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Dr. Mary Lynn Boscardin, Editor  
*Journal of Special Education Leadership*  
175 Hills South  
School of Education  
University of Massachusetts  
Amherst, MA 01003  
Email: jsel@educ.umass.edu

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Letter From the Editor

How many of us in our special education law classes heard acronyms such as IEP, LRE, and FAPE and words such as due process, mediation, and amicus curiae, among the multitude of other legal terms? Whether attending class, administrating school-based programs, or teaching special education at colleges and universities, the operationalization of these terms is often determined within the context of compliance. The usual logic follows that if an appropriate IEP is in place and adheres to the precepts of FAPE and LRE, the result is compliance. However, in the event of noncompliance, mediation, due process hearings—or worse—litigation become some of the procedural remedies that can set the stage for reactive versus proactive responses.

Imagine if the initial focus of all stakeholders was on collaboratively developing and implementing proactive policies aimed at supporting students with disabilities and their families. Would this not translate into less emphasis and time being expended on compliance? As compliance becomes an integral component rather than the main component of policy, leaders have an opportunity to build capacity using data to make decisions that support and sustain evidence-based practices and engage collaborative partners in meeting the specialized needs of students with disabilities and their families.

Consent decrees, although part of the litigation process, offer an opportunity to develop proactive policy and processes, much like mediation. Unlike mediation, consent decrees have the force of the law and require litigants with a framework to redress inequities. Leaders of special education have a unique opportunity to be responsive rather than reactive in advocating for students with disabilities and their families by collaboratively designing, implementing, and evaluating proactive policy and processes.

CASE is indebted to both Frederick Weintraub and David P. Riley for the time and energy they expended compiling this special issue of JSEL. This issue of JSEL highlights some of the steps necessary to initiate system improvements in response to the Los Angeles Unified School District (LAUSD) consent decree. Included in the articles are the LAUSD’s strategies for addressing the provision of services, suspension, disproportionality, and family supports. The authors of the articles have provided us with an exciting and thoughtful analysis of data that will serve as the basis for developing policy and processes in response to the consent decree rendered by the Federal District Court in Chanda Smith v. LAUSD, Case No. CV 93-7044-LEW, for the governing of the LAUSD. It is hoped that the efforts of all of those involved in working through the consent decree will have a lasting impact on the quality of special education services offered to students with disabilities and their families.

The CASE Executive Committee and I hope you enjoy this issue of JSEL.

Mary Lynn Boscardin, Ph.D., Editor
mlbosco@educ.umass.edu
Since 1996, the Los Angeles Unified School District has been under a federal court consent decree requiring compliance with laws pertaining to the delivery of special education services and the elimination of architectural barriers in schools.

In 2003, the consent decree was modified, creating performance-based outcomes.

A data system that can provide accurate data to inform decision making, measure progress in meeting outcomes, and hold schools and individuals accountable is essential.

Research to verify data, identify and understand the factors that promote or impede progress in meeting outcomes, and assess the accuracy of perceptions is critical to a performance-based delivery system.

Targeted strategy planning is designed to focus limited resources in a manner to produce progress toward meeting performance targets.

Demographic Perspective of LAUSD

The Los Angeles Unified School District (LAUSD), located in Southern California, encompasses 749 square miles. It has a total K-12 enrollment of more than 694,000 students in 878 K-12 schools and centers. Approximately 41,000 of these students attend district-approved independent charter schools. Most district schools use a single-track calendar; however, more than 141 schools remain on either a three-track or four-track year-round calendar to accommodate heavy enrollment at those sites. Since the initiation of a $19.3 billion voter-approved school building program in 2000, 67 new schools have been constructed, and an additional 12 are currently under construction.

The LAUSD provides special education services to more than 84,000 children with disabilities from preschool through age 21 years. Intensive services are also provided to 312 infants and toddlers. Approximately 5,700 students receive special education services under one of several preschool programs. The remaining students receive services through the district’s K-12 program.

The majority of students with disabilities identified for special education services are Hispanic (69.4%), followed by African American (15.5%) and White (11.3%). The remaining 3.8% of the special education students comprise Native American, Asian, Pacific Islander, and Filipino ethnicities. Almost 50% of the students receiving special education services have a primary eligibility of specific learning disability (SLD), and 12% have a primary eligibility of speech/language impairment (SLI). Approximately 10% have the primary eligibility of autism.

At the end of the 2006–2007 year, almost 82% of students with eligibilities of SLD or SLI attended general education programs 40% or more of the instructional day. Almost 49% of students with all other eligibilities were also in general education classrooms 40% or more of the instructional day.

History of the Modified Consent Decree

In the fall of 1993, Chanda Smith’s mother sought legal assistance for the failure of LAUSD to provide appropriate special education services for her daughter. The Chanda Smith class-action lawsuit alleged that the district had failed to comply with its special education obligations under the Individuals With Disabilities Education Act (IDEA), the Equal Protection Clause of
the Fourteenth Amendment, and other federal laws. Specifically, the plaintiffs contended that the district had perversively and continuously failed to search for, identify, track, and timely and properly serve the educational needs of children with disabilities.

The Board received oral testimony from more than 200 people, and more than 3600 surveys were returned. Following additional negotiations by the parties, the consent decree was executed and signed on April 15, 1996.

What followed has aptly been described as a “rather remarkable process of dispute resolution.” Rather than embroil itself in massive and protracted litigation, the district chose to participate in a fact-finding process to identify where it was out of compliance. The parties agreed to retain expert consultants to investigate the issues, make findings concerning the district’s compliance with special education laws, and make nonbinding recommendations as to the steps the district should take to meaningfully improve services to students with disabilities within the boundaries of the special education laws. The parties would then review those findings and recommendations and use them as a basis for a final settlement agreement that would resolve the litigation. This agreement was memorialized in an interim settlement agreement approved by U.S. District Judge Laughlin E. Waters.

Both sides conducted nationwide searches for experts. In the end, each side chose to submit only one choice, and each agreed to appoint the other’s first choice. The consultants selected were Dr. Mary Margaret Kerr and Dr. Louis Barber.

After a 10-month investigation of the district’s special education policies, procedures, practices, and operations, the consultants submitted their report. They found 11 areas of material noncompliance with special education laws:

1. The district failed to make a sufficient effort to search for, identify, and serve eligible students with disabilities.
2. The district failed to identify, assess, and serve students with disabilities within the timelines set by law.
3. The district’s designated instructional services (related services) were not operated in compliance with special education timelines and caseload limitations.
4. The district failed to provide effective staff development to ensure that all district personnel could execute their obligations under the law to students with disabilities.
5. The district did not readily track its students or their educational history and was not otherwise in compliance with respect to the maintenance of and access to student records.
6. The district was unable to resolve issues involving disproportionate identification (over and under) of students by ethnicity.
7. The district was not in compliance with respect to ensuring the meaningful representation, participation, and informed consent of parents.
8. The district lacked the structure and mechanisms to ensure compliance with the legal mandates concerning least restrictive environment.
9. The district lacked a mechanism for planning, developing, and maintaining a comprehensive focus on matriculation, facilities, transportation, and transition concerns.
10. The district’s personnel policies and practices resulted in substantial and repeated failure to deliver special education services, as required by law.
11. The district was not in compliance with respect to the administrative managerial allocation of special education resources.

To address those areas of material noncompliance, Drs. Barber and Kerr made 26 detailed recommendations, all of which were required for compliance with special education laws. Those recommendations formed the blueprint for the Chanda Smith consent decree.

In December 1995, after extensive negotiations by both sides, the parties reached a tentative agreement on the terms and conditions of the consent decree. It was conditioned on and subject to the results of public hearings to be conducted by the Board of Education and a survey of the class by the plaintiffs’ counsel. The Board received oral testimony from more than 200 people, and more than 3600 surveys were returned. Following additional negotiations by the parties, the consent decree was executed and signed on April 15, 1996.

The consent decree was premised on the principle that reform conducted voluntarily by parents, educational professionals, school officials, and the Board working together is more likely to succeed than reform involuntarily imposed by court order. Given the magnitude of the problems and the
impossibility of addressing all of them in a single, comprehensive plan, the district asked that a series of plans be developed, which could be implemented over time according to a timetable established by the consent decree. Accordingly, the decree named Drs. Barber and Kerr consent decree administrators and directed them to develop implementation plans, addressing more than 20 distinct areas that would, when approved, be deemed additions to the consent decree. The plan development process was designed to include substantial input from parents, teachers, administrators, representatives of organizations serving individuals with disabilities, and counsel for both sides. Sixteen implementation plans were approved and became part of the consent decree.

Parents expressed a high degree of frustration with the difficulty they were experiencing in getting issues resolved. One stated, “I just want someone I can call to get action on my child’s IEP.”

In 2001, the district sought to change the consent decree. The district moved the federal court to modify the consent decree and to join the California Department of Education (CDE) as a party because the CDE had compliance and support responsibilities. This motion was vigorously opposed by the plaintiffs and denied by the court. The district filed an appeal to the Ninth Circuit Court of Appeals. As part of the court’s mediation process, the parties agreed to appoint Professor Thomas Hehir as mediator.

The mediator began the process of seeking common ground between the parties by conducting a series of interviews with district personnel and representatives of the plaintiffs. The process yielded some areas of agreement that served as the basis for the outcome-based modified consent decree (MCD) that was to follow.

Common themes that emerged from the district side included the cost of the consent decree and that it did not focus on outcomes. Several district employees expressed the view that the agreement was dated because of changes to IDEA adopted in 1997, including an emphasis on access to the curriculum and increased district accountability for student outcomes. Of particular concern to the district was the potential cost of making all existing and new school buildings accessible. The cost of this one item alone was approximately $1 billion. District personnel contended that this was beyond the law and constituted a financial burden the district could not bear. Another concern of district leadership personnel was simply the sheer number of activities required by the plans and their inconsistency. They questioned whether a large organization such as LAUSD could implement so many activities simultaneously.

Foremost among the plaintiffs’ concerns was the slowness of the processes under the consent decree to produce change on the ground. Furthermore, the nature of the planning process in the minds of some plaintiffs required compromises that were problematic. Parents expressed a high degree of frustration with the difficulty they were experiencing in getting issues resolved. One stated, “I just want someone I can call to get action on my child’s IEP.” Several expressed concern with the lack of inclusive options. Another group of parents threatened a countersuit over the Least Restrictive Environment Plan that called for eliminating all special schools. A number of parents and advocates related how their children were not getting services called for in their individualized education programs (IEPs). Particular concern was expressed over the difficulty non–English-speaking parents experienced with the special education process.

The attorneys representing both sides expressed a willingness to negotiate a new agreement. The process began with each side expressing their concerns. The mediator, Thomas Hehir, had served a similar role in renegotiating an agreement in Baltimore (Vaughn G) and proposed that the parties consider an outcome-based agreement, which would focus on measurable goals associated with compliance and improved implementation of IDEA. This type of agreement has been increasingly common in public class-action litigations. It also departed from the consent decree in that it gave the district significant discretion in how it chose to achieve the outcomes.

After considerable negotiation, the parties agreed to an MCD, which was approved by the U.S. District Court on May 14, 2003.

**Major Provisions of the MCD**

A. Eighteen performance-based outcomes

1. Participation in the statewide assessment program

   Ninety-five percent of students with disabilities in state-identified grade levels will participate in the
statewide assessment program with no accommodations or standard accommodations. (Outcome met)

2. Performance in the statewide assessment program

The percentage of students with disabilities in Grades 2 to 11 who are participating in the California Standards Test and whose scores place them in the combined rankings of basic, proficient, and advanced will increase to at least 27.5% in English language arts and at least 30.2% in mathematics.

3. Graduation rate

The district shall increase the number of Grade 12 students with disabilities who receive diplomas to 39.75% using the State of California methodology for calculating the graduation rate for students with disabilities.

4. Completion rate

The district’s completion rate shall increase based on an increase in the number of students who graduate with a diploma, receive a certificate of completion, or age out, as compared with the total number of students with disabilities who graduate with a diploma, receive a certificate of completion, age out, or drop out (Grades 7–12). The target rate is 76.3%.

5. Reduction of long-term suspensions

The district will reduce the percentage of students with disabilities suspended six or more cumulative days from 9.14% of the total suspensions of students with disabilities occurring in the 2001–2002 school year to 2% of the total suspension of students with disabilities.

   The district will reduce the risk of suspension for the population of students with disabilities by 30%, from the rate of 14.7% in the 2002–2003 school year to a rate lower than 10.3%.

   The district will reduce disproportionality in the district-wide rate of suspension of students with disabilities in comparison to their nondisabled peers to a relative risk ratio of no more than 1.75 discrepant, such that the population of students with disabilities is no more than 1.75 times more likely to be suspended than the population of their nondisabled peers.

6. Placement of students with disabilities (ages 6–22 years) with eligibilities of SLD and SLI

   The district will demonstrate a ratio of not less than 73% of students placed in the combined categories of 0 to 20% and 21 to 60% and not more than 27% of students placed in the 61 to 100% category according to federal placement reporting requirements. (Outcome met)

7. Placement of students with all other disabilities (ages 6–22 years)

   By June 30, 2006, the district will demonstrate a ratio of not less than 52% of students placed in the combined categories of 0 to 20% and 21 to 60% and not more than 48% students placed in the 61 to 100% category according to federal placement reporting requirements.

