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Modified Consent Decree  
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October 23, 2013

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333 S. Beaudry Avenue, 24<sup>th</sup> Floor  
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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 2012-2013 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 18 performance-based outcomes pertaining to students with disabilities (SWD) receiving special education services. Prior to this report, the District had met the requirements of 16 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 My Integrated Student Information System (MiSIS).

This report addresses the status of the District's performance on three outcomes, making schools accessible and the MiSIS. It also includes discussions regarding the following: schools of choice; an update on one outcome; 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 appendices to this report contain 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:

- Outcome #7: Placement in the Least Restrictive Environment
  - Part 1: Placement of Students with Disabilities at Special Education Centers
  - Part 2: Students at Co-located Sites will Participate 12% of the Instructional Day with their Non-Disabled Peers

- Outcome #13: Delivery of Services
- Outcome #16: Increase In Qualified Providers
- Update on Outcome #4: Completion

It also reports on the following:

- Making Schools Accessible
- Schools of Choice – Charter and Magnet Schools
- Data Systems – My Integrated Student Information System (MiSIS)
- Annual Hearing

## OUTCOME # 7: PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT

- ◆ **Outcome 7 - Part 1:** Reduce the number of students with moderate to severe disabilities ages 6-18 at special education centers by a total of 33% over three years, beginning with the 2012-2013 school year.

Placement of SWD at Special Education Centers

School Year	# of Students	# of Students Reduced from Target	% of Students Reduced
2013-14*	1,643	547	24.98%
2012-13	2,121	69	3.25%
2011-12**	2,190		

\* Preliminary Data  
\*\* Baseline Year Data

- ◆ **Data Source:** Students in the SPED Census database, ages 6 to 18, enrolled at special education centers on April 15 of each school year make up the dataset.
  - Baseline data = 2,190 students at centers (April 15, 2012). The target is a reduction of 723 students for a total number of no more than 1,467 students enrolled at special education centers by 2014-2015.
- ◆ **Note:** The percentage of SWD at co-located schools shall not exceed 28% of the school population in order for them to be counted toward achieving this reduction. (Average of the total number of SWD divided by total school population at eligible co-located schools, ages 6-12 for elementary, and ages 13-18 for secondary). The number of general education students used in this calculation shall not be less than the number reflected in the California Longitudinal Pupil Achievement Data System (CALPADS) during the initial year in which the co-location of the designated schools occurs. For students to count as being enrolled at a co-located school, the number of special education students shall not exceed 35% of the population (ages 6-12 for elementary, and ages 13-18 for secondary). SWD who are outside the approved age ranges described above for co-located schools will be counted as attending a center for the calculation purposes of Outcome 7- Part 1.
- ◆ **Discussion:** Outcome 7 was established to replace Outcome 7A and 7B with two separate indicators (Part 1 and Part 2) by a stipulation of the Parties on Sept. 17, 2012. The intent of this Outcome is to reduce the number of students with moderate to severe disabilities attending special education centers and increase the amount of time students are integrated at the four newly co-located sites.

Outcome 7- Part 1 requires the District to reduce the percentage of students attending special education centers by 33%. This outcome sought to reduce the number of students across all centers. During negotiations, the District presented a two-year plan beginning July 1, 2012 for achieving this outcome by merging four centers with nearby general education campuses. These schools were selected based on the ability to merge them into one school. They include: Blend and Van Ness Elementary; Banneker and Avalon Gardens Elementary; McBride and Grand View Elementary; and Miller and Cleveland High School. The Parties agreed to establish student population parameters for the new co-located sites to ensure that these schools did not consist primarily of SWD<sup>1</sup>.

This Outcome's performance is based on enrollment data each April 15, and the performance for 2013-2014 data cited in the table above is considered preliminary.<sup>2</sup> As of Sept. 15, 2013, the District had reduced the number of students attending centers by 24.98%. This demonstrates considerable progress toward achieving this outcome. However, it falls short of the 33% target, and therefore this part of the outcome is not met.

While the merge resulted in 19 classes being integrated on general education sites, the reduction of students attending centers has been observed across all centers between the 2012-2013 school year and Sept. 15, 2013 (See Appendix A). At the beginning of the 2012-2013 school year, the District relocated eight classes from five

<sup>1</sup> Details on these parameters can be read in the Note section above.

<sup>2</sup> Due to varying enrollment throughout the year, the Parties agreed to a specific date to measure progress.

centers to general education campuses, including one charter school. This reflects the District's commitment to expand capacity at general education sites. This year, the District opened 12 new classes for students with moderate to severe disabilities on general education campuses, including three for pre-school-aged students. Over the last two years, the District has opened 11 pre-school classes and 33 K-12 classes for students with moderate to severe disabilities on general education campuses. It is important to note that any changes to placement or services must be consistent with a student's IEP.

