

Office of the Independent Monitor

Modified Consent Decree
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Mr. Ramon Cortines
Superintendent of Schools
Los Angeles Unified School District
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017

Re: Priority Disengagement Activities

Dear Mr. Cortines:

This letter is one of a series that will prioritize possible disengagement activities over the next two years. As you are aware, the Modified Consent Decree (MCD) is, with reasonable certainty, progressing towards possible disengagement within the foreseeable future. One remaining requirement that must be fulfilled is the District's capacity to demonstrate that it can design, manage and implement a system to ensure substantial compliance. Section 16 and 17 of the MCD summarize these requirements by stating:

“Upon the Independent Monitor’s certification that the District has achieved each of the outcomes in accordance with paragraph 87 above and in the Independent Monitor’s judgment that the District’s special education program has no systemic problems that prevents substantial compliance with applicable federal special education laws and regulations then sections 5, 6, 7, 8, 9, 12, 13 and 18 of this Modified Consent Decree shall automatically terminate and have no further force or effect. The parties shall file a joint report informing the court of the termination of these sections.”

Section 17 of the MCD requires that the Independent Monitor (IM) must also determine there are no systemic problems within the District's schools that prevent substantial compliance with the program accessibility requirements of special education laws and regulations.

At the present time, the District has attained 16 of the 18 measured outcomes. One of the two remaining, Outcome 7, is likely to be attained at the end of this school year. The other, Outcome 13 remains problematic. However, there are several tasks that must be achieved in addition to the measured outcomes that prompt the development of these “Disengagement Alerts” which I will be issuing over the next school year.

Each of these highlighted tasks share the following characteristics which set them apart from the tasks that the Division of Special Education has done extraordinary work to attain the outcomes already certified as met. These highlighted tasks demand more from the District because of several factors:

1. Achievement requires system wide leadership and management across many components;
2. The Office of the Independent Monitor (OIM) has provided recommendations that could resolve the problems that preclude achievement of each of these tasks;
3. These tasks are characterized as long-standing, and repeated failures and/or persistent lack of attentiveness; and,
4. These tasks are absolutely essential to the IM's determination that the District does not exhibit systemic problems that preclude substantial compliance.

The following is an initial list, and not considered exhaustive, which identifies each of the specific tasks that I am alerting the District about at this time. This includes:

1. The accurate and timely correction of graduation rates including the development of a process that guarantees that any errors in determining each student's graduation eligibility are corrected within three months of that student's likely graduation date;
2. The participation of all charter schools, now and in the future, in the integrated student information system, access compliance surveys and transition plans, and elimination of significantly depressed performance in all MCD outcomes where significantly depressed performance is exhibited;
3. The documented capacity to correct deficiencies and program operations that constitute noncompliance with federal requirements expeditiously and effectively. Including a demonstrated capacity and application of progressive discipline where such nonperformance results in noncompliance and affects the failure to secure the educational rights of a student with a disability; and
4. A complaint investigation capacity that resolves complaints expeditiously and remediate any past harmful effects that a student might endure as a result of a failure to provide appropriate services and/or secure the educational rights of student with a disability.

Please understand that your personnel are working extremely hard on these matters. However, in my view, absent a more coordinated and directed management approach across the numerous organizational components that must act collaboratively to attain the four tasks listed above, they will not be achieved in a manner that meets the requirements of the MCD.

Attachment A to this letter contains more specific information concerning graduation rates, past performance in validating and correcting graduation rates, and specific recommendations to address the problem. Similar information will be provided to the other areas identified as needing system wide attention. This information will be provided during the next 12 months.

I believe that providing this information eliminates any unintended surprises as we approach the possibility of disengaging. I am very interested and committed to having all of these matters

resolved. I am sure you are as well. If you have questions and would like to meet and discuss any of these issues with myself or other members of the OIM, we stand willing to do so.

Sincerely

A handwritten signature in cursive script, appearing to read "David Rostetter".

David Rostetter, Ed.D.

C: Robert Myers, Catherine Blakemore, Sharyn Howell, Deneen Evans Cox
Brigitte Ammons, Veronica Smith