8. Home school

   The district will ensure that the percentage of students with disabilities with the eligibilities of SLD and SLI who are in their home school does not fall below 92.9% by June 30, 2006.

   The district will increase the percentage of students with disabilities with all other eligibilities in kindergarten and sixth grade to 65% and the percentage of students with disabilities with all other eligibilities in ninth grade to 60%.

   The district will increase the percentage of students with disabilities with all other eligibilities in elementary Grades 1 through 5 in their home school to 62.0%.

   The district will increase the percentage of students with disabilities in middle school Grades 7 and 8 in their home school to 55.2%.

   The district will increase the percentage of students with disabilities in high school grades 10 through 12 in their home school to 36.4%.

9. Individual transition plan

   Ninety-eight percent of all students with disabilities as defined by IDEA age 14 years and older shall have an individual transition plan developed in accordance with federal law. (Outcome met)

10. Timely completion of evaluations

   Ninety percent of all initial evaluations shall be completed within 60 days, 95% of all initial evaluations shall be completed within 75 days, and 98% of all initial evaluations shall be completed within 90 days. Note: In California, an evaluation is completed at an IEP meeting. Thus, this outcome is measured by when IEP meetings are held.

11. Complaint response time

   The district will provide lawful responses to parents filing complaints in accordance with the following performance standards: 25% of complaints will be responded to within 5 working days, 50% of complaints will be responded to within 10 working days, 75% of complaints will be responded to within
20 working days, and 90% of complaints will be responded to within 30 working days. (Outcome met)

12. Informal dispute resolution
The district will increase reliance on informal dispute resolution by increasing its ability to timely resolve disputes by concluding its informal dispute resolution process within 20 working days in 60% of cases. (Outcome met)

13. Delivery of services
Ninety-three percent of the services identified on the IEPs of students with disabilities will show evidence of service provision.

The district will provide evidence that at least 85% of the services identified on the IEPs of students with disabilities have a frequency and duration that meets IEP compliance.

14. Increased parent participation
The district will increase the rate of parent participation in IEP meetings in the area of attendance to 75%.

Ninety-five percent of the records of IEP meetings in which the parent does not attend will provide evidence of recorded attempts to convince the parent to attend the IEP meeting. (Outcome met)

15. Timely completion of future translations
The district shall complete IEP translations requested since July 2003 in the district’s seven primary languages as follows: 85% within 30 days, 95% within 45 days, and 98% within 60 days. (Outcome met)

16. Increase in qualified providers
The disparity between qualified regular education teachers and qualified special education teachers will decrease from 10.4%, which was the disparity in 2002–2003, to 3.4%.

17. IEP team consideration of special factors—behavioral interventions, strategies, and supports
The percentage of students with autism with a behavior support plan will increase to 40%, and the percentage of students with emotional disturbance with a behavior support plan will increase to 72%. (Outcome met)

18. African American students identified as emotionally disturbed
Ninety percent of African American students identified as emotionally disturbed during an initial or triennial evaluation will demonstrate evidence of a comprehensive evaluation.

B. Three outcomes pertaining to making schools physically accessible to individuals with disabilities, consistent with the Americans With Disabilities Act and Section 504 of the Rehabilitation Act.

1. All new school construction and renovations and repairs must comply.
2. Enter into binding commitments to spend at least $67.5 million on accessibility renovations or repairs.
3. Expend up to $20 million on task orders to rapidly provide access for individual students seeking placement in currently inaccessible programs.

C. A requirement that the district establish an integrated student information system (ISIS).

D. The appointment of an independent monitor (IM) to verify the accuracy of the district’s data required to measure performance and make determinations on the district’s fulfillment of obligations under the MCD. The IM is also responsible for approving district plans for implementing the MCD. The Office of the Independent Monitor (OIM) analyzes data and conducts or contracts for research studies related to the MCD.

Author’s Note
Since submission of this article for publication the parties have agreed to modifications of Outcomes 5, 7, and 8. Also, Outcomes 8, 10, and 16 have been met.

Development of Accurate Data Systems
Essential to a performance-based consent decree in any large school system is a data system that provides accurate data on which the performance of the district can be measured and through which the district can know where to target interventions and assess their effectiveness. At the beginning of the MCD, the data for special education students were kept on a remote computer in a standalone database that did not relate to the other student information systems in the district. It was housed on a computer that could not talk to the systems housed on district mainframe computers. As noted above, the MCD requires the development and implementation of an ISIS that centralizes the educational records of district students and the development of a comprehensive special education management information system that is integrated into ISIS. ISIS is currently under development and being rolled out to the schools. ISIS is an early-childhood-to-
adult-education student/school management system that consolidates a number of existing LAUSD student information systems. ISIS integrates all student information in a shared, centralized, and secure Web-based system of student records for all schools and offices. During the development of ISIS, the district has put in place meaningful data systems required for accountability and reporting purposes. In addition to central-level monitoring, these data systems allow for reporting of issues and information at the local district and school levels. A brief discussion of the three data systems is provided below:

1. IEP development and management system
   This system was developed to generate Web-based IEPs and establish a student-level database that would maintain IEP-related data. Users are able to document and monitor IEP events/activities such as referrals, assessments, meeting notifications, meeting participation, service delivery, and other related records. In addition, there is a Medi-Cal billing system and a complaint management system.

2. Student information system
   The student information system is a district data and reporting system that delivers relevant and timely strategic planning information and research in areas of school utilization, student enrollment, student achievement, and program evaluation that affect the learning environment and academic achievement of all LAUSD students.

3. Decision support system
   The decision support system is a district data and reporting system. The decision support system is a secure Web-based system that provides interactive reports on student outcomes and achievement. The decision support system integrates data from various data sources, for example, elementary and secondary student information system and special education IEP. Aggregated snapshot data are accessible at the school, local district, and district levels and can be used for comparing data from different points in time.

Since the inception of the MCD, the OIM has been conducting and contracting for verification studies to assess the accuracy of the district’s data pertaining to the 18 performance-based outcomes. The verification studies are all based on a valid sample and usually involve the examination of student IEPs, service provider logs, graduation records, and other documents. From the studies, district performance on MCD outcomes is determined and compared with the performance documented in the data systems.

Where there are significant discrepancies, further investigations are undertaken to find the causes, and then modifications are made to the data systems. These studies are repeated annually until it is determined that the data being reported by the district’s data systems are accurate.

Although the district’s special education data systems are still undergoing some fine-tuning, the OIM has determined that the data are highly accurate. This enables the OIM, district, and others to produce performance reports, conduct research, and monitor performance at all levels of the district. Given that in 2004 the district had no comprehensive or reliable special education data systems, it is a significant achievement.

Planning

The MCD required the district to develop and the IM to approve or modify an annual plan. For each of the 18 outcomes, the plan was to include annual benchmarks, actions to be taken, responsible staff, evidence that the action has been completed, and timelines. Although the district made some progress, there was little evidence that the annual planning process was producing significant gains. On May 18, 2006, the IM approved a plan agreed to by the parties to change the planning process that had been used during the first three years of the MCD from a comprehensive plan for all outcomes to the development of targeted strategy plans (TSPs) for each of the outcomes that had not been met by June 30, 2006. The purpose of a TSP is to guide the attainment of a performance-based outcome.

The process begins with a careful analysis of the data to determine the students and/or schools to be targeted for intervention. For example, Outcome 2 sets a target for the percentage of students with disabilities who must attain basic or above on the statewide English-language arts achievement test. Using the TSP process, the district was able to identify a sufficient pool of students whose performance on the statewide assessment was just below basic and with intensive reading intervention had the greatest potential to score at basic or above.

Schools that need to improve performance on the outcome are identified. Performance targets are established for each school, and research-based
interventions are selected. The research-based interventions are selected because there is documented evidence they have worked successfully in the district and/or there is convincing evidence of their effectiveness in the literature.

Using the TSP process, the district was able to identify a sufficient pool of students whose performance on the statewide assessment was just below basic and with intensive reading intervention had the greatest potential to score at basic or above.

Strategies to implement the interventions in the targeted schools are then identified. Resources required are also identified, as are timelines for implementation.

The TSP sets forth the criteria on which progress will be measured during the year, in both implementation and improved performance.

Finally, the TSP defines how individuals will be held accountable for the attainment of targets. Performance on meeting targets is part of the performance evaluations of principals in targeted schools, local district administrators responsible for the schools, and the district superintendent.

The progress that targeted schools are making is reported regularly to school building administrators, local district and central office administrators, and the school board. Based on performance data, the TSP can be amended at any time, but at least annually.

The TSP process has significantly improved the district’s performance in meeting outcomes, made for more informed decision making, and targeted limited resources where they could be most productive.

Research and Reports

The OIM and the district conduct or contract for research studies and produce reports on issues pertaining to the MCD. These studies are usually for two purposes. The first purpose is to better inform decision making related to the MCD. For example, although we know that the district is making progress in improving students with disabilities’ reading performance on the statewide assessment, we are conducting a study to measure the impact the intervention is contributing to that performance. Another study looked at high-suspending schools and low-suspending schools to determine the differentiating factors. The second purpose is to assess the accuracy of the input the OIM receives from the public and other sources. For example, a large-scale telephone survey of parents of students receiving special education in the district was conducted to systematically gauge their participation, satisfaction, and knowledge in and of the special education process.

The OIM also issues an annual report detailing the district’s performance on all aspects of the MCD, including relevant data and reports of verification and research studies. These reports, as are all studies, are public documents and can be found on the OIM Web site at www.oimla.com.

Conclusion

The MCD’s performance-based approach has led to dramatic changes in the way special education is designed and delivered in the LAUSD. It has improved the district’s ability to ensure compliance with federal and state policies and increase the performance of the students it serves. This is the result of a shared belief of the plaintiffs, the district, and the OIM that improvement is possible if there is a shared commitment to its achievement and that accurate data and research are essential to informed decision making. We hope that the publicly available research, studies, reports, and plans that have guided LAUSD’s systematic improvement may be of value to others.

About the Authors

Frederick J. Weintraub, M.A., is the independent monitor, Office of the Independent Monitor, LAUSD, 333 S. Beaudry Ave., 18th Floor, Los Angeles, CA 90017. E-mail: fredweintraub@ca.rr.com.

Robert M. Myers, J.D., is an attorney for the plaintiffs, Newman, Aaronson and Vanaman, 14001 Ventura Blvd., Sherman Oaks, CA 91423. E-mail: rmmyers@ix.netcom.com.

D. Thomas Hehir, Ed.D., is a professor and consultant to the Independent Monitor, Harvard University, 414 Gutman Library, 6 Appian Way, Cambridge, MA 02138. E-mail: thomas_hehir@harvard.edu.

Donnalyn Jaque-Antón, M.A., is the Executive Officer, Educational Services, LAUSD, 333 S. Beaudry Ave., 17th Floor, Los Angeles, CA 90017. E-mail: donnalyn.jaque-anton@lausd.net.
Conflicts over special education services are often the focus of disputes between parents and school districts (Downing, 2004; Earles-Vollrath, 2004; Hehir, 1992). An individualized education program (IEP) must clearly state the types of services that must be delivered, as well as the frequency and duration for each service, in order for a student to reach his or her yearly goals. This is a legal document that schools must follow. Disagreements can arise over the eligibility of a child for a specific service, the number of times a service has to be delivered, and the length of the service. Parents may also be dissatisfied with the ability of the district to deliver a service at the frequency and duration already specified on the IEP. In instances in which a parent can prove that a district has failed to deliver services or failed to appropriately identify a student as eligible for services, the district may be required to provide the student with compensatory time.

The determination of compliance with the Individuals With Disabilities Education Act (IDEA) based on record reviews of small samples of student files, or visits to preselected schools, has been an accepted practice in special education. Both state departments of education and the U.S. Department of Education use file reviews and compliance visits as a primary mechanism for determining the compliance of state and local educational agencies with IDEA (National Council on Disability, 1995, 2000; President’s Commission on Excellence in Special Education, 2002). The findings of these file reviews and visits have been the basis of corrective actions that have required considerable effort and expense on the part of the noncompliant states and districts. Failure to deliver services or provide compensatory time for missed services has also been an issue in class-action special education lawsuits filed against school districts in Baltimore, Boston, Chicago, Los Angeles, and New York.

Although file reviews and visits can provide an effective snapshot of the delivery of services to specific students or groups of students, the results may not be generalizable to the entire population of special education students. In addition, although there have been numerous studies of the quality and adequacy of specific special education services (Fornes, 2001; Giangreco, 2000), there is little evidence of large-scale research on the actual provision of special education services. This lack of research is curious given the strong association between service consistency and effectiveness (Snow, Burns, & Griffin, 1998) and the billions of dollars spent each year on special education services (Chambers, Parrish, & Harr, 2002).
In instances in which a parent can prove that a district has failed to deliver services or failed to appropriately identify a student as eligible for services, the district may be required to provide the student with compensatory time.

This study represents a large-scale assessment of the delivery of special education services in the Los Angeles Unified School District (LAUSD) over a four-year period. The study was required by the terms of a consent decree that settled a class-action lawsuit. This consent decree required LAUSD to provide evidence to a court-appointed monitor that 93% of special education services were delivered to students and to demonstrate that 85% of all services were provided at the frequency and duration mandated by the students’ IEPs.