The District's vision, efforts and commitment to providing education opportunities for students with moderate to severe disabilities at general education campuses have been met despite logistical and political challenges. The District reached out to labor unions, experts from local universities, regional center directors and outside agencies. Its efforts have been exemplary and should be commended, considering it required successful collaboration between staff in various District departments.

The following discussion will highlight the efforts taken to open the four co-located sites and build new programs across the District for students with moderate to severe disabilities. During the 2012-2013 school year, the District engaged in planning activities to prepare students, parents and staff for the opening of the new sites in time for the 2013-2014 school year. The Division of Special Education (DSE) created an integration team of eight central office staff to coordinate these efforts with school staff, other departments such as the Facilities Division and Related Services, and outside agencies such as Shane's Inspiration and UC Play.

During the planning year, the integration team began preparing schools and personnel by holding joint staff meetings to integrate staff and provide professional development. The teams also identified the materials, supplies and technology needed for integration. Maintenance and operation staff from the Facilities Division conducted walks at sites to identify areas that needed renovations to provide or improve accessibility. Scopes of work were then developed, including timelines for completing the repairs and renovations. Despite these proactive measures, the District was beset by delays caused by the District's new funding system and the early start calendar which reduced the time campuses were unoccupied during summer.

Meetings were held with principals of both sites (general education and centers) to discuss the upcoming merger and the intent of Outcome 7. Outside agencies (e.g., Shane's Inspiration, PS Arts, UC Play) were invited to present their programs to parents. Some sites held open houses, hosted coffee/tea time with principals, and visited neighboring schools. Parents of students at both sites were also included in discussions and decision making for the potential renaming of these co-located schools.

Student activities were also conducted in preparation for the merger to introduce students to both campuses and provide opportunities for modeling of integration. Integration activities were held throughout the year which included assemblies, participation in programs provided by outside agencies, field trips and integrated physical education (PE). Additionally, students attending general education campuses participated in trainings to inform them on the abilities of SWD.

During this 2013-2014 school year, the District continued to commit resources to ensure success with Outcome 7. Full-time assistant principals have been assigned at the three co-located elementary schools, while all schools have been assigned a program specialist to assist with the integration of students. Additionally, the co-located elementary schools have been provided a full-time teacher to assist with students' academic needs. Two more teachers were assigned to support programs that have been recently opened on general education campuses. Professional development for staff, including paraprofessionals, has been slated to support students in integrated environments, including those with medical disabilities. General education students and teachers are also to receive trainings on the abilities of SWD. Support staff at each of the co-located sites maintained the same levels prior to the merge, with the DSE funding two staff positions such as nurses, cafeteria managers, plant managers and administrative support personnel. Partnerships with outside agencies will continue and expand to provide students opportunities for integration. To further promote this initiative, the District is in the process of creating a series of six programs on integration that will be televised on KLCS.

The District continues to address the accessibility needs of the co-located sites, such as bathroom renovations and installation of ramps. This effort also includes developing integrated computer labs, libraries and science rooms. At

one school, an existing garden and atrium is being adapted so that all students can participate in gardening activities and lessons. Adapted planters for a garden are being constructed by SWD attending Miller CTC.

In September 2013, the DSE funded the reassignment of a position to provide full-time support to the accessibility efforts at the general education campuses where programs have been newly opened and for those to be opened in the future. This individual is knowledgeable of accessibility legal requirements, as well as District procedures for getting renovations approved and funded.

The District has demonstrated its commitment to improve the rigor of instruction for students with moderate to severe disabilities. On May 6, 2013, the District passed a policy to implement a new alternate curriculum and provide training and support to all teachers (See Appendix B). The policy requires teachers of students who participate in the alternate curriculum to use the Unique Learning System's curriculum and assessments. The policy also requires teachers with students who are English Language Learners (ELL) to use the Oxford Picture Dictionary Curriculum, which is a research-based English Language Development (ELD) program designed specifically for students on the alternate curriculum. Training and support is available for teachers, including in-person training, online seminars, online training and networking meetings. Teachers, administrators and support staff also receive a weekly electronic newsletter, "Alternate Curriculum Update," which includes a live podcast, classroom tours showing videos of exemplary teaching practices and tools for supporting instruction. Supplemental materials and technology support are also available, such as tablets and LCD projectors for teachers implementing the curriculum. The District has also committed one administrator and four teachers to provide full-time instructional support to those implementing the alternate curriculum.

In September 2013, the OIM, Plaintiffs' Counsel and representatives from the District visited the four co-located schools. The visits were encouraging as principals seemed committed to the success of all students and building an integrated school community. Students were also observed participating in integration activities with outside agencies. Renovations to address accessibility needs were also observed. While principals shared some of the logistical challenges from the merges, the schools appeared to be operating with minimal disruption.

