCD, including compliance with federal and state special education laws⁸. The study revealed several areas within magnet schools' policies and procedures that violated federal and state laws pertaining to the education of SWD. While the study found the lottery process to be fair and equitable, it found that SWD were underrepresented in the magnet program, which may have been due to policies that screened out students once selected, the lack of recruiting of SWD and perceptions that magnet schools are programs only for high-achieving students.

In September 2011, the District responded to these concerns with a plan to address the recruitment, enrollment and retention of SWD at magnet schools. Since then the District has been working closely with the Office of

⁸ Report may be viewed at: http://oimla.com/pdf/magnetstudy11/MagnetSchoolsStudy_Final.pdf

Student Integration Services to ensure that clear policies and procedures pertaining to the lottery application process and enrollment of SWD are included in the magnet handbook. These policies and procedures were also discussed at two District-wide meetings with magnet coordinators. Further, a representative from the Division of Special Education (DSE) meets twice a month with the Magnet Administrators Planning Meeting leadership team to identify and address any ongoing issues or questions. Lastly, the DSE monitored SWD who were accepted and contacted schools to ensure appropriate supports and services were in place prior to the beginning of the 2012-2013 school year.

A review of enrollment data between the 2010-2011 and 2011-2012 school years shows an upward trend in the number of SWD who applied and were selected for magnet school enrollment. This may be due to the District's plan to recruit, enroll and retain SWD at magnets. Further, the percentage of SWD selected is comparable to that for students without disabilities who applied. This shows that the lottery process continues to be fair and equitable.

DATA SYSTEMS

Integrated Student Information Systems (ISIS)

Section 11 of the MCD requires the District to comply with the stipulation agreed to, for the development and implementation of an Integrated Student Information System (ISIS). This will require all schools, including charter schools, to utilize one common data system that is connected to all sites enabling instant access to students' records throughout the District.

The implementation of ISIS has been beset with many challenges and changes in leadership. There has been a history of limited progress, difficulties with maintaining a positive relationship with the vendor and doubt regarding the commitment to complete its implementation.

Over the past seven months the District has reported steady progress and it appeared to be on course, as outlined in the Comprehensive Plan for the Completion of ISIS, to meet this requirement by September 2014. Since February, the District was able to complete the technical upgrade postponed in Milestone 2 (July 2, 2012) and most of the scope of Milestone 3. While the elements postponed from Milestone 3 do not appear to considerably impact the rollout of the elements of Milestone 4, slated for completion in February 2013, these outstanding items may take away resources from completing future endeavors.

On a positive note, the District rolled out a module to capture discipline and suspension data that was originally planned for a July 2014 release. In July, a new ISIS project director was brought on with no impact on the progress of the implementation. While the transition was successful, continuity in leadership is critical for the completion of the ISIS.

While this progress appeared encouraging, continuing challenges may derail or postpone its completion. On August 17, 2012, Superintendent Deasy requested an approval for an alternative for the implementation of ISIS Phase 2 milestones (See Appendix L). At this time, it was communicated to the District that the IM only has the authority to approve changes to the Comprehensive Plan for the Completion of ISIS, and the District was advised to propose changes to the Plan and to include supporting evidence that the proposed alternatives would achieve the milestones and completion of ISIS. On September 19, 2012, the District submitted a similar request for an alternative plan for implementation of Phase 2 milestones (See Appendix M). On October 3, 2012, the IM reiterated the need for the District to present a revised plan with supporting evidence that the alternative approach will result in success. Based on the current requests made, it is difficult to conclude whether this alternative will result in meeting the milestones of Phase 2. For consideration of approval, the District must submit a revised plan that includes an analysis of the impact of the changes, and any subsequent amendments to the scope and/or timelines. On October 8, 2012, a letter was provided to the District restating these expectations (See Appendix N). Because significant changes to the ISIS that amend the stipulation must be agreed to by the parties, the District is advised to maintain open communication with the plaintiffs if such changes are desired. While these changes may be in the best interest of the District and for the completion of

ISIS, the approach and lack of evidence submitted with the proposal creates additional doubt as to its ability to complete ISIS within the set timeframe.

The rollout of new modules and the successful completion of future milestones is only one component of fulfilling the requirements of Section 11 of the MCD. Most importantly, all schools, including independent charters, must be fully utilizing the ISIS. This is of concern since the implementation of the ISIS modules that impact a large number of users, teachers and parents have not been mandated. This will undoubtedly be met with some resistance and will require a substantive training effort. While the Information Technology Division (ITD) has anticipated some challenges in mandating independent charter schools and all teachers to fully utilize ISIS, this directive and push to do so needs to come from the Superintendent and Board of Education.