The study used representative samples of special education students to answer these two basic questions. First, were students receiving all the services specified in their IEPs? Second, were students receiving these services at the frequency (e.g., the number of times a service was delivered, such as twice a week) and duration (e.g., the length of a service, such as 30 minutes per week) specified in their IEPs? The overall goal of this study was to produce reliable estimates of service delivery that were generalizable to the population of students with disabilities in the district.

Methodology

To measure LAUSD’s ability to meet the service delivery outcomes of the consent decree, we developed a methodology to collect sufficient data to generalize the findings to the whole district. The study consisted of two parts: 1) the comparison of student IEPs and service provider delivery logs and 2) the comparison between the student IEPs and the actual delivery of services as observed through site visits.

### IEP-Log Comparison Study

The first part of this study involved collecting both IEPs and service logs for a sample of students. To draw conclusions about specific disabilities and services, as well as the overall special education population, we drew a random sample by disability category (several were grouped together based on similarity and low-incidence rates). To account for the district’s high transiency rate, we oversampled to generate enough observations for reliable estimates. In Year 1, we sampled 380 students from ten disability categories for a total of 3800 cases; however, in the years that followed, we selected 380 students from nine categories and drew a separate larger sample of 1080 students with specific learning disability (SLD) because SLD comprises the largest population of special education students. For each student sampled, we collected the student’s IEP and the provider logs over a two-month period.

### Observation Study

The second part of the study consisted of unannounced observations of service delivery at schools for a subsample of the students. Because not all services lend themselves to observation, only certain services were included. The goal was to obtain at least

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1. The goal was established for the overall population, excluding students with specific learning disability (SLD), as well as for students with SLD separately.
2. For more detailed methodology, see the following reports: Harr, Socias, Parrish, and Graczewski (2004), Oliver (2007), Oliver and Fidler (2006), and Oliver, Thomas, and Fidler (2005).
3. Autism, deaf/hard of hearing, emotional disturbance, mental retardation, multiple disability/deaf-blind, orthopedic impairment/traumatic brain injury, other health impairment, specific learning disability, speech and language impairment, and visual impairment.
4. In Year 1, we collected one-month logs; in subsequent years, this time frame was expanded to two months to generate more data points for more reliability.
5. In Year 1, we observed the following services: adapted physical education, deaf and hard of hearing, language and speech, least restrictive environment, nonpublic agency, occupational therapy, physical therapy, school mental health, visual impairment, and resource specialist program. In Years 2 to 4, we added preschool services to the study.
30 observations for each service category to allow for generalization. Because of problems with service observation, we increased the Year 1 sample of 410 students to 460 and 455 in the following two years. For instance, some observations had to be dropped because they were conducted on a flexible basis, having no set day or time to observe, whereas other students left LAUSD or exited the service. In Year 4, we no longer used the observations as a measure of service delivery but rather as a measure of how accurately service providers completed the logs.

Findings

As described above, we compared the provider service logs used to track the delivery of services to the information on service requirements in the students’ IEPs to answer the research questions. The first question—was there evidence of service delivery?—was further informed by conducting site visits to observe service delivery.

Was There Evidence of Service Delivery?

To derive an overall estimate of service delivery for the population of special education students in LAUSD, we applied probability weights to each disability category based on the distribution of disabilities in the sample and the overall population. Figure 1 presents these estimates separately for students with SLD and for those with other disabilities.

The reason why these figures (and consequently the consent decree goals) are disaggregated is because of the large impact that SLD data have on the overall population estimate. In the first year of the study (2003–2004), less than 43% of all services showed evidence of provision when including students with SLD who represented 65% of the overall special education population. Given that these students are primary users of resource specialist program (RSP) services and many RSP provider logs were missing in the 2003–2004 analyses, the estimate of the delivery of services increased to 64% when students with SLD were excluded. Consequently, the study produced separate estimates for SLD to account for this phenomenon.

Both trend lines in Figure 1 show a dramatic increase in evidence of service delivery between the first two years of the study. Rather than suggesting increases in the services delivered, we hypothesized that the first-year estimate was lower because of inadequately maintained or missing service logs. This assumption was supported by the higher rates of
service delivery observed during school site visits. Although the sample for the site visits was much smaller, and therefore less precise, the results in 2003–2004 showed that approximately 86% of services were provided to the population excluding SLD and 93% to students with SLD only. These differences between the log and site visit results, particularly for students with SLD, suggest that much of the low IEP-log agreement in 2003–2004 was more likely attributable to either poor log documentation or failure to submit logs rather than gaps in service provision.

After a peak of 93% for the population excluding SLD in 2004–2005, the delivery rates hovered around 86%, falling short of the consent decree requirement of 93%. For students with SLD, the rate for service delivery ranged from 73% to 79% between 2004–2005 and 2006–2007.

There was considerable variation in service delivery rates across disability categories and types of service. Using the most recent year available (2006–2007), the rates for students with visual impairments and those with multiple disability/deaf-blindness exceeded the 93% required by the consent decree. This pattern was fairly consistent across the years, with multiple disability/deaf-blindness and visual impairments in the top three categories during all four and three years, respectively. At the other end of the spectrum, students with emotional disturbance and other health impairments showed the lowest rates for evidence of service delivery, with 80% and 81%, respectively. These categories consistently fell into the bottom three (excluding SLD) in all four years. Across service types in 2006–2007, evidence of service provision through the existence of service provider logs ranged from a high of 100% for visual impairment services to a low of 71% for RSP services.

Were Services Provided at the Required Frequency and Duration?

In addition to looking at the provision of services, we examined the frequency and duration of these services. For example, if two sessions per week of speech therapy were specified in the IEP, did the service log provide clear evidence that occupational therapy services were provided for at least this length of time?

60 minutes of occupational therapy were required every week by the IEP, did the service log provide clear evidence that occupational therapy services were provided for at least this length of time?

Students with multiple disability/deaf-blindness had the highest compliance rates for duration (82%), whereas students with specific learning disabilities had the lowest rate with 56%.

The percentages of services across the population of students in special education that met or exceeded the IEP frequency and duration requirements over the years are shown in Figure 2, along with the confidence intervals. The trend lines show a steady rise in the percentage of services over the four years that were in compliance with the requirements specified in the IEPs, from 52% to 67% for frequency and 55% to 62% for duration. This is still well below the consent decree requirement of 85%.

It is important to note that these estimates are based on a sample of students for which we found evidence of service. As such, we do not know the effect of excluding students for whom we did not receive logs on the estimates of frequency and duration compliance.

As above, there is a wide degree of variation in frequency and duration across disability categories and service types. By category of disability, we observed a range from 62% compliance rate for frequency for speech and language impairments to 82% for visual impairment in 2006–2007. Students with multiple disability/deaf-blindness had the highest compliance rates for duration (82%), whereas students with specific learning disabilities had the lowest rate with 56%. Across types of service, compliance rates ranged in 2006–2007 from a low of 60% for language and speech services to a high of 92% for visual impairment services for frequency, and a low of 55% for nonpublic agency and RSP services to a high of 89% for visual impairment services for duration. Because the district failed to meet the service delivery outcomes as specified by the consent decree

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6 The results derived from the site visits for the subsequent years were lower. For SLD, the site visits showed that 79% and 85% of services were provided in 2004–2005 and 2005–2006, respectively. For the population excluding SLD, the results were 77% in 2004–2005 and 86% in 2005–2006.

7 The population estimates were weighted by the number of service observations within each disability category that were analyzed for each frequency and duration analysis.
for 2006–2007, Year 5 of the study is currently under way. LAUSD will continue to be engaged in this consent decree outcome until it meets all of the goals.

**Implications**

The goal of this study was to track and measure the delivery of services in LAUSD. During the course of the study, it became evident that tracking and measuring services had the beneficial result of both directing increased attention at rates of service delivery and providing accountability for services providers. By tracking and measuring service delivery, school districts can determine whether their personnel are providing students with the services delineated on their IEPs. This continuous monitoring not only can help ensure that students are receiving the services stated in their IEPs but also could be a precursor to measuring service effectiveness.

Both the implementation and results of this study have implications for districts and states attempting to demonstrate compliance with IDEA, either as part of a continuous improvement process, a legal settlement, or monitoring agreement with a state or federal government agency. For districts, the methodology of this study when combined with a consistent service tracking system could provide the mechanisms to collect evidence of systemic compliance with IDEA in the area of service delivery. For plaintiff classes, this study could provide the means to validate concerns about large-scale noncompliance with IDEA.

This study also has implications for those entities charged with monitoring districts. IDEA 2004 emphasizes the use of quantifiable indicators to monitor states’ and districts’ implementation of the IDEA. Both the methodology and findings of this study can inform the efforts of monitoring entities such as state departments of education to systemically determine whether students with disabilities are regularly receiving the services to which they are entitled under IDEA and report rates of service delivery to the federal government.

Finally, the U.S. Department of Education through its Institute of Education Sciences has placed a considerable emphasis on research identifying interventions that work for students with disabilities based on the results of experimental and quasi-

![Figure 2. Percentage of services in which the service log frequency and duration met the requirements of the individualized education programs in the Los Angeles Unified School District, 2003–2004 to 2006–2007.](image)
experimental studies. It is clear from our research that the most effective intervention identified by researchers may not be delivered effectively, or indeed at all, when it is offered in a real-world setting. A counseling therapy validated by experimental research that is based on regular weekly visits may have little value if it is delivered only once a month. Similarly, an applied behavioral analysis program or reading intervention that has proved effective in the clinic setting may have minimal effect on a student if the trained provider is absent for two months. Thus, school districts that are making decisions for service provision based on the latest results of experimental or quasi-experimental studies showing positive changes in the academic, behavioral, or physical performance of students must consider whether they have the resources, staff, and training to ensure that they can deliver services with the same consistency and intensity as the services described in the research.

References

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About the Authors

Jennifer Harr, Ph.D., is a senior research analyst at the American Institute for Research, 1070 Arastradero Road, Suite 200, Palo Alto, CA. Email: jharr@air.org.

Deborah F. Oliver, Ph.D., is a program evaluation and research coordinator, Research and Planning Division, Los Angeles Unified School District, 333 S. Beaudry Ave., Floor 21, Los Angeles, CA 90017. Email: debbie.oliver@lausd.net.

Arun K. Ramanathan, Ed.D., is the chief student services officer at San Diego Unified School District, 4100 Normal St., San Diego, CA 92103. Email: Aramanathan@sandi.net.

Miguel Socias, Ph.D., is a senior research analyst at the American Institute for Research, 1070 Arastradero Road, Suite 200, Palo Alto, CA. Email: msocias@air.org.
The phenomenon of persistent disproportionate representation of minority students in special education is now entering its fourth decade (Hosp & Reschly, 2004). Disproportionality is well documented in the literature and has been the focus of attention from federal agencies, including the Office of Civil Rights and the Office of Special Education Programs. In an effort to address this long-standing problem, Congress, in the 2004 reauthorization of the Individuals With Disabilities Education Act (IDEA), required states to monitor disproportionality and provided them with broad discretion to impose sanctions on local education agencies (Hehir & Mosqueda, 2007).

Despite persistent calls, the identification of effective interventions and solutions for disproportionate identification has been slow (Hosp & Reschly, 2004).

As school systems and states respond to this mandate, efforts to identify the causes of disproportionality must be coupled with sound solutions that are responsive to local-level variables. One of the challenges for developing solutions and interventions is the limited body of research on the local factors that produce or are associated with overrepresentation (Harry, Klinger, Sturges, & Moore 2002). Despite persistent calls, the identification of effective interventions and solutions for disproportionate identification has been slow (Hosp & Reschly, 2004).

Theories to explain the disproportionate identification and placement of racial minorities in special education typically fall into four general categories: 1) sociodemographic issues associated with poverty, 2) unequal education opportunities for disadvantaged and minority students, 3) a general pattern of discrimination and bias in society reflected within school systems, and 4) the special education referral, identification, and placement process itself (Artiles & Trent, 1994; National Research Council Committee on Minority Representation in Special Education, 2002; Serwatka, Deering, & Grant, 1995; Skiba et al., 2003). Of these four categories, factors associated with the special education referral, identification, and placement processes afford an opportunity to examine local variables that can lead to specific interventions for reducing disproportionality.

Concerns that the special education system is inappropriately identifying minority students for special education have been well documented,
especially for African American males who demonstrate behavioral difficulties (Artiles & Zamora-Duran, 1997; Harry & Anderson, 1994; Klinger et al., 2005; Losen & Orfield, 2002). Possible factors that contribute to the inappropriate identification of minority students in the emotionally disturbed (ED) category include the following: bias within the referral and assessment process, eligibility determination driven by program placement, and the subjective interpretation of the ED eligibility criteria.

This article describes the results of a longitudinal study that examined local-level variables in an effort to address the disproportionate identification of African American students as ED in a large urban school district. The article examines the effect of an intervention targeted at improving the referral and identification processes for students identified as ED, as well as the role of court oversight. Finally, we provide recommendations for addressing the mandates of IDEA 2004 as these pertain to the disproportionate identification of minority students.