For the 2014-2015 school year, the District is committed to increasing the capacity of serving students with moderate to severe disabilities on general education campuses. The District has plans to relocate more classrooms from five existing centers. These efforts are being led by general education directors from local Educational Service Centers (ESC) and are supported by the DSE. Further, the District has a three- to five-year plan for building programs for students with intellectual disabilities ages 18-22.

The District has demonstrated leadership and good faith exceeding the expectations of this Outcome. The activities highlighted in this report do not cover all of the efforts and progress made to promote the integration of students with moderate to severe disabilities. This commitment is a testament to the District's capacity and willingness to improve the education of SWD. If the District proceeds with its plan to relocate classes from centers and create new classes on general education campuses, the District should meet this outcome by the 2014-2015 school year.

- ◆ **Determination:** Outcome 7 - Part 1 not met.

**OUTCOME # 7: PLACEMENT IN THE LEAST RESTRICTIVE ENVIRONMENT (CONT.)**

- ◆ **Outcome 7 - Part 2:** Students 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 and during lunch, breaks/recesses and school-wide activities.

SWD at Co-Located Sites Participating 12% of Instructional Day with Their Non-Disabled Peers

School Year	Total # of Students	# of Students 12% or more	% of Students 12% or more
2013-14	Data not available	Data not available	Data not available

- ◆ **Data Source:** Students in the SPED Census database enrolled at eligible co-located schools (ages 6-12 for elementary and ages 13-18 for secondary) on April 15 of each school year make up the dataset.
- ◆ **Note:** Students 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 and during lunch, breaks/recesses and school-wide activities.
- ◆ **Discussion:** The second part of the Outcome requires students at co-located sites to participate with their non-disabled peers in the general education classes an average of 12 percent of the instructional day. Not all students with moderate to severe disabilities at each co-located site must be integrated for this amount of time, but the average of these students must meet or exceed this target.

The integration of students in the general education classes requires programs to be in place and changes to students' IEPs be made to reflect such integration. Since students are new to these schools, these efforts are expected to be observable beginning spring 2014 and through the 2014-2015 school year. Therefore, progress will be measured and reported in next year's annual report.

During the 2012-2013 school year, the District instructed staff at these centers that were to be co-located to discuss at an IEP meeting when a student would be integrated for the upcoming year. As programs become more established and staff increased capacity for integrating students with moderate to severe disabilities, it is expected that students will be meaningfully integrated. This should be better reflected in students' IEPs during the 2014-2015 school year.

As mentioned in the discussion for Outcome 7 - Part.1, the District has committed resources to develop programs and classes for student integration. Particularly, all schools have integrated PE programs. The District has also focused on developing integrated arts, music and science programs and activities.

The District is to be commended for its approach to Outcome 7 – Part 2. It is important that school officials consider the individual needs of each student and develop IEPs that provide the necessary supports to ensure successful integration. The District is to be praised for providing students and teachers from the general education campuses awareness training on the abilities of SWD. During this first year of co-location, the District has placed a large emphasis on building a safe and welcoming community. This approach is undeniably essential for providing meaningful integration opportunities for all students.

- ◆ **Determination:** Outcome 7 - Part 2 not met.

### OUTCOME # 13: DELIVERY OF SERVICES

- ◆ **Outcome:** By June 30, 2006, 93% of the services identified on the IEPs of SWD in all disability categories except SLD 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*
2012-13	98.1%	*N/A	97.7%	*N/A
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 eliminated as part of the services study during the 2006-2007 school year.

- ◆ **Data Source:** Services Study
  - Office of Data and Accountability and American Institutes for Research (AIR).
- ◆ **Outcome:** 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 assessing frequency and duration, provider absences will constitute evidence of service provision if such absences are the result of short-term (maximum two consecutive weeks) illness, family emergency or jury duty. Student absences/no shows will also constitute evidence of service provision.

Frequency and Duration of Services

School Year	IEP – Log Frequency Agreement	IEP – Log Duration Agreement
	% of Services with Frequency at Least Equal to the IEP	% of Services with Duration at Least Equal to the IEP
2012-13	86.0%	71.4%
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 like the Resource Specialist Program (RSP) and related services such as speech and language, and occupational and physical therapy. For the purpose of this study, evidence of eight weeks of service is required for meeting both the frequency and duration requirements as specified in a student’s IEP. 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 10 years. Over the course of the MCD, OIM, ODA and AIR have worked together to better understand service delivery.

During the 2012-2013 school year, the ODA and AIR, in collaboration with the OIM, conducted a study to measure the delivery of service to SWD (See Appendices C and D). Additionally, the ODA conducted focus groups with central office staff and service providers to examine the effectiveness of a series of reports (referred as the “300 Reports”) utilized for monitoring service delivery. The purpose of the focus groups was to better understand the capacity of the District to self-monitor service delivery at both the central and site levels.