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 April 23, 2012. Notices inviting persons to attend were made available in the seven primary languages of the District: English, Spanish, 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 SWD; District-wide distribution to all schools including charter and non-public schools; and an ongoing advertisement on the District's television station (KLCS).

To facilitate attendance, a hearing was held in the morning and another in the evening. A total of 147 people signed in as attending in the morning, while 98 attended the evening session. A total of 81 people presented oral testimony, 50 in the morning and 31 in the evening. In addition, 38 letters and/or written comments were received.

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 42 referrals seen by District staff. These referrals identified 70 concerns which were followed up with District staff through the end of June.

An analysis of comments expressed at the annual hearing shows that three main issues were prevalent this year. The first related to special education centers (36.0%); in particular, speculation over the closure of these schools. Concerns regarding problems with the IEP document or meeting and/or non-compliance with specific provisions or services of their child's IEP (26.4%) were the second-most frequently mentioned issue. Lastly, issues related to budget cuts, such as a reduction in staffing (18.3%) were also noted.

During the 2012-2013 school year, the OIM will hold two annual hearings to continue to obtain feedback from parents and members of the community regarding compliance with special education laws at District schools. The first will be held November 8, 2012, and the second on April 11, 2013.

CONCLUSION

This report has documented the District's progress in meeting the three components of the MCD. During the past school year, the District made limited progress on three of the four performance-based outcomes that remained unmet. Last month the parties agreed to a stipulation to replace Outcomes 7A and 7B with a new Outcome 7 and determined that Outcome 4 had been met. As a result of this action, there are now only two remaining outcomes to be achieved. Outcome 13 was discussed in great depth in this report and the new Outcome 7 focuses on reducing the number of SWD in special education centers. It should be noted that the focus of the new Outcome 7 was proposed by the District and is part of an initiative the District was already undertaking.

Outcome 13 on its face is a simple compliance requirement: provide SWD the services specified in their IEPs. The District has met one of the targets, is close to meeting the second, and is still some distance from achieving the

third. The findings of the studies contained in this report should provide the District the guidance to develop and implement actions to achieve the targets.

As noted above, the new Outcome 7 is a District initiative that is already under way. The Parties have agreed to not require the District to develop a Targeted Strategy Plan, as previously required for all outcomes. The District is only required to provide quarterly progress reports. The OIM stands ready to provide the District with any consultative support it may need to successfully complete these outcomes.

The District is close to meeting the requirements of Section 10 pertaining to facilities. To do so will require continued diligence in completing the repairs on the 83 new schools, ensuring that independent charter schools meet the accessibility requirements of the ADA, and putting into functioning order the Rapid Access Program (RAP).

As noted in the report, before the IM can determine that the District has met Section 10, the IM must conclude that the District has no systemic program accessibility problems that prevent substantial compliance with program accessibility requirements of federal special education laws and regulations. In order to make such a determination, the IM will need to feel assured that the District is able to build and repair schools that meet accessibility standards, there is a process in place that over time will bring existing schools into compliance and that there is a functioning system to ensure that SWD have program accessibility to the programs they require.

The District's Facilities Access Compliance Unit (FACU) provides the District with the knowledge, skills and resources to make its facilities access compliant. The District should take pride in the FACU and share this model with other school districts. An effective RAP is the other key component of ensuring that the District is able to maintain substantial compliance. The key is having leadership with the knowledge, skills and resources to make this an efficient and effective program. Currently this is lacking. The IM expects the District to address the concerns expressed in the report.

The IM is both pleased and frustrated with the progress being made in completing the MCD requirements pertaining to the completion and implementation of the Integrated Student Information System (ISIS). The District developed and the IM approved a plan for the completion of ISIS. To date the District is, essentially, on track for meeting the requirements of the plan. The IM has confidence in the ability of the ISIS leadership to guide the successful completion of the plan. Now the District is proposing significant changes. As detailed in this report, the IM is not adverse to change if the IM and the parties know what changes to the plan are being proposed and that there is supporting evidence of the effectiveness of the proposed changes.

The IM commends the plaintiffs counsel for their willingness to support the above changes to the MCD. The three outcomes that have been changed or determined to be met were unreachable in the near future. Their support for removing them reflects a unified desire for the successful completion of the MCD. There are no longer any barriers to completion of the MCD other than those the District creates.

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. 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.