Context

The Los Angeles Unified School District (LAUSD) has been under a federal consent decree since 1996 as a result of a class action lawsuit (Chanda Smith v. LAUSD) that found the district’s special education program in systemic noncompliance with IDEA. In May 2003, the Chanda Smith consent decree was modified. The parties established 18 quantitative outcomes, appointed an independent monitor (IM) to assess the district’s progress toward the outcomes, and set a timeline for compliance with the consent decree by June 30, 2006. The modified consent decree charged the IM to determine if African American students were disproportionately identified as ED and to determine if an outcome was necessary to address any such disproportionality within this time frame.

The Office of the Independent Monitor (OIM) reviewed district data and found that during the 2003–2004 school year, African American students constituted 12% of the district’s overall student enrollment and 36% of its population of students with ED. The data indicated that African American students were 4.3 times more likely to be identified with ED and 4.9 times more likely to be placed in the most segregated setting of a nonpublic special education school (NPS), in comparison to the rest of the special education population of the district. This data review confirmed the disproportionate identification and placement of African American students.

Based on this finding, the OIM conducted an initial study to examine and identify local-level factors that may have contributed to this disproportionality. This study consisted of a file review of the complete student records and initial individualized education programs (IEPs) establishing ED eligibility for a sample of 270 middle-school students of all race/ethnicities. The first goal of the study was to assess whether individual IEP teams had followed a required set of criteria for the ED referral and identification processes. A second goal was to determine whether there were any statistically significant differences across race/ethnicities in these processes that might provide evidence of bias and a possible source of disproportionality.

... African American students were 4.3 times more likely to be identified with ED and 4.9 times more likely to be placed in the most segregated setting of a nonpublic special education school (NPS)....

The study found deficiencies in the referral and identification processes for emotional disturbance for all race/ethnicities in the sample. Specific findings included substantial weaknesses in pre-referral interventions, the IEP team justification for eligibility, and parent attendance at the IEP meeting. Furthermore, few significant differences were observed within these processes across the three main race/ethnicities.1

Although they failed to expose any systemic racial bias within the referral and identification process, these findings raised questions of the validity and appropriateness of the ED identifications for all students. Of the 270 observations completed, 37% contained an eligibility statement, whereas 6.7% had an accompanying exclusionary statement.2 This lack of eligibility justification, coupled with the high rate of placement of students in nonpublic schools,

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1 The three groups consist of African American, Latino, and White. Students of all other race/ethnicities were grouped in an “other” category for purpose of comparisons.

2 An exclusionary statement rules out the possibility of ED by considering factors such as the behaviors are a result of environmental factors, language status, social maladjustment, and/or lack of instruction in English or math.
raised questions about whether IEP teams were identifying students with ED for the purpose of program placement.

**Development of the Intervention**

Based on these findings, the IM developed an intervention to reduce disproportionality that focused on addressing weaknesses within the pre-referral and identification processes of the district. The intervention had two primary goals. The first was to ensure the procedural due process rights of all students by requiring appropriate pre-referral and referral interventions, multidisciplinary assessments, and supports upon identification. The second was to limit the possibility of any unintended consequences deriving from a reduction in disproportionality, such as the failure to appropriately identify African American students with ED.

These considerations resulted in the development of a standardized comprehensive evaluation for all students evaluated and identified as having an emotional disturbance. This evaluation was based on common elements within the disability and ED identification processes as outlined by IDEA, the California Education Code, and LAUSD policies. The rationale behind this approach was grounded by the findings of the initial study, which showed that the identification process was inadequate for all students and appeared to be driven by placement. In addition, there was an expectation that an intervention designed to promote improvements in the processes defined by law would minimize the likelihood of an inappropriate identification and thereby address disproportionality. Furthermore, there was an expectation that clearly delineating and focusing on the concrete processes of the comprehensive evaluation would increase control over the implementation of the intervention.

The IM modified Outcome 18 to require the district to provide evidence of a comprehensive evaluation for 90% of African American students identified with ED. To avoid any unintended consequences, such as the cessation of ED identification of African American students or the increase of ED identification of students from other racial/ethnic groups, the outcome did not include targets to decrease the risk or probability of identification for African American students. The outcome also avoided a comparison of risk between groups or the relative risk ratio for determining compliance with Outcome 18.

**Methodology**

This section outlines the methodology used for 2004–2005 through 2006–2007 to monitor the implementation and effectiveness of the intervention described above. Although the earlier study (2003–2004) followed similar methods, there were some differences due to the different purpose.

**Sample Design**

The sample was drawn on a monthly basis from a database provided by the district of students either newly identified or having a comprehensive evaluation that determined the eligibility of ED. The sample included all initial evaluations of African American students and a sample of all reevaluations of African American students identified with ED. In addition, the sample included a sample of all initial evaluations of White students identified with ED and a sample of all reevaluations for White students identified with ED. Finally, included was a sample of all initial evaluations and reevaluations for students from all other racial/ethnic groups (e.g., Latino and other) identified with ED.

**Elements of the Comprehensive Evaluation**

The elements of the comprehensive evaluation included the following:

- Pre-referral and referral interventions: evidence of a pre-referral intervention meeting and follow-up meeting with parent participation, evidence of participation in a behavior support program, and documentation of behavioral and academic concerns
- Multidisciplinary assessment: health, cognitive/general abilities, social-emotional, academic, and behavioral
- Eligibility determination: eligibility statement as per IDEA regulations, considerations of
exclusionary criteria, and justification of comorbid disabilities

- IEP team considerations of supports upon ED identification: consideration of a behavior support plan, consideration of placement in the least restrictive environment, and consideration for counseling and/or referral to mental health agencies

Data Collection and Analysis

Demographic and IEP information for all students identified as ED were uploaded from the district database and verified for accuracy on a monthly basis. This included conducting comprehensive reviews of cumulative files and IEPs at schools by trained graduate research assistants. Interrater reliability was established through multiple reviews by different raters. Data were entered into a database and sent to the American Institute for Research for statistical analysis.

Findings

This section discusses several indicators of the effects of the intervention on disproportionality in the LAUSD. The first two indicators show the composition of the ED population and composition of NPS placements for students with ED from 2003–2004 through 2006–2007. These indicators serve as a useful method for measuring the implementation of the intervention across the three racial/ethnic groups and provide insights into any unintended consequences. The third indicator shows the risk and risk ratio by race/ethnicity over time and serves as a reference for determining if a reduction in disproportionality has occurred. To observe progress with the target of Outcome 18, this section includes rates of compliance for students who received a comprehensive evaluation.

Table 1 demonstrates the number and percentage of students identified as ED by race/ethnicity and school year. Since 2003–2004, there has been a continued and consistent decrease in the number of students identified with ED and students placed in the most restrictive environment of NPS. In addition, the number of African American students identified with ED has decreased by a total of 530 students, or by 35.8%. We note similar decreases for students in all race/ethnicity categories, with an overall decrease in the ED population of the district of 1248 students, a decline of 30.4%. Despite the year-to-year decreases in the number of African American students with ED, the overall composition of African American students with ED has remained relatively constant. For example, in the 2003–2004 school year, African American students made up 36.0% of the ED population compared with 33.1% in the 2006–2007 school year.

Table 2 shows the number and percentage of students identified as ED by race/ethnicity over time. Since the 2003–2004 school year, there has been a 29.4% decrease in the number (242) of African American students with ED placed in NPS. Overall, NPS placements have observed a decrease of 19.9% or 423 students across the three main race/ethnicity categories, with the composition of students remaining relatively constant for all groups.

Over the four-year period, the risk or probability of being identified as ED has decreased for African
American students from 1.36 to 1.20 (Table 3). Despite this decrease in the risk of ED identification for African American students since 2003–2004, the risk ratio has increased slightly. This may be an effect of the overall decreases in the number of all students eligible as ED. A second factor may be the impact of declining enrollment in the student population, which affects the calculation of the relative risk ratio.

Since the implementation of the intervention during the 2004–2005 school year, there have been substantial improvements in the number of students with ED who met the requirements of the comprehensive evaluation (Table 4). These improvements are relatively consistent across the three racial/ethnic groups and provide evidence that the intervention is being applied equitably to all students. This finding may further imply that the intervention has minimized the potential of unintended consequences. For purposes of compliance with the target associated with Outcome 18, which requires 90% of African American students to receive a comprehensive evaluation, the district’s performance is at 50.5%. This may be due to the delay in the distribution of the comprehensive evaluation checklist to schools, which occurred during the 2006–2007 school year. The progress observed during the 2005–2006 school year may be a result of the considerable district efforts in areas such as professional development.

### Discussion

The findings of this longitudinal study provide insight into the utilization of an intervention based on an examination of concrete local-level variables exposing weaknesses in the referral and identification process for all students identified with ED. Because the intervention was based largely on these findings, the intervention emphasized improvements in the provision of the pre-referral interventions, multidisciplinary assessments, and supports upon

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**Table 2:** Number and percentage of students in nonpublic special education school, by race/ethnicity and school year

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<tbody>
<tr>
<td>African American</td>
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<td>787</td>
<td>678</td>
<td>581</td>
<td>-242</td>
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<td>-56</td>
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<td></td>
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<td>642</td>
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<td></td>
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<td>37.80%</td>
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</tr>
<tr>
<td>Other</td>
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<td>52</td>
<td>45</td>
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<td>-10</td>
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<td></td>
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<td>2.30%</td>
<td>2.10%</td>
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</tr>
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<td>2064</td>
<td>1923</td>
<td>1698</td>
<td>423</td>
</tr>
<tr>
<td></td>
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<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>19.90%</td>
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</table>

**Table 3:** Risk and risk ratio of African American students identified as emotionally disturbed, by school year

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<tbody>
<tr>
<td>African American</td>
<td>1.67</td>
<td>1.51</td>
<td>1.36</td>
<td>1.2</td>
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<tr>
<td></td>
<td>4.28</td>
<td>4.05</td>
<td>3.88</td>
<td>3.93</td>
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</table>

**Table 4:** Number and percentage of students with a comprehensive evaluation by race/ethnicity

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>African American</td>
<td>73</td>
<td>174</td>
<td>190</td>
</tr>
<tr>
<td></td>
<td>8.00%</td>
<td>25.30%</td>
<td>50.50%</td>
</tr>
<tr>
<td>White</td>
<td>45</td>
<td>105</td>
<td>145</td>
</tr>
<tr>
<td></td>
<td>9.00%</td>
<td>33.30%</td>
<td>51.70%</td>
</tr>
<tr>
<td>Latino</td>
<td>119</td>
<td>206</td>
<td>262</td>
</tr>
<tr>
<td></td>
<td>3.00%</td>
<td>35.40%</td>
<td>55.30%</td>
</tr>
<tr>
<td>Total</td>
<td>237</td>
<td>485</td>
<td>597</td>
</tr>
<tr>
<td></td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>
identification while safeguarding the rights of students, parents, and IEP teams. After three years, the data indicate substantial and consistent reductions in the number of all students identified with ED as well as those placed in the most restrictive environments of nonpublic schools.

Several factors were considered in the development of an outcome for addressing disproportionality. First, the court monitor avoided an outcome that established a fixed target aimed at reducing identification rates of African American students because of the possibility of unintended consequences, such as a failure to appropriately identify students with ED. Skiba et al. (2003) advise against framing policies that address disproportionality in such a manner. They note that drawing a line in the sand by simply setting a numerical or proportionate cap on the enrollment of minority students in special education may be tempting. Yet the extensive needs of students who are referred to special education suggest that simplistic responses may harm the very students who target the reform by closing the door to an important resource for some disadvantaged students. (p. 49)

Therefore, the expectation of the intervention and outcome was to improve the quality of ED identification for all students, thereby resulting in a reduction of inappropriate identifications, including those of African American students.

Several factors have contributed to the positive findings described above. An important aspect in ensuring the effectiveness of the implementation of the intervention has been the constant oversight and monitoring by the OIM and LAUSD. These efforts have raised awareness of the problem of disproportionality in the district as well as created several mechanisms for tracking and monitoring the quality of the referral and identification process by standardizing a comprehensive evaluation for all students identified with ED.

The utilization of technology has also played a major role in the effective implementation of this intervention. The district maintains a Web-based IEP system that has been an effective vehicle for communicating the expectations of the intervention by including the requirements of the comprehensive evaluation within the actual IEP. For example, when students are identified as ED, the Web-based IEP system requires IEP teams to certify the provision of all of the processes within the comprehensive evaluation on a checklist. This checklist also functions as a certification of eligibility form containing the eligibility criteria and an exclusionary factor statement. This certification form serves as the IEP team’s justification for the ED identification. In addition, the district has included edits to ensure that students with ED receive supports and services upon identification. For example, once the system recognizes that a student meets the ED eligibility criteria, it automatically requires the completion of a behavior support plan.

The district maintains a Web-based IEP system that has been an effective vehicle for communicating the expectations of the intervention by including the requirements of the comprehensive evaluation within the actual IEP.

Several feedback loops have also been created as a result of the intervention and outcome. The first is the ongoing monitoring by the OIM, which includes a monthly file review of a sample of ED identifications for all students. This effort has produced yearly feedback on the effectiveness of the implementation of the intervention and measures the district’s progress toward compliance with Outcome 18. The district has also initiated two internal reviews. The first consists of a case review process whereby school psychologists present psycho-educational evaluation reports for students with an area of suspected disability of ED for peer review. This process provides psychologists feedback on the implementation of the comprehensive evaluation. For the second review, the district engages in a compliance review similar to that done by the OIM. This includes reviewing student files, psycho-educational reports, and IEPs to determine if students were provided the requirements of the comprehensive evaluation. These efforts provide evidence and insight on the effects of compliance monitoring and court oversight for building internal capacity within the district.