Overall, the District’s performance showed continued improvement and met two of the three targets for this outcome. The District’s performance on the first part of the outcome (Evidence of Service) meets or exceeds the target level (93%) for demonstrating evidence of service for students with specific learning disabilities (SLD) (97.7%) and for students who have a disability in all other categories (98.1%). This part of the outcome measures evidence of students who received at least one session of the services specified in their IEP for the eight-week period reviewed. This year, more emphasis was placed on cases that did not have any evidence of service. Cases that showed instances attributed to data anomalies -- such as students who left the District or had been exited from that particular service and had not been removed from the Welligent database -- were dropped from the analysis. This additional emphasis resulted in a slight increase in the percentage of students who received at least one session over the eight-week period. It can be reasonably assumed that the performance noted this year is a more accurate estimate of students receiving services.



The District met (86%) the target for frequency (85%). This means that 86% of the students in the sample received 100% of the sessions specified in their IEP. The performance for meeting duration (71.4%) was a slight improvement but continues to fall below the target. To assess frequency and duration, the study compared the number of sessions and duration minutes specified in the IEP and information documented in the Welligent provider logs within the same time period. Students must receive 98% of all minutes prescribed to meet the duration requirement of the outcome<sup>3</sup>.

All services met the 85% frequency target except speech and language (82%), deaf and hard of hearing (81%), school mental health or counseling (78%) and occupational therapy (77%).

Analyses indicate that about 53% of the cases that did not meet the frequency requirement (n=709) were missing only one session. Of these, RSP services had the largest percentage (81%) of those missing services by more than one session. This is likely due to services that are provided daily or multiple times a week which may limit providers' opportunity for making up sessions. Further reinforcing this hypothesis, cases that missed only the frequency target were more than twice as likely to be weekly services (66.7%) compared to services specified in the IEP as monthly (30.5%). As noted above, 86% of the students in the sample received all of the sessions at the frequency specified in the IEPs. This number would increase to 93% if those only missing one session were included.

Only physical therapy met the duration target, while the following services had the lowest duration rates: behavioral intervention services provided by NPAs (43%), RSP (69%), school mental health (72%), speech and language (72%) and occupational therapy (72%).

Cases that did not meet the duration requirement (n=1,378) were examined further. Of the cases that didn't meet duration, 42% were missing service time equivalent to one session. For those cases that missed the duration target, more than half (60.0%) were weekly services, compared to 39.3% that were specified as monthly. Services with the largest gap between provided and required duration were again led by behavioral intervention services delivered by NPA providers. These services are typically provided daily for the majority of the school day and are prescribed for 1,800 minutes for the week. This may explain the low rate of duration provision since missing one day of services (360 minutes) has a considerable impact on meeting the duration target. In some cases where students are prescribed a full day of behavioral intervention services, missed sessions may be a result of a provider absence. In these instances, students may receive support from existing staff at schools but such sessions are not credited.

Reasons for not providing services were examined for cases not meeting the duration requirement by one session. The review found that 19% of the cases that missed the duration requirement by one session were due to attendance at an IEP meeting, 12% were the result of a provider absence, and 62% did not indicate any reason for missing the session. The latter is of concern since providers appear to be failing to provide the appropriate documentation for service delivery.

To further test the impact of services that are near but under the required duration on the population estimates, the study examined students who 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, the student would require at least 216 minutes (90%) or 204 minutes (85%) to meet these adjusted criteria. The analysis found that 76.3% of the population received at least 90% of their total minutes of prescribed services, and 83.8% received at least 85% of their minutes.

The findings of the focus groups found the "300 Reports" to be effective for monitoring service delivery for both providers and administrators. Participants noted improvements over the last year in both the speed of accessing data and the revision of the report's format to Excel. This new format has improved monitoring service delivery by allowing users to sort and manage data efficiently. Both providers and administrators review the reports on a

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

weekly basis. Failure to timely review the reports or to deliver required services results in contact by supervisors.

While participants expressed many positives, providers noted some concerns and suggestions for improving the reports and Welligent system. Providers noted the following concerns regarding Welligent: the need for additional codes for missing sessions to more accurately reflect what occurred; the need to remove the 30-minute default setting for sessions missed, because it impacts the accuracy of data for sessions that last more or less than 30 minutes (e.g., block schedules); confusion on how to code missed sessions during school holidays or closures; the coding of make-up sessions which often results in double-counting sessions when services were missed due to a student absence; and the timeframe used for running reports that do not always coincide with the calendar month.