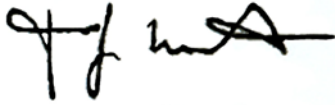
ACKNOWLEDGEMENTS

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 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, Matt Hill, Jaime Aquino, David Holmquist, Sharyn Howell, Diane Pappas, Deneen Cox, Brigitte Ammons

Table A

| # | Outcome | | Current Status 6/30/12 | Outcome Determination Status | Outcome Target | Outcome Met |
|-----|---|----------------------------|---------------------------|---------------------------------|----------------|--|
| 1 | Participation in the (STAR) Statewide Assessment Program (without modifications) | ELA/Math | 86.7%* | 85.2% | 75% | Yes 6/30/06 |
| | | Comparable to Non-Disabled | 96.6%* | 95.0% | 95% | |
| 2 | Performance in the (STAR) Statewide Assessment Program (at basic or above) | ELA | 45.33%* | 35.74% | 27.5% | Yes 6/30/11 |
| | | Math | 41.88%* | 34.96% | 30.2% | |
| 3 | Increase Graduation Rate | | To be determined | 41.66% | 39.79% | Yes 6/30/08 |
| 4 | Increase Completion Rate/Reduce Drop Out | | To be determined | 63.8%** | 76.3% | Yes By Stipulation of the Parties 9/14/12 |
| 5 | Reduce Suspensions of Student with Disabilities | | 4.94% | 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 | | 89.0% | 73.7% | 73% | Yes 6/30/06 |
| 7A | Increase Placement of Students with All Other Disabilities in the Least Restrictive Environment | | 39.8% | 36.4% | 51% | Not met Replaced by stipulation |
| 7B | Increase Placement of Students with the Disability of MDO in the Least Restrictive Environment | | 4.63% | 5.74% | 23% | Not met Replaced by stipulation |
| 7.1 | Reduce the number of students with moderate to severe disabilities at special education centers by a total of 33% over three years | | Not Available | Not Available | Not Available | New outcome by stipulation |
| 7.2 | Student with moderate to severe disabilities at co-located schools shall participate with their nondisabled peers in general education classes an average of 12% of the instructional day | | Not Available | Not Available | Not Available | |
| 8a | Increase Home School Placement: SLI/SLD | | 93.0% | 92.7% | 92.9% | Yes By Stipulation of the Parties 9/16/08 |
| 8b | Increase Home School Placement: All Other Disabilities | Grade K | 53.9% | 59.1% | 65% | |
| | | Grade 6 | 66.0% | 65.0% | 65% | |
| | | Grade 9 | 64.6% | 60.0% | 60% | |
| 8c | Increase Home School Placement: All Other Disabilities | Grades 1-5 | 60.7% | 58.8% | 62.0% | |
| | | Grades 7-8 | 68.4% | 60.3% | 55.2% | |
| | | Grades 10-PG | 49.7% | 41.4% | 36.4% | |
| 9 | Individual Transition Plan in IEP (14 years and above) | | 99.9% | 99.8% | 98% | Yes 6/30/06 |

Table A

| # | Outcome | | Current Status 6/30/12 | Outcome Determination Status | Outcome Target | Outcome Met |
|-----|--|------------------------|---------------------------|------------------------------|----------------|----------------------------------|
| 10 | Timely Completion of Initial Special Education Evaluations | 60 Days | 89.5% | 90% | 90% | Yes 6/30/08 |
| | | 75 Days | 95.0% | 96% | 95% | |
| | | 90 Days | 96.8% | 98% | 98% | |
| 11 | Response Time to Parent Complaints | 5 Days | 75% | 54% | 25% | Yes 6/30/06 |
| | | 10 Days | 90% | 82% | 50% | |
| | | 20 Days | 97% | 97% | 75% | |
| | | 30 Days | 99.9% | 99.9% | 90% | |
| 12 | Informal Dispute Resolution Prior to Formal Due Process (within 20 days) | | 86% | 77% | 60% | Yes 6/30/06 |
| 13a | Delivery of Special Education Services | SLD Only | 94.5% | 90.8% | 93% | No |
| | | Other Disabilities | 94.1% | 94.5% | 93% | |
| 13b | Delivery of Special Education Services | Frequency (# of times) | 83.5% | 81.8% | 85% | |
| | | Duration (length) | 70.2% | 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 | 99.3% | 96% | 85% | Yes 6/30/07 |
| | | 45 Days | 99.9% | 99% | 95% | |
| | | 60 Days | 99.9% | 99% | 98% | |
| 16 | Increase in Qualified Special Education | | 96.0% | 88% | 88% | Yes 7/15/08 Not disengaged |
| 17 | IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students | Autism | 65.6% | 61% | 40% | Yes 6/30/06 |
| | | ED | 99.7% | 97% | 72% | |
| 18 | Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed | % Meeting Criteria | 85% | 81% | 90% | Yes 6/30/10 |

* Preliminary Data

** Data from June 30, 2011