Implications for Future Research and Practice

The phenomenon of disproportionality and its causes have been one of the most persistent and complicated in special education (Skiba, Poloni-Staudinger, Gallini,
Simmons, & Feggins-Azziz, 2006). One of the challenges for addressing disproportionality has been the lack of research that examines local-level factors that provide a better understanding of the problem, thereby leading to specific solutions for practitioners and parents (Artiles & Zamora-Duran, 1997; Harry et al., 2002; Skiba et al., 2003). Although conducting research on local-level factors may present practical difficulties and may be limited in confirming discriminatory practices, these efforts may reveal weaknesses within the existing referral and identification processes that can lead to specific and direct interventions. More importantly, this approach will allow states and local education agencies to examine processes and policies that are directly under their control.

The phenomenon of disproportionality and its causes have been one of the most persistent and complicated in special education (Skiba, Poloni-Staudinger, Gallini, Simmons, & Feggins-Azziz, 2006).

Although this approach produced limited insights into factors contributing to disproportionality in the LAUSD, it provided evidence that a focus on improving the quality of the referral and identification process could produce significant reductions in the number of students identified with ED as well as those placed in nonpublic schools. This finding supports the initial hypothesis of inappropriate identifications driven by placement recommendations. Future research should continue to examine and identify local-level factors for developing specific interventions that address disproportionality.

Research has long supported the notion that once students are referred for special education, the likelihood of identification is high (Artiles & Trent, 1994; Hosp & Reschly, 2004). This has been an area of considerable attention within the literature, particularly for identifying interventions aimed at reducing referrals for special education. Although this is an important variable contributing to the phenomenon of disproportionality, a shift in focus may be required.

As noted earlier, the initial study found minimal evidence of IEP teams applying the ED eligibility and exclusionary criteria when identifying students with ED. Cartledge (2004) noted that "this finding may be indicative of a less than adequate evaluation for placement" (p. 15). The lack of eligibility statements raises questions about IEP teams' justifications for determining eligibility. Without a clear rationale and justification for eligibility, it challenges the validity of these identifications. This finding may support the notion that inappropriate ED identifications may be driven by an incentive for placement in more restrictive settings. These findings have considerable implications for addressing disproportionality because the eligibility criteria are the last procedural safeguards for students that may prevent an inappropriate identification. Finally, a justification of eligibility becomes exponentially more important when one considers the long-term consequences of ED identification, especially for minority students (Harry & Anderson, 1994; Losen & Orfield, 2002; Wagner, 1995). Future research should examine the relationship between disproportionality and the justification of eligibility. This may be particularly beneficial in examining overrepresentation of minority students in specific disability categories that are considered subjective. However, it may also provide insights for local education agencies that may be experiencing overall high growth rates in eligibilities such as autism.

The findings of this study also carry implications for how disproportionality is measured. States monitoring local education agencies deemed to have disproportionality should carefully consider the indicators used for measuring progress toward reducing disproportionality. For instance, despite the substantial decreases in the number of students identified with ED in the LAUSD, disproportionality still exists within the context of the composite index, risk, and relative risk ratios for African American students. Based on these indicators, the district has demonstrated minimal progress toward reducing disproportionality. However, the findings strongly suggest that the intervention has been effective in improving the quality of ED identifications for all students while maintaining more students in less restrictive environments. Furthermore, because there was very little evidence of systemic racial bias found within the process observed, it may suggest that the primary factors contributing to disproportionality lie within the pre-referral stages. Future research should examine the utilization of such indicators based on rates of referral as opposed to student identification rates.

As states and school districts begin to grapple with the requirements in IDEA 2004 to both track and
address disproportionality, they will need to review their current identification and placement practices and identify points at which breakdowns occur that may contribute to disproportionate identification. By adapting this methodology to local circumstances and procedures, states and districts should be able to identify these weaknesses and develop specific interventions to address them. By focusing on improving local-level weaknesses, states and districts can avoid setting strict targets for reducing disproportionality that force districts to deny services for students in need while also addressing the systemic failures that produce both inappropriate and disproportionate identification.

References


About the Authors

Jaime E. Hernandez, Ed.D., is the director of research at the Office of the Independent Monitor, 333 S. Beaudry Ave., Floor 18, Los Angeles, CA 90017. Email: scjaime@gmail.com.

Arun K. Ramanathan, Ed.D., is the chief student services officer at the San Diego Unified School District, 4100 Normal St., San Diego, CA 92103. Email: Aramanathan@sandi.net.

Jenifer Harr, Ph.D., is a senior research analyst at the American Institute for Research, 1070 Arahstradero Road, Suite 200, Palo Alto, CA 94304. Email: jharr@air.org.

Miguel Socias, Ph.D., is a senior research analyst at the American Institute for Research, 1070 Arahstradero Road, Suite 200, Palo Alto, CA 94304. Email: msocias@air.org.
Appendix

Instrument

**STUDENT’S NAME:** ______________________
**DATE OF BIRTH:** ______________________
**REVIEWER:** ______________________
**DATE OF REVIEW:** ______________________

☐ File review is complete
☐ File review is not complete, child was exited from SPED
☐ File review is not complete, child is no longer eligible as ED
☐ File review is not complete due to the child’s records being unavailable

1. REVIEW OF PRE-REFERRAL AND REFERRAL INTERVENTION

☐ Request for assessment (PARENT) (AGENCY) if checked must circle one
☐ No information on request / teacher request

FOR STUDENTS INITIALLY REFERRED FOR SPECIAL EDUCATION

Yes No
☐ ☐ Documentation of an initial pre-referral intervention meeting, such as an SST or 504 plan, that addresses the behavioral and/or academic concerns and actions to address these concerns.
   ☐ Report Card ☐ Cum Folder ☐ SST Form ☐ IEP p. 3, 4, 12
   ☐ Student Intervention Record Form (BUL-2075) ☐ Other:

☐ ☐ Documentation of a follow-up pre-referral intervention meeting, such as an SST or 504 plan (at least 3 months after the initial meeting) documenting the results of the interventions and the effect on the behavior.
   ☐ Report Card ☐ Cum Folder ☐ SST Form ☐ IEP p. 3, 4, 12
   ☐ Student Intervention Record Form (BUL-2075) ☐ Other:

☐ ☐ Evidence of parent participation at the pre-referral intervention meeting, such as an SST and/or parent conference.
   ☐ Report Card ☐ Cum Folder ☐ SST Form ☐ IEP p. 3, 4, 12
   ☐ Student Intervention Record Form (BUL-2075) ☐ Other:

☐ ☐ Pre-referral teams documentation of the following considerations:
   ☐ attendance history;
   ☐ ☐ recent changes in student’s home environment; ☐ student’s primary language (if applicable); and, ☐ vision and hearing screening.

☐ ☐ Report card or cumulative file comments indicate behavioral and academic concerns for more than one semester (secondary) or one year, prior to the date of referral.

☐ ☐ Documentation of one of the following: non-DIS counseling, behavior modification plan, and/or participation in a school-wide discipline program.
   ☐ Report Card ☐ Cum Folder ☐ SST Form ☐ IEP p. 3, 4, 12
   ☐ Student Intervention Record Form (BUL-2075) ☐ Other:

☐ ☐ Assessment plan and/or other documentation indicating behavioral concerns and consideration for ED as a suspected disability (such as Request for Assessment by parent).
   ☐ Assessment plan ☐ Student Intervention Record Form (BUL-2075)

1A. REVIEW OF PRE-REFERRAL AND REFERRAL INTERVENTION (CONTINUED)

FOR STUDENTS CURRENTLY RECEIVING SPECIAL EDUCATION SERVICES UNDER ANOTHER ELIGIBILITY (NOT ED)

Yes No
☐ ☐ Behavior support plan (IEP Behavior Support Plan) Need to look at previous IEP
☐ ☐ Academic modifications and accommodations attempted to address the behavioral concerns ☐ p. 3 ☐ p. 4 ☐ p. 12 (of current or previous IEP)

☐ ☐ Consideration for counseling services and/or referrals to school-wide discipline programs ☐ p. 3 ☐ p. 4 ☐ p. 12 (Previous IEP)

☐ ☐ Assessment plan indicating behavioral concerns and consideration for ED as a suspected disability (or statement in IEP p. 3 or 12 indicating a re-evaluation due to behavioral concerns)

Begin here for students currently identified as emotionally disturbed (triennial or re-evaluation).

For triennials, review previous annual IEP to determine if the IEP team determined that a formal
assessment would not be required at the triennial to re-establish eligibility.

Preparation for Three Year Review p. 6: Section H (must mark one)

☐ No Formal Assessment needed to re-establish eligibility
☐ Formal Assessment needed
☐ Previous IEP is unavailable or did not indicate either

2. Assessment

Present Levels of Performance p. 3

Yes No

☐ Health assessment
☐ Formal academic assessment and consideration of assessments based on curriculum and classroom performance.
☐ Cognitive or general ability assessment identifying the student’s strengths and weaknesses
☐ Multidisciplinary social-emotional evaluation considering home and community behavior using the following measures: ☐ observation in various settings (formal and informal);
☐ ratings scales and/or other psychometric instruments; and, ☐ interviews with at least one teacher and/or parent.
☐ Comprehensive behavioral evaluation such as a functional behavioral analysis, functional assessment analysis or other behavioral evaluation that identifies the function of the behavior, the frequency and duration of the behavior, and the identification of alternative behaviors that may serve to replace the undesired behavior.
☐ Behavior Support Plan ☐ p. 3
☐ other: ____

3. Determination of ED Eligibility

Yes No

☐ Comprehensive ED eligibility statement identifying specific areas of eligibility as per IDEA 1997 regulations (must have at least one within the context of explaining ED as disability)
 ☐ p. 3 (psych) ☐ p. 4 ☐ p. 12 ☐ Ed Certification Form ☐ other:
☐ an inability to learn that cannot be explained by intellectual, sensory, or health factors
☐ an inability to build or maintain satisfactory interpersonal relationships with peers/teachers
☐ inappropriate types of behaviors or feelings under normal circumstances
☐ a general pervasiveness mood of unhappiness or depression
☐ a tendency to develop physical symptoms or fears associated with personal or school problems
☐ Consideration of exclusionary criteria and other relevant factors (must be in the context of explaining eligibility consideration)
 ☐ p. 3 (psych) ☐ p. 4 ☐ p. 12 ☐ Ed Certification Form ☐ other:
☐ are behaviors a result of intellectual, sensory, or health factors?
☐ are behaviors due to a specific environmental stress or situational trauma?
☐ are behaviors a function of social maladjustment without evidence of an emotional disturbance?
☐ Justification of comorbid disabilities (i.e., additional disabilities)
☐ N/A Statement providing an explanation or reason for more than one eligibility
 ☐ p. 3 ☐ p. 12 ☐ SLD certification form (at the back of IEP)

4. IEP Team Recommendations

Yes No

☐ Consideration of a Behavior Support Plan (BSP) ☐ p. 12
☐ IEP team considerations for placement in the least restrictive environment, including appropriate supports and modifications to ensure participation in the LRE, with responsible personnel
 ☐ p. 12 ☐ other:
 Placement recommendations p. 8 Section M: IEP team recommendations or p. 12: Summary:
 Location of Services: ☐ School of residence
 ☐ non-residence school ☐ SPED center
 ☐ nonpublic school (NPS) no need to indicate instructional setting
 Instructional Setting: ☐ Gen. Ed. ☐ RSP
 SDC ☐ SDC ED ☐ DIS
 Identify placement prior to IEP: initial evaluations should be General Ed
 ☐ Gen. Ed. ☐ RSP ☐ SDC ☐ DIS (i.e. Speech and Language, Counseling, OT, PT)
☐ Consideration of DIS counseling services, and/or referral to mental health agency for such services (AB3632)
☐ p. 4  ☐ p. 12
☐ ☐ Counseling goals, if appropriate (If counseling not provided but there is evidence of consideration, mark N/A: not applicable)
☐ N/A  ☐ p. 5

☐ ☐ Parent participation at the IEP meeting determining eligibility and placement
☐ p. 10 Section Q (date must be the same as IEP date)
☐ other: ______________________
Lessons Learned and Strategies Used in Reducing the Frequency of Out-of-School Suspensions

Melissa K. Barnhart, Ph.D., and Nancy J. Franklin, M.S.
Los Angeles Unified School District

Jay R. Alleman, M.A.
Office of the Independent Monitor

For nearly 5 years, the Los Angeles Unified School District (LAUSD) has been engaged in efforts to reduce the number of out-of-school suspensions for students with disabilities and their typical peers by applying the principles of positive behavioral support throughout its more than 700 K–12 schools.

Initially, LAUSD focused solely on reducing the number of out-of-school suspensions for students with disabilities who have high rates of suspension. However, ongoing monitoring of data on out-of-school suspensions revealed that several additional student subgroups (e.g., African Americans and middle and high school students) also were receiving an elevated number of out-of-school suspensions throughout the District.