During the last annual report, the District was required to submit a two-year targeted strategy plan that addressed issues identified from the provider surveys. To assist the District in determining if additional staff is necessary and/or responsibilities can be reduced or eliminated, the plan was to focus on existing policies and practices, determination of caseload assignments, analyses of current staffing levels and work loads, and additional job factors affecting providers. On March 21, 2013, the District submitted the targeted strategy plan which addressed these issues. The District has begun working on some of the actions of the plan, many of which coincide with the DSE Strategic Plan 2015 (See Appendix E).

The IM has repeatedly stated that service provision is the cornerstone of FAPE and substantial compliance. It is the hope of the IM that the improved "300 Reports" may provide the necessary tool for providers to self-monitor service delivery and result in improvement toward meeting the duration target. However, the District needs to continue to evaluate factors preventing providers from delivering all of the service minutes as required by IEPs and make the necessary changes to policy, practice and staffing to ensure students receive their services.

- ◆ **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 IM shall not certify under paragraph 88 of the MCD 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
2012-13	3,739	96.3%
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 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 after all other outcomes are met and the District has achieved and maintained at least the 88% level. As of June 15, 2013, 96.3% of the District's special education teachers were fully credentialed.
- ◆ **Determination:** Outcome 16 met and the District will be disengaged from this outcome after all other outcomes are met and the District has achieved and maintained at least the 88% level.

## UPDATE ON OUTCOME #4: COMPLETION

This outcome was met in accordance with the stipulation agreed upon by the parties on Sept. 17, 2012. During the 2012-2013 school year, the OIM examined the accuracy of the completion data at a sample of schools<sup>4</sup>. The data review noted ongoing problems with the accuracy of the completion data, particularly for students who graduated with a diploma, but were noted in the data system as drop-outs. These inaccuracies are a result of the miscoding of completion codes by school staff. This problem has been noted for several years and despite efforts by the District to improve the accuracy of data entry at schools, the miscoding for these students may have serious implications. While these inaccuracies result in the under-estimation of graduates of SWD, however, it is likely that data inaccuracies may generalize to the entire student population.

In August, the Plaintiffs' Counsel raised concerns over this continuing problem. On Oct. 3, 2013, the OIM met with senior District staff to discuss these concerns emphasizing that it was in the District's interest to implement changes recommended so it can better measure its performance.

## 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).
- 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 October 2012 report. Since then, the District submitted three projects under the \$20 million on-demand program. The report also includes an update on the District's efforts to address non-compliance at 81 new schools.

### ***\$67.5 Million Repair and Renovation Projects***

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

### ***\$20 Million 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. It also changed the name of the program to the Rapid Access Program (RAP).

During the 2012-2013 school year, the District completed five projects that were requested between June and October 2012. As noted above, three requests were received by the District since the last annual report. The requests were minor and the District responded timely to each. The process appears to be more streamlined and the completion of seven projects took approximately four to eight months from the receipt of the request. The last project is still pending construction.

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<sup>4</sup> This report can be viewed at: [http://oimla.com/pdf/20130616/Study\\_AccuracyGraduation%20Data.pdf](http://oimla.com/pdf/20130616/Study_AccuracyGraduation%20Data.pdf)

## *New Schools*

The parties entered into a stipulation agreement requiring the District to address non-compliant findings and work at 81 schools opened after June 30, 2006. The District also committed to surveying new schools not included in the 81 projects to ensure that non-compliant work be addressed prior to the opening of these schools. This effort entailed collecting data on non-compliant findings during the construction phase to reduce and/or eliminate similar problems in future schools. These schools outside of the 81 are referred to as trend analysis schools.

During the 2012-2013 school year, the District completed the repairs at the original 81 schools. On April 22-24, 2013, the OIM and its consultants, Disabilities Access Consultants (DAC), visited eight schools to validate the accuracy of the online surveys showing the completed repairs. The OIM has reviewed 70 of the NC 81 (93%) projects online and six trend analysis schools.

Overall, both the site visits and online reviews found that the majority of the items that required remediation were complete and compliant. Some inconsistencies were noted in some surveys, which was primarily a result of the District's decision to maintain the original December 2012 deadline to complete the repairs and to contract vendors to complete the surveys. This resulted in limitations with the initial oversight provided by the FACU; however, this improved over the course of the surveys.

While the trend analysis showed a vast improvement in the District's ability to build compliant schools, some items continued to be non-compliant. Some of these issues can be attributed to failures in design, procurement of non-compliant items such as bleachers in gymnasiums, and/or problems that arise during the construction phase. However, the majority of non-complaint findings were minor in nature and related to either the rear grab bars being installed too high to avoid the toilet's automatic flush valve, or height (top or bottom) of the bathroom mirrors.