As a result, LAUSD staff, families, and students have collaborated in the adoption and implementation of a District-wide approach for increasing the use of positive social behavior known as School-Wide Positive Behavior Support (SWPBS; e.g., Sprague & Golly, 2004; Sugai, Horner, & Gresham, 2003). Through the use of SWPBS, the LAUSD has worked to reduce the overall number of out-of-school suspensions by aligning the discipline policies for individual schools with proactive approaches that serve to prevent misconduct, reinforce appropriate behaviors, and establish clear expectations for school conduct.

This article documents the lessons learned and strategies utilized in reducing out-of-school suspensions and adopting and implementing a District-wide discipline policy.

For the past 5 years, the Los Angeles Unified School District (LAUSD) has worked toward improving student discipline practices among its more than 700 K–12 schools. Previously, wide disparities existed in the discipline practices used throughout the District, because many schools lacked coherent, effective processes for preventing misconduct, relying instead upon punitive practices, such as suspension and expulsion, which served to exclude students from school. Previous research (Skiba & Knesting, 2002) and anecdotal reports from LAUSD staff indicate that it is not uncommon, particularly in large, urban schools with limited resources, for school administrators in charge of discipline to believe that it is their responsibility to force the most troublesome students to leave school prior to graduation. In order to reduce the use of such exclusionary practices, LAUSD has devoted considerable efforts to helping schools shift their disciplinary policies away from punishment for misconduct and toward an emphasis on proactive approaches that provide students with ongoing, direct instruction in appropriate classroom behavior.

The initial momentum for improving school discipline practices was provided by the modified consent decree (MCD), which was agreed upon in federal court in 2003 by LAUSD and plaintiffs for students receiving special education services within the District. The MCD contains 18 quantifiable outcomes, which were designed to bring the District into compliance with federal and state laws regarding the education of children and youth with disabilities. At the time the MCD was established, students with disabilities (SWD) were more than two times as likely as their nondisabled peers to be suspended; in 2002–2003, nearly 15% of SWD were suspended, whereas only 6.4% of their peers were suspended from school at least once during a 1-year period. As a result, one of the outcomes of the MCD requires the District to reduce the percentage of SWD suspended by
approximately 30%, to just over 10%, or 1 in 10 students.

At the time the MCD was established, students with disabilities (SWD) were more than two times as likely as their nondisabled peers to be suspended.

Research conducted to help determine how best to achieve the MCD goal of reducing the suspension rate for SWD revealed alarmingly high suspension rates among the District’s approximately 120 middle and senior high schools. In 2003–2004, the first year of the MCD, the overall suspension rate for LAUSD students was approximately 6.5%, but among middle and comprehensive high schools, the rate was more than 75% higher, at 11.4%. As shown in Figure 1, the suspension rate increased fivefold between fourth and sixth grade, from 2% in fourth grade to 10.0% in sixth grade. This dramatic increase suggested that beginning in fifth or sixth grade, school discipline practices were inadequate to support the needs of a large number of students. Due to this disparity, most of our intervention efforts aimed at reducing the use of suspensions were targeted at middle and high schools.

A study was conducted of the use of school suspensions in secondary schools, and it revealed wide disparities in the discipline policies used across the District. Among the school administrators interviewed for the study, one of the areas of the school’s discipline process that was cited most frequently as in need of improvement was the coherence of the school’s overall discipline policy (Rickles, 2006). As in other urban school districts (e.g., Netzel & Eber, 2003), many of the study schools were found to lack proactive approaches to discipline, approaches that provide direct instruction to students in appropriate school behavior. Consequently, discipline policies often were applied unevenly throughout the school and were punitive in nature. Among all of the areas of school discipline cited by

![Figure 1. Los Angeles Unified School District (LAUSD) suspension rates by grade, 2003–2004. Note: Results based on suspension data entered into the School Information System for LAUSD. Suspension rates were calculated based on the number of students enrolled on December 1, 2003.](image-url)
administrators as in need of improvement, however, none was mentioned more frequently than the need for teachers to have increased skills in classroom management. Because some teachers were far more likely to send students to the office, the uneven approach to discipline often began at the classroom level. School administrators lamented that the need to deal with students sent to the office for minor infractions limited the amount of time they could spend with more serious violators of school rules (i.e., students who were in need of more intensive intervention and instruction in appropriate behavior). Therefore, intervention efforts were aimed at providing direct instruction to classroom teachers in effective ways to prevent misconduct and to instruct students in appropriate classroom behavior.

Among all of the areas of school discipline cited by administrators as in need of improvement, however, none was mentioned more frequently than the need for teachers to have increased skills in classroom management.

Disparities in the suspension rates were found to exist not only between elementary and secondary students but also among certain student subgroups. Across the nation, certain subgroups, most notably African Americans and males, are consistently suspended two to three times as often as their peers (e.g., Skiba, Michael, Nardo, & Peterson, 2002; Skiba & Peterson, 2003). Echoing this trend, significant disparities existed in the suspension rates for LAUSD students based on ethnicity, gender, age, and special education status. Although the District had originally intended to focus solely on reducing the suspension rates for SWD, it became apparent that interventions also were required to address the disparities in suspension rates among other at-risk subgroups. Tools were developed to help schools identify whether they had higher suspension rates among SWD, African Americans, and males, and assistance was provided in using lines of inquiry1 to address any disparities among these subgroups.

Across the nation, suspension is the most common form of discipline used in schools (Skiba & Knesting, 2002)…

Overall, the results of research conducted on suspension practices throughout the LAUSD revealed patterns similar to those found across the nation: Large disparities were observed among student subgroups, and the coherence and application of the discipline policy varied considerably from one secondary school to another. Despite these obstacles, the District has succeeded in meeting the MCD goal of reducing suspensions for SWD: Over the 5-year period from 2003–2004 through 2007–2008, the SWD suspension rate declined by nearly 40%, from nearly 15% to just shy of 9%. Although LAUSD staff are pleased with this accomplishment, they are also acutely aware of the need for continued improvement. In addition, they are aware of the sustained effort and commitment that was required from many staff, parents, and teachers over the course of a 5-year period to achieve this reduction in suspensions. In the life of a school district, 5 years can seem like a lifetime. Therefore, the purpose of this article is to share the lessons learned as well as the most successful strategies for implementing a discipline policy based on positive behavioral supports2 within a large, urban school district. It is hoped that this article may contribute to even greater success by administrators and school-site partners in improving the discipline practices for their own schools and districts.

Lesson No. 1: School Staff May Be Unaware of How Deeply Engrained Out-of-School Suspensions Are in Their School’s Culture

Because staff were often of the belief that out-of-school suspensions were used infrequently at their school, data profiles detailing each suspension were used to reveal the extent to which schools used suspensions as a disciplinary measure. Across the nation, suspension

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1 For sample lines of inquiry, go to the Discipline Foundation Policy Web site at http://disciplinepolicy.lausd.net and click on Suspension Alternative → Lines of Inquiry.
2 For the complete discipline policy, go to the Discipline Foundation Policy Web site at http://disciplinepolicy.lausd.net and click on Discipline Policy → Discipline Foundation Policy.
is the most common form of discipline used in schools (Skiba & Knesting, 2002), but many teachers and administrators were unaware of how heavily it was relied upon to discipline students throughout the District. During professional development focused on improving discipline practices, school staff were asked to estimate how many students in their school had been suspended during the previous year for nonmandatory or discretionary reasons, as well as how many had been suspended for mandatory reasons (i.e., reasons stipulated by California law). Although nonmandatory suspensions accounted for more than 99% of the District’s suspensions, the vast majority of school staff believed that most of their school’s suspensions occurred for mandatory reasons. To highlight the high number of nonmandatory suspensions, attendees were subsequently provided with a detailed profile of suspensions for their school, which included information on each student’s gender, ethnicity, grade level, and reason for suspension. The presentation of these data proved to be a powerful and eye-opening tool for helping staff to identify the magnitude of the suspension problems at their school.

Due to the training in SWPBS, many middle and high schools experienced a significant decline in their suspension rates.

In order for schools to use the suspension profiles for actual improvement, however, it was necessary to accompany the suspension profiles with lines of inquiry. It was insufficient to simply provide data without a guide as to how that data could be used effectively; school staff were left wondering, “OK, you’ve shown me that we may have an issue that needs to be addressed. Now what do I do?” The discovery that the suspension profiles were not stand-alone documents underscores the idea that outcome measures may help to quantify a problem, but they rarely address the issues of how or why the issue exists. The lines of inquiry also provided support staff with guided questions to accompany discussions with school site staff about the suspension profiles. These questions, which were used in monthly discipline team meetings or by entire school faculties, helped staff to pinpoint potential causes for high suspension rates or potential reasons for the significant discrepancies in the suspension rates among student subgroups. As a result, the lines of inquiry facilitated entry points into the inquiry process for school staff.

Professional development, particularly professional development in positive behavioral supports, or what is frequently referred to as School-Wide Positive Behavior Support (SWPBS; e.g., Sprague & Golly, 2004; Sugai, Horner, & Gresham, 2003), also allowed schools to gain the insight that discipline could be maintained at a school without a heavy reliance on out-of-school suspensions. Due to the training in SWPBS, many middle and high schools experienced a significant decline in their suspension rates. In fact, despite some initial challenges, many of the same deans and assistant administrators who were once heavily involved in assigning out-of-school suspensions returned from training in SWPBS to become their school’s internal champion for the use of suspension alternatives embedded in a SWPBS approach.

Lesson No. 2: Some Schools Required More Targeted, Intensive Supports Over An Extended Period of Time

Although the professional development on positive behavioral supports helped some schools reduce their suspension rates, a substantial number of middle and high schools continued to have extremely high suspension rates for both SWD and their nondisabled peers (non-SWD). These schools would require substantial support in order to reduce their suspension rates, so we chose to narrow the focus from the District’s nearly 140 middle and high schools to a subset of targeted schools that would receive more intensive interventions. Three criteria were used to select these 64 targeted schools: (1) a high rate of suspension for SWD; (2) a high-risk ratio, or percentage, of SWD suspended in comparison with the percentage of general education students suspended; and (3) a relatively large population of SWD combined with a high number of one-day, one-

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3 For a sample suspension profile, go to the Discipline Foundation Policy Web site at http://disciplinepolicy.lausd.net and click on Suspension Alternative -> Suspension Profile Directions.

4 For a sample lines of inquiry, go to our Discipline Foundation Policy Web site at http://disciplinepolicy.lausd.net and click on Suspension Alternative -> Lines of Inquiry.
time suspensions, which we believed might have been avoided if positive behavioral supports had been in place for these students. The student demographics for the targeted schools are displayed in Table 1.

During the course of the next school year, targeted schools received intensive professional development designed to improve their discipline practices and align them with a more proactive and instructionally focused approach. In the fall, each school’s discipline team attended a discipline conference, which focused on SWPBS-related strategies for adopting and implementing a proactive discipline policy (e.g., Peterson & Skiba, 2001; Sprague & Walker, 2005). In addition, the teams were given a wide range of literature on SWPBS, and two experts on positive behavioral supports, Dr. Russ Skiba and Dr. Geoff Colvin, spoke to the school discipline teams about early intervention for students with problem behaviors, effective responses to misconduct, anger management, and violence prevention. Subsequently, each team developed an action plan to reduce the number of out-of-school suspensions at their school, based on their number of year-to-date suspensions and what they had learned in the conference. In addition, each identified at least one alternative to out-of-school suspensions to be adopted at their school. For the remainder of the year, behavioral specialists provided the discipline teams with 10 hours of monthly on-site support in the implementation and monitoring of the action plan.

The school teams also were provided with the opportunity to receive intensive intervention in classroom management, both for themselves and the teachers at their school. Classroom management institutes, held for all targeted school teams and behavioral specialists, provided professional development and/or support in classroom management to both general and special education teachers. At school sites, teachers who referred a low number of students to the office and those who referred a high number of students worked together to learn from one another. The intensive, hands-on professional development for each school’s discipline team, teachers, and staff was intended to significantly reduce the overall suspension rates among students in both general and special education.

Now, 2 years after the identification of 64 targeted schools, we have seen a substantial reduction in their suspension rates, although continued support and training are needed. For the 2006–2007 school year, which was the first year of intensive, targeted support to these schools, we observed considerable reductions in their suspension rates (Figure 2). Among targeted schools, the average suspension rate decreased by approximately 5 percentage points for both SWD and non-SWD, whereas among nontargeted schools the suspension rates remained the same or decreased slightly. Despite these declines, suspension rates among targeted schools remained significantly higher than among nontargeted middle and high schools. Therefore, we continue to provide training to deans and assistant principals, as well as on-site coaching for school discipline teams and teachers. Given that the 64 targeted schools had high suspension rates prior to intervention, coupled with the fact that many of them are located in communities that experience constant and severe problems with drug use, poverty,

### Table 1: Student demographics for LAUSD middle and high schools, 2003–2004

<table>
<thead>
<tr>
<th></th>
<th>All</th>
<th>Targeted</th>
<th>Nontargeted</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of schools</td>
<td>117</td>
<td>59</td>
<td>58</td>
</tr>
<tr>
<td>Number of students</td>
<td>2447</td>
<td>2545</td>
<td>2347</td>
</tr>
<tr>
<td>Gender</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Female</td>
<td>49.7%</td>
<td>49.0%</td>
<td>49.5%</td>
</tr>
<tr>
<td>Male</td>
<td>50.3%</td>
<td>51.0%</td>
<td>50.5%</td>
</tr>
<tr>
<td>Ethnicity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Asian</td>
<td>4.2%</td>
<td>2.7%</td>
<td>5.6%</td>
</tr>
<tr>
<td>African American</td>
<td>14.2%</td>
<td>17.0%</td>
<td>11.8%</td>
</tr>
<tr>
<td>Latino</td>
<td>68.6%</td>
<td>71.2%</td>
<td>66.3%</td>
</tr>
<tr>
<td>White</td>
<td>9.9%</td>
<td>7.2%</td>
<td>12.3%</td>
</tr>
<tr>
<td>Other</td>
<td>3.1%</td>
<td>1.9%</td>
<td>4.0%</td>
</tr>
<tr>
<td>Language classification</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>English only</td>
<td>34.9%</td>
<td>33.5%</td>
<td>36.2%</td>
</tr>
<tr>
<td>Fluent English Proficient</td>
<td>33.2%</td>
<td>31.6%</td>
<td>34.6%</td>
</tr>
<tr>
<td>English Learner</td>
<td>31.9%</td>
<td>34.9%</td>
<td>29.2%</td>
</tr>
<tr>
<td>Free/reduced meals</td>
<td>72.1%</td>
<td>74.8%</td>
<td>69.8%</td>
</tr>
<tr>
<td>SWD</td>
<td>12.4%</td>
<td>12.9%</td>
<td>12.0%</td>
</tr>
<tr>
<td>Suspension rate (2003–2004)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SWD</td>
<td>19.1%</td>
<td>21.8%</td>
<td>16.2%</td>
</tr>
<tr>
<td>SWD peers</td>
<td>11.0%</td>
<td>13.0%</td>
<td>9.1%</td>
</tr>
</tbody>
</table>

**Note.** Total number of students reflects the total enrollment on December 1, 2003. Data source is LAUSD’s Student Information System. One school was missing student demographics and is not included in this table. Please note that this table only includes students in grades 9–12 enrolled in comprehensive high schools, and not students enrolled in adult schools, options schools, or continuation high schools. LAUSD: Los Angeles Unified School District; SWD: students with disabilities.
crime, and violence, it is perhaps not surprising that their suspension rates have improved more gradually over a period of several years. Improvement in the discipline practices for a subset of middle and high schools has required intensive and committed resources, invested over an extended period of time. For this reason, each school is provided with 10 hours a month of direct support from a behavioral specialist from the Central Office. Each behavioral specialist is assigned to approximately six schools and provides a wide range of SWPBS-related supports. Despite the direct assignment of resources to these schools, however, we emphasize that the choice to accept the resources is ultimately that of the school team, so that they can “own” their choices.

Lesson No. 3: Considerable Outreach Was Required to Develop a District-Wide Discipline Policy
To build a foundation for the discipline policy, grassroots efforts were required to encourage the use of a positive, preventive approach to discipline. We first collaborated with the Los Angeles County Office of Education to provide training to school discipline teams in “BEST: Building Effective Schools Together” (Sprague & Golly, 2004). Developed at the University of Oregon and the National Center on Positive Behavioral Interventions and Supports, BEST is a standardized curriculum for school discipline teams. This professional development continues to grow throughout the District. In addition, one of the eight local districts, a district with approximately 100 schools, provided training to their school teams in Safe and Civil Schools (Sprick, Garrison, & Howard, 2002), which is an intervention that is standardized to emphasize building a system within the school to address proactive and preventive strategies in the area of behavioral expectations. As a result of the trainings, approximately 50 schools became early adopters (Rogers, 2003) of a positive approach to discipline practices. The significant reductions in suspensions and increases in student attendance and achievement experienced by early adopters were a

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Footnote:
5 The National Center on Positive Behavioral Interventions and Supports is funded by the U.S. Office of Special Education Programs (http://www.pbis.org).
Table 2: Most effective strategies for reducing the frequency of out-of-school suspensions and improving instruction in appropriate behaviors

<table>
<thead>
<tr>
<th>Strategy</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide school staff with timely data</td>
<td>Provide ongoing and regularly scheduled data reports to help school staff monitor their progress in reducing suspensions. Provide professional development to school staff to help them independently ask questions based on the data reports.</td>
</tr>
<tr>
<td>Increase awareness of out-of-school suspensions</td>
<td>Ask school staff to estimate how many of the suspensions at their school occur for mandatory reasons, then allow them to compare these estimates with actual data. Provide them with lines of inquiry for helping them to reduce their suspension rates.</td>
</tr>
<tr>
<td>Establish consistent consequences for misconduct</td>
<td>Ask school teams to create a table with categories of school-related misconduct grouped by severity of misconduct. For each category, the team should articulate and document a range of appropriate responses. This activity may help new teachers assign appropriate consequences for behavior and also help foster consistency in discipline practices across school staff.</td>
</tr>
<tr>
<td>Provide alternative methods of teaching students in need of intensive supports</td>
<td>Articulate a list of alternatives for teaching social expectations to students that require more intensive supports to be successful. Examples include:</td>
</tr>
<tr>
<td></td>
<td>• Reteaching of social expectations</td>
</tr>
<tr>
<td></td>
<td>• Daily report cards sent home to parents, so they can be partners in helping their son or daughter learn appropriate behaviors</td>
</tr>
<tr>
<td></td>
<td>• Behavioral assessment, including assessment of the function of problem behavior</td>
</tr>
<tr>
<td>Provide professional development on positive behavioral supports and SWPBS</td>
<td>Provide ongoing support to both new and existing staff in positive behavioral support and alternatives to suspension. Create a written list of suspension alternatives. In addition, tailor professional development specifically for deans and assistant principals at secondary schools, supplying them with tools for a positive discipline approach, frequently referred to as SWPBS.</td>
</tr>
<tr>
<td>Disseminate SWPBS principles through the use of school discipline teams</td>
<td>Use school discipline teams, which have been one of the most effective forms of professional development. The small size of discipline teams is also helpful for instructing them in how to actively teach and reinforce suitable behaviors, identify age-appropriate reinforcements for good behavior, and diffuse misconduct and enable students to switch to appropriate behaviors.</td>
</tr>
<tr>
<td>Frame the problem of out-of-school suspensions in the broadest possible terms</td>
<td>Frame the issue of reducing out-of-school suspensions as a problem affecting all students. In our professional development on improving discipline practices, we highlighted research indicating the extent to which punitive discipline measures (e.g., office referrals and suspensions) are used unevenly across many student subgroups (e.g., Skiba, Michael, Nardo, &amp; Peterson, 2002; Skiba &amp; Knesting, 2002).</td>
</tr>
<tr>
<td>Collaborate with other District initiatives</td>
<td>The overarching goals for this initiative overlapped with those for other District-related initiatives, which supported our efforts to improve school discipline practices. Explore the possibility of collaborating with other district partners (e.g., dropout prevention or efforts to improve the performance of English language learners and SWD).</td>
</tr>
<tr>
<td>Track office referrals</td>
<td>Assist school sites in developing a system for tracking their office referrals. To enable schools to monitor their own office discipline referral data, we obtained site licenses and offered training to schools in the School-Wide Information System, which is a Web-based system for recording and monitoring office referrals. Once enrolled, our schools were able to obtain timely and accurate feedback on trends in office referrals. Regular monitoring allowed school staff to be proactive in preventing misconduct that might ultimately lead to a suspension, identifying students in need of additional supports or intervention, and providing training in classroom management to teachers with a relatively high number of office referrals. Many schools that have been highly successful in reducing their overall suspensions began their improvement cycle by investigating their office referral data.</td>
</tr>
<tr>
<td>Identify at least one administrator at each school to regularly monitoring discipline data</td>
<td>Encourage schools to identify at least one administrator to regularly review their suspension rates. Schools that have significantly reduced their suspension rates have had staff dedicated to regularly reviewing their disciplinary data and using their review to refine and improve school-wide practices.</td>
</tr>
</tbody>
</table>
critical factor both in convincing other schools to develop such a system and in building support for a District-wide policy.

Still, it was 2 years of intensive work and collaboration before the District’s Discipline Foundation Policy: School-Wide Positive Behavior Support was formally approved by the Board of Education. In addition to continuing to coach and nurture the early adopters, further work was needed to adopt a District-wide discipline policy. Over the course of many months, we built collaborative relationships with school site staff, union representatives, parents, support staff, and students, gathering input and using that input to develop a policy that was agreeable to all stakeholders. We also received the support of Dr. Russ Skiba, codirector of Safe and Responsive Schools, who provided this critique of the policy, which was approved in 2007:

In passing this policy, you will be making a strong statement that it is possible to both take a strong stand in favor of safe and effective schools and to continue to maximize the learning opportunities in schools for all LAUSD children. The policy does this by teaching your students the behaviors they need in order to become effective and contributing members of our schools and society. Practitioners and researchers around the nation are watching closely, hoping to see LAUSD take a leadership role in developing effective and progressive school discipline.

Summary

The LAUSD has adopted a discipline policy that promises to improve the lives of all children. Although this initiative has been supported via the work with the MCD, it is likely that the powerful collaboration of teachers, administrators, families, students, and all other staff will ultimately improve the education of all students. The work in improving school discipline practices has illustrated to us the importance of sustained effort over time, particularly in the most challenged schools; the use of data to help us reflect on and ultimately identify the most effective and efficient discipline practices; and the power of thoughtful and caring individuals to come together to achieve a common goal.

References


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Table 2–Continued.

For a list of suspension alternatives, go to our Discipline Foundation Policy Web site at http://disciplinepolicy.lausd.net and click on Discipline Policy → Attachments → Attachment G - Top Ten Alternatives to Suspension.

Encourage schools to identify at least one administrator to regularly review their suspension rates. Schools that have significantly reduced their suspension rates have had staff dedicated to regularly reviewing their disciplinary data on suspensions and using their review to refine and improve their practices.

Strategies

The LAUSD developed or adopted many strategies that have enabled it to reduce the District-wide suspension rate and encourage the use of instruction in positive behaviors needed by all students to succeed in the classroom. *Table 2* provides a list and description of strategies used for effecting change throughout the District. Although it not an exhaustive list of strategies, it nevertheless contains the most important strategies and those used on an ongoing basis.


**About the Authors**

Melissa K. Barnhart, Ph.D., is an educational research analyst for Research & Planning, LAUSD, 333 S. Beaudry Avenue, Los Angeles, CA 90017. Email: melissa.barnhart@lausd.net.

Nancy J. Franklin, M.S., is a coordinator of behavioral support for the Division of Special Education, LAUSD, 333 S. Beaudry Avenue, Los Angeles, CA 90017. E-mail: nancy.franklin@lausd.net.

Jay R. Alleman, M.A., is the administrative coordinator and chief of staff to the Office of the Independent Monitor for the modified consent decree, LAUSD, 333 S. Beaudry Avenue, Los Angeles, CA 90017. E-mail: jay.alleman@lausd.net.
The parent-school relationship for families of students with disabilities is clearly prescribed by law and is one of the main tenets of the Individuals with Disabilities Education Act (IDEA), 2004 (Newman, Cameto, & Hernandez, 2005). The measurement of this relationship presents a challenge in the context of what is meaningful participation, particularly for families from culturally and linguistically diverse (CLD) backgrounds. This challenge is intensified further by the limited research and literature centered on large-scale systematic measures of parent participation.

One area of discourse regarding the meaningful participation of families in the special education process focuses on a traditional framework where professionals determine eligibility, placement, and services, and the role of the parent is limited to agreement or disagreement with these recommendations (Harry, 1992). Although this framework typically guides parent-school interactions as well as dictates local education agencies and state education agencies monitoring efforts of compliance with IDEA regulations, this view presents a contrast to the vision of full collaboration suggested by law and described by Turnbull and Turnbull (2000) and Lynch and Hanson (2004). Despite these limitations, engaging in a systematic measurement of parent involvement through this framework may provide a cost-effective method for obtaining valuable information for identifying patterns of parent involvement and satisfaction that may be generalized and lead to further inquiry.

A common perception found within the literature is that of relatively low patterns of parent participation in special education programs, particularly for CLD parents (Harry, 1992; Kalyanpur & Harry, 2004). These patterns are commonly interpreted by educators as indicating such parents are disinterested or apathetic about their children’s educational careers (Harry; Barrera & Liu, 2006; Geneen, Powers, & Lopez-Vasquez, 2001) and are further exacerbated by factors of poverty. Within the context of class-action lawsuits associated with special education, parental feedback serves as valuable testimony to demonstrate a district’s noncompliance with IDEA. This feedback often may be limited to those parents who are dissatisfied and may not be representative of the population of parents of students with disabilities. Furthermore, this feedback may not adequately include the voices of traditionally underserved populations. Because it is evident that there is great variation among parents described as CLD, the findings of a survey in the Los Angeles Unified School District (LAUSD) will illustrate some of the key characteristics that may differentiate such families.
The purpose of this article is twofold. The first is to highlight five characteristics that seem to make a difference to parental awareness, participation, involvement, and satisfaction. These characteristics are race/ethnicity, socioeconomic status (SES), native language, the level of severity of the child’s disability, and the grade level of the child. The second aim is to compare findings for the LAUSD population with those of the national survey conducted by the National Longitudinal Transition Study (NLTS2).

Within the context of class-action lawsuits associated with special education, parental feedback serves as valuable testimony to demonstrate a district’s noncompliance with IDEA.