Over the past several years, the District has increased its capacity to build compliant new schools and make necessary renovations. This has included working collaboratively with external agencies such as the Los Angeles Department of Building and Safety (LADBS), Division of State Architect (DSA) and vendors. The FACU has noticed an increase in demand for their expertise from other District departments, which they attribute to an increase in awareness raised by the efforts to meet Section 10 of the MCD. The FACU reports an increased importance of accessibility at schools by the District staff. This increased demand has been a challenge due to the reduction in personnel of the FACU. However, an increase in staffing levels was approved at the end of the 2012-2013 school year.

One persistent area of concern is the non-compliant findings that may have been attributed to the design phase, considering the processes in place set to prevent such non-compliance. While the District has had procedures in place to review designs to ensure compliance, this has historically not been conducted by FACU staff. While the District is responsible for ensuring architects provide compliant designs, DSA is responsible for approving all designs. This includes conducting reviews for compliant accessibility features.

To better understand how these procedures may have contributed to non-compliant construction, in September 2013, the OIM met with the State Architect. While the State Architect believed that plan reviews conducted by DSA were of good quality, he agreed to review several schools to see if the DSA design review missed non-compliant designs. The OIM will meet again with the DSA to discuss the findings of this review and determine if such failures were a result of limitations within the design review of the District and/or DSA, or if it was attributed to the construction phase and inadequate oversight and inspection.

The District is to be commended for completing the repairs at the 81 new schools and showing marked improvement with its trend analysis schools. While the District has met many of the obligations of Section 10, the OIM will continue to evaluate the District's processes to ensure that the necessary safeguards exist to prevent non-compliance, particularly with conducting design reviews and comprehensive surveys. Additionally, the OIM will require the District to address its obligation with Section 17 to ensure it has a plan for meeting the requirements of transition plans as mandated by law.

**Determination**

1. All new construction and renovation or repairs by the District shall comply with Section 504 and the ADA – **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: \$264,009. Total approved: \$13,288,556.**

**SCHOOLS OF CHOICE**

**CHARTER SCHOOLS**

During the 2012-2013 school year, the OIM monitored two areas related to charter schools and their collective compliance with the MCD.

The first 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 three years, a review of applications has found a number of schools requiring such information despite efforts by the District to eradicate this through oversight of the application process. The initial review conducted in June 2011 found almost half of all charter schools (n=88, 48%) required such information. During the 2012-2013 school year, the review found that five schools continued to include such information on their applications. While the Charter School Office addressed this immediately, there is no reason that any school should continue to require this information.

Secondly, enrollment of SWD attending independent charters continues to show an upward trend for the third consecutive year. Since the 2011-2012 school year, the overall population of students attending charter schools increased 6.9% (n=5,725), with SWD accounting for approximately 20% (n=1,101) of these new students. Overall, the percentage of SWD attending charters is 9.3% compared to 12.3% attending District-operated schools.

The District is to be commended for its continued efforts to support SWD at charter schools. During the 2010-2011 school year, the District began creating a new organizational structure of SELPA options for charter schools. The purpose was to provide charters with various options for the funding of special education personnel and programs. During the 2013-2014 school year, the OIM will conduct a study to examine these options and their impacts on serving SWD.

Number and Percentage of SWD Enrolled at District Operated and Charter Schools by School Year

School Year	Total # of Students Enrolled at Charter Schools	# of SWD Enrolled at Charter Schools	% of SWD Enrolled at Charter Schools	% of SWD Enrolled District Operated Schools
2012-13	88,613	8,244	9.30	12.30
2011-12	82,888	7,143	8.62	12.04
2010-11	69,444	5,699	8.21	12.10

## MAGNET SCHOOLS

Since the 2010-2011, the OIM has examined the impact of the District's magnet schools on its performance in achieving the requirements of the MCD. The District has made efforts to improve the recruitment, enrollment and retention of SWD at magnet schools. These efforts have included changes to the policies and procedures pertaining to the lottery process and enrollment of SWD, meetings between the DSE and Magnet Administrators Planning Meeting leadership team, and oversight by the DSE to monitor SWD who are selected by working with schools to ensure that the appropriate supports and services were in place prior to the start of the school year.

In less than two years, the District has made considerable progress in increasing the number of students who applied and were selected to attend magnet schools. The 2012-2013 data show that the number of students who applied has increased by 22.6%, while the number selected has almost doubled since the 2010-2011 school year (664 vs. 1,199; 2012-2013). The increase in the percentage of SWD selected constitutes a 40% increase from last year.

The District is to be commended for this progress as it continues to increase educational opportunities for SWD to attend schools of choice and enriched academic programs.

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
2012-13	2,608	1,199	45.97%
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%

## SUMMARY

The increased enrollment of SWD at charters and magnets is a testament to the positive outcomes for SWD as a result of the MCD. While increasing enrollment at schools of choice was not a specific outcome, the District has taken ownership of addressing the policies and practices that were resulting in inequitable access to these schools. This has been critical in ensuring the District does not have policies that may prevent systemic compliance.

## DATA SYSTEMS

### *My Integrated Student Information Systems (MiSIS)*

Section 11 of the MCD requires the District to comply with the stipulation to develop and implement 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 and enables instant access to students' records throughout the District.

During the 2012-2013 school year, the District proposed changes to both the vendor and the platform upon which ISIS was being developed. The parties agreed to this change and required the District to present a comprehensive implementation plan that committed to the completion of the ISIS, including all of the previous items that were to be developed and which were outlined in the ISIS checklist. On March 22, 2013, the District

presented a new plan for the completion of ISIS, which was approved by the IM on April 8, 2013. The District renamed the project to My Integrated Student Information System or MiSIS.

Since the IM's last annual report, the District was due to meet two milestones (5 and 6). Both milestones were met on time, with milestone 5 completed in July 2013 and milestone 6 in August 2013. These milestones centered around the development and deployment of the Gradebook module. This module provides teachers an electronic format for storing grades that are synced to the District's report card. While the utilization of the Gradebook is not yet mandatory, the District reports more than 600 teachers are currently using it.

During the 2013-2014 school year, the District is required to complete milestones 7 and 8 in February and August 2014, respectively. Both of these milestones contain a large bundle of functionality, or modules. While software development is proceeding as planned, the MiSIS Project Director has committed additional resources to ensure deadlines are met. Milestone 8 contains 15 major modules and is the largest bundle of new functionality. The District has begun pre-development work associated with this milestone.

Overall, the MiSIS Plan has provided adequate guidance for the timely completion of the milestones. The MiSIS leadership team and staff appear to be working diligently to ensure that resources are committed and milestones are met. The District should review the mapping of requirements to the ISIS Checklist items, so that each item is clearly addressed in the Plan. This should include formal requests to the Parties to retire checklist items which District practice no longer supports or utilizes. It is important to note that the MCD requirements are not met until the system is fully implemented by all schools, including charter schools.

## **ANNUAL HEARING**

On September 17, 2012, the parties agreed to a stipulation that the OIM would hold two annual hearings annually until the conclusion of the MCD and that the District would hold one annual hearing after the conclusion of the MCD.

The OIM's hearings were held on November 8, 2012 and April 11, 2013. To facilitate attendance, a hearing was held in the morning and another in the evening. 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.

The first hearing was attended by 149 people, with 52 presenting oral testimony. In addition, 23 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 29 referrals seen by District staff.

An analysis of comments expressed at the annual hearing revealed three main issues. The first related to special education centers (31.5%); in particular, the merging of the four centers with general education schools. Concerns regarding problems with the IEP document or meeting and/or non-compliance with specific provisions or services of their child's IEP (18.4%) were the second-most frequently mentioned issue. Parents also expressed concerns about schools denying assessments and/or services (10.5%).

The second hearing was attended by 127 people, with 49 presenting oral testimony. In addition, four letters and/or written comments were received. Thirty-seven people met with District staff to discuss their concerns. The three main issues were similar to the first hearing, with concerns over the merging of the special education centers being the main issue (30.6%); problems with compliance with their children's IEPs (12.2%) and bullying (10.2%) also were discussed.



## 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 progress on all of the performance-based outcomes that remained unmet.

The District's performance on Outcome 7 is ahead of schedule and if the efforts demonstrated over the past year continue, it is reasonable to predict that both parts of this Outcome can be met by the end of next school year. The IM commends the District, parents and members of the community for their outstanding work to make a more inclusive education a reality.

As noted in previous reports, Outcome 13 on its face is a simple compliance requirement: to provide SWD the services specified in their IEPs. The District continues to improve its performance on all three components of the Outcome and has now met two of the targets, but is still some distance from achieving the third. The findings of the studies contained in this report should provide the District guidance to continue to improve its performance. As the Outcome is formulated, there is no way to compare the District's performance with the performance of other school districts. Further, because of factors described in this Report effecting the remaining target (duration), the IM believes that it is doubtful that the District can achieve the target in the foreseeable future. The IM encourages the District to continue to make progress over the coming year, and to ensure that it has sufficient service providers and appropriate caseloads. The Parties, as they have done in the past, are encouraged to reexamine the appropriateness of the duration target.

The District is close to meeting the requirements of Section 10 pertaining to facilities. 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. This includes having processes in place during the design phase to ensure that problems are identified prior to designs being submitted for DSA approval. Furthermore, the District must continue to demonstrate capacity in conducting consistent and comprehensive surveys.

Before the IM can determine that the District has met Section 17, the IM must conclude that the District has no systemic program accessibility problems that prevent substantial compliance with program accessibility requirements of federal laws and regulations. This includes a process for developing transition plans over time that identifies existing barriers and a schedule for barrier removal to bring schools into compliance. Last, the District must continue to have a functioning system that provides SWD accessibility to the programs they require.

The District is to be commended for the progress being made in completing the MCD requirements pertaining to the completion and implementation of an integrated student information system (MiSIS). The District developed and the IM approved a plan for the completion of MiSIS. To date the District is on track for meeting the requirements of the plan. The IM has confidence in the ability of the MiSIS leadership to guide its successful completion. However, it is important to remember that this MCD requirement will only be met when the information system is fully implemented and utilized in all District schools, including charters.

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.

Finally, the IM believes that the District is on track to successfully fulfill the requirements of the MCD within the timeframe of its own plans. Section 17 of the MCD requires the IM, upon the IM's certification that the outcomes have been met, to make a judgment that the District's special education program has no systemic problems that prevent substantial compliance with applicable federal special education laws and regulations. During this year the IM, in concert with the Parties, will begin this process.

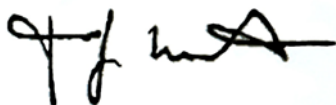
#### ACKNOWLEDGEMENTS

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 6/30/13	Outcome Determination Status	Outcome Target	Outcome Met
1	Participation in the (STAR) Statewide Assessment Program (without modifications)	ELA/Math	86.2%*	85.2%	75%	Yes 6/30/06
		Comparable to Non-Disabled	97.6%*	95.0%	95%	
2	Performance in the (STAR) Statewide Assessment Program (at basic or above)	ELA	48.41%*	35.74%	27.5%	Yes 6/30/11
		Math	41.58%*	34.96%	30.2%	
3	Increase Graduation Rate		To be determined	55.98**%	39.79%	Yes 6/30/08
4	Increase Completion Rate/Reduce Drop Out		To be determined	72.4%**	76.3%	Yes By Stipulation of the Parties 9/14/12
5	Reduce Suspensions of Student with Disabilities		2.87%	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		87.2%	73.7%	73%	Yes 6/30/06
7	Part 1: Placement of Students at Special Education Centers		1,643	-24.98%	1,467	No
	Part 2: Students at Co-Located Sites will Participate 12% of the Instructional Day with their Non-Disabled Peers		To be determined	To be determined	12%	No
8a	Increase Home School Placement: SLI/SLD		94.1%	92.7%	92.9%	Yes By Stipulation of the Parties 9/16/08
8b	Increase Home School Placement: All Other Disabilities	Grade K	60.4%	59.1%	65%	
		Grade 6	69.9%	65.0%	65%	
		Grade 9	68.2%	60.0%	60%	
8c	Increase Home School Placement: All Other Disabilities	Grades 1-5	62.5%	58.8%	62.0%	
		Grades 7-8	67.5%	60.3%	55.2%	
		Grades 10-PG	51.2%	41.4%	36.4%	
9	Individual Transition Plan in IEP (14 years and above)		99.9%	99.8%	98%	Yes 6/30/06
10	Timely Completion of Initial Special Education Evaluations	60 Days	87%	90%	90%	Yes 6/30/08
		75 Days	93%	96%	95%	
		90 Days	96%	98%	98%	
11	Response Time to Parent Complaints	5 Days	50%	54%	25%	Yes 6/30/06
		10 Days	77%	82%	50%	
		20 Days	95%	97%	75%	
		30 Days	99.2%	99.9%	90%	
12	Informal Dispute Resolution Prior to Formal Due Process (within 20 days)		83%	77%	60%	Yes 6/30/06

Table A

#	Outcome		Current Status 6/30/13	Outcome Determination Status	Outcome Target	Outcome Met
13a	Delivery of Special Education Services	SLD Only	97.7%	90.8%	93%	No
		Other Disabilities	98.1%	94.5%	93%	
13b	Delivery of Special Education Services	Frequency (# of times)	86.0%	81.8%	85%	
		Duration (length)	71.4%	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	78.4%	96%	85%	Yes 6/30/07
		45 Days	78.7%	99%	95%	
		60 Days	79.4%	99%	98%	
16	Increase in Qualified Special Education		96.3%	88%	88%	Yes 7/15/08 Not disengaged
17	IEP Team Consideration of Behavior Support Plans for Autistic and Emotionally Disturbed Students	Autism	64.9%	61%	40%	Yes 6/30/06
		ED	100%	97%	72%	
18	Comprehensive Evaluation of African American Students Identified as Emotionally Disturbed	% Meeting Criteria	81%	81%	90%	Yes 6/30/10

\* Preliminary Data  
 \*\* Data from June 30, 2012