Context

During the 2005–2006 school year, the Office of the Independent Monitor (OIM) for the modified consent decree (MCD) in the LAUSD initiated a 2-year research project to systematically gauge the participation, satisfaction, and knowledge of parents of students receiving special education in LAUSD. The surveys were conducted to provide the independent monitor with feedback from a large representative sample of parents on the District’s progress toward meeting the obligations of the MCD. The MCD provided the independent monitor with two formal arenas for obtaining parent feedback. The first consisted of a group of 30 parents referred to as the Parents’ Council, which met monthly to discuss the progress of the MCD. For the second, the independent monitor held an annual public hearing open to all parents of students with disabilities attending the District to obtain additional feedback on the progress of the MCD. Although this feedback was considered valuable, it consisted of a small group of parents that represented a small sample of more than 80,000 students with disabilities in the District. This feedback also appeared skewed by parents of students with low incidence disabilities and seemed limited of parents from diverse racial/ethnic populations. To examine this parent-school relationship within the District the survey focused on the following research questions:

1. To what extent are LAUSD parents of students with disabilities aware of special education rights and responsibilities and the special education reform process associated with the MCD?
2. To what extent do LAUSD parents of students with disabilities participate in the special education process, including individualized education program (IEP) meetings, mediation, and hearings?
3. To what extent are LAUSD parents involved in IEP decisions about their children’s services and placements, and what are LAUSD parents’ perceptions of their involvement in the IEP process?
4. To what extent are LAUSD parents of students with disabilities satisfied with the special education programs and services their children receive?

The first survey and focus groups (Wave 1) were conducted in spring 2005; the second survey and additional focus groups were conducted in late winter through spring 2006 (Wave 2). To capture the diversity of the District, interviews were conducted in eight languages—Armenian, Chinese, English, Korean, Russian, Spanish, Tagalog, and Vietnamese.

Methodology

The following is an overview of the methodology for both Wave 1 and Wave 2 of the parent survey. The telephone interview questionnaire was developed in the first year of the survey, with slight modifications made in the second year. The selection of interview items was guided by the four research questions and based on the informational needs of the OIM, issues identified during focus groups and personal interviews conducted with parents of students with disabilities attending the District, and items from national surveys that would allow for a comparison of LAUSD results with national findings. Prior to conducting the telephone interviews, the instrument

1. An advisory council made of a representative group of parents that function as the class in this class-action lawsuit.
2. Complete reports with detailed methodology and findings of the Wave 1 and Wave 2 LAUSD survey may be viewed at http://oimla.com/pages/reports.htm.
3. The purpose of the focus groups and interviews was to identify any issues related to the four research questions and determine if any modifications to the instrument were required.
was translated and field-tested with parents of students with disabilities.

To gauge parental awareness of special education rights and programs, the interview asked parents about their knowledge of the following: ongoing reform efforts of the District’s special education programs, District-sponsored parent workshops, an office where parents of students with disabilities could call with concerns or complaints, a federal law that protects their and their children’s rights, and their right to disagree with the District about their children’s services and programs.

To measure parent participation in the special education process, parents were asked about their attendance at their child’s last IEP meeting, as well as their participation in various dispute resolution proceedings. To measure parents’ satisfaction with their involvement in the IEP process, parents were asked to describe their experience as part of the IEP team (e.g., were they treated as an equal and important member of the IEP team?) as well as their role in the development of their children’s IEP goals.

To measure perceptions of satisfaction with their children’s programs and services, parents were asked to describe the following: the level of services their children received and the effort involved in securing their children’s services, and whether they felt their children were making progress toward their IEP goals.

The survey also included a brief interview for parents who reported not attending their children’s last IEP meeting. This was conducted to obtain information on reasons parents did not attend their children’s last IEP meeting and to determine if nonattendance was a result of factors that could be attributed to limitations on behalf of the parents or schools. Data were also collected to determine modes of communication for notifying parents of their children’s IEP meeting and the types of accommodations offered by schools to promote parental attendance.

For interviews conducted in a language other than English, families were asked to provide information regarding the request and provision of a translator. Parents reporting translators present at the IEP meeting were asked if the translations provided included conversations among other IEP team members or only those directed at them.

One modification made during Wave 2 of the parent survey was the addition of a question aimed at collecting household income data. During Wave 1, an indicator of free and reduced lunch was obtained from the District data system for the purpose of making comparisons; however, it was deemed too broad for comparisons. The interview included a voluntary item for all participants for identifying income categories and corresponded with those used by two national studies of youths with disabilities, Special Education Elementary Longitudinal Study (SEELS) and NLTS2. This information would enable a comparison of LAUSD data with national findings.

Sample Design

A data file containing the entire population of all LAUSD students who receive special education services was used for selecting a representative sample. The sample was stratified to represent three groups of primary language—English, Spanish, and “Other”—and two categories of disability—high-incidence (i.e., learning disabilities and speech/language impairments) and low-incidence (i.e., all other disability categories). Using this sampling frame, a random representative sample of 2000 students was selected for each wave.

To promote high response rates, two letters were written, translated, and mailed to parents prior to making telephone contact. The initial tracking letter described the interviews and included a postage-paid “contact update” postcard that recipients could use to report changes in addresses or telephone numbers. The second letter described the importance of the interview and included a toll-free number that parents could call if they had questions about the study or wanted to arrange an interview for a specific time. To maximize the likelihood of reaching parents,

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4 Field-test parents were selected to include those with children ranging from early elementary school grades to high school grades, from varying racial/ethnic backgrounds, and with children in high- and low-incidence disability categories; the group included five English- and five Spanish-speaking parents.

5 Informal dispute resolution, mediation, or hearing.

6 This question was included based on issues raised by parents from the year 1 focus groups.

7 Free and reduced lunch indicators are applied automatically to all students at schools located in low-income areas regardless of the family’s income level.

8 “Other” comprises Armenian, Chinese, Korean, Russian, Tagalog, and Vietnamese.
households were contacted (up to 25 attempts) over a range of times (mornings, afternoons, and evenings on weekdays and weekends) that varied according to the day of the week.

These efforts produced an overall response rate of 70% for Wave 1 of the survey and 72% for Wave 2. The response rate achieved by this survey of LAUSD parents was consistent with those experienced in NLTS2 and SEELS, which have response rates ranging from 60 to 80%. Table 1 demonstrates response rates for the parent telephone interviews by primary language. It is noteworthy that parents speaking in languages other than English had higher rates of participation than English-speaking parents.

To assess whether parents interviewed differed from the universe of parents of students in the District receiving special education services, respondents were compared with all students receiving special education services in the LAUSD using the following variables: primary language; disability incidence/type of disability; student gender; student race/ethnicity; local District; parent IEP meeting participation status; free and reduced-price lunch participation status/income categories; and student grade level.

### Findings

To facilitate the reporting of these findings, a brief outline of the overall pattern of responses is included. First, it is important to emphasize that this article does not report the extensive details that can be found in the LAUSD parent survey reports, but rather highlights trends that may be helpful to school districts seeking to ascertain parental feedback. Second, this section focuses on five parental characteristics that seemed to distinguish differences within those trends. Third, a comparison between several findings of the LAUSD population and those of the NLTS2 national survey are included.

#### Survey Responses Overall

The overall responses to the key questions of participation, awareness, and involvement were mixed. For instance, 85% of respondents reported attending at least one IEP meeting, and 75% reported involvement in the development of IEP goals. Responses to questions about awareness of policies and services also were mixed: 83% of respondents reported having received the District’s information booklet, though only 64% of those parents reported having received a comprehensible explanation of the booklet. Overall, parental reports of satisfaction with their children’s services indicated that 58% believed that their children received all or most of the levels of services specified in the IEP and 62% felt that those services were sufficient.

#### Family and Child Characteristics

Beyond the overall patterns outlined above, three demographic characteristics of families and two characteristics of children differentiated parental responses to this survey: SES, race/ethnicity, native language, child’s age and child’s disability. As will be explained, in some cases the distinguishing patterns seemed to meet intuitive assumptions about how these features might interact with parental experiences of special education services, but some presented intriguing questions, even conundrums that warrant further investigation.

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Table 1: Wave 2 response rates for the parent telephone interviews, by language

<table>
<thead>
<tr>
<th>Primary Language</th>
<th>Number in Eligible Sample</th>
<th>Number of Respondents</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spanish</td>
<td>765</td>
<td>575</td>
<td>75</td>
</tr>
<tr>
<td>English</td>
<td>704</td>
<td>453</td>
<td>64</td>
</tr>
<tr>
<td>Other</td>
<td>510</td>
<td>389</td>
<td>76</td>
</tr>
<tr>
<td>Total</td>
<td>1979</td>
<td>1417</td>
<td>72</td>
</tr>
</tbody>
</table>

Table 2: Attendance at IEP meeting, involvement, provision of guide, by household income

<table>
<thead>
<tr>
<th>Household Income</th>
<th>Attendance</th>
<th>Overall involvement</th>
<th>Received guide</th>
</tr>
</thead>
<tbody>
<tr>
<td>$25,000 or less</td>
<td>80.3 (1.8)</td>
<td>61.6 (2.5)</td>
<td>80.2 (2.0)</td>
</tr>
<tr>
<td>$25,000–$50,000</td>
<td>90.8 (2.4)</td>
<td>60.1 (4.4)</td>
<td>90.2 (2.5)</td>
</tr>
<tr>
<td>More than $50,000</td>
<td>92.2 (2.0)</td>
<td>71.1 (3.7)</td>
<td>92.5 (3.6)</td>
</tr>
</tbody>
</table>

### Notes

9 There were 1377 participants, based on an eligible sample of 1972 families for Wave 1.
10 All findings discussed are from Wave 2 of the parent survey.
11 Selected tables from Wave 2 findings have been included and may have been combined and/or condensed.
Socioeconomic Status

Income level was the feature that most clearly related to family responses. Based on three categories of household income—less than $25,000, $25,000–$50,000, and over $50,000—it was evident that the lowest income group experienced the most distance from or difficulties with the special education system. This group of parents reported significantly less attendance at IEP meetings, and those who did attend were less likely to report receiving the informational guide and being involved in IEP decision-making (Table 2).

In a seemingly contradictory pattern, this group was more likely than the highest income group to report their children receive sufficient services but less likely to report receipt of all the services specified on the IEP. These families were also more likely to report that it took a great deal of effort to secure services for their children (Table 3).

Race/Ethnicity and Native Language

The responses based on race/ethnicity and language pointed to some clear concerns related to race/ethnicity, which at some points overlapped with language and raised questions as to the relative influence of each feature and also to the validity of the categories themselves.

IEP Meeting Attendance Rates. Table 4 shows the attendance rates of parents of students with disabilities in the District by primary language, with English-speaking parents reporting only slightly higher rates of attendance than other groups. When examined by race/ethnicity, these differences are much larger and statistically significant, particularly in comparing African American and Latino parents with White and Other groups. Because the two groups comprising English speakers are predominantly White and African American, it seems likely that the reported aggregate on attendance masks the differences between these two groups of English speakers. One puzzling discrepancy is that the group categorized as Other by ethnicity shows the highest rate of attendance, although the category of Other language does not show a difference on this same item. Once more, this discrepancy points to the difficulty of categorizing disparate groups within one category, such as language or ethnicity. It may well be that within a group categorized as Other, the vast range of languages and ethnicities are likely to produce very different parental responses and perspectives.

... Latino parents tended to be the least aware of special education rights and resources, especially related to IDEA and the right to disagree with the school district.

Despite the difficulties interpreting these figures on attendance, patterns were observed that fit with previous information on CLD families. Specifically, the lower rates of attendance noted for families of African American and Latino parents reflect a noted pattern that has been interpreted by scholars in terms of African American families’ historical alienation.

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**Table 3:** Parents’ satisfaction with services, effort required, by household income

<table>
<thead>
<tr>
<th>Household Income</th>
<th>$25,000 or less, %</th>
<th>$25,000–$50,000, %</th>
<th>More than $50,000, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services received</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All</td>
<td>24.4 (2.2)</td>
<td>26.3 (3.3)</td>
<td>40.1 (5.6)</td>
</tr>
<tr>
<td>Most</td>
<td>31.3 (2.1)</td>
<td>31.7 (4.0)</td>
<td>28.4 (4.3)</td>
</tr>
<tr>
<td>Some</td>
<td>38.6 (2.6)</td>
<td>40.3 (3.7)</td>
<td>27.4 (5.0)</td>
</tr>
<tr>
<td>None</td>
<td>5.7 (1.2)</td>
<td>1.7 (1.3)</td>
<td>4.1 (1.8)</td>
</tr>
<tr>
<td>Effort required:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Great deal</td>
<td>31.8 (2.5)</td>
<td>25.9 (4.6)</td>
<td>22.4 (3.3)</td>
</tr>
</tbody>
</table>

Note. Standard errors are in parentheses.

**Table 4:** Attendance at IEP meetings, by native language and race/ethnicity

<table>
<thead>
<tr>
<th>Attendance, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Native Language</td>
</tr>
<tr>
<td>English</td>
</tr>
<tr>
<td>Spanish</td>
</tr>
<tr>
<td>Other</td>
</tr>
<tr>
<td>Race/Ethnicity</td>
</tr>
<tr>
<td>African American</td>
</tr>
<tr>
<td>Latino</td>
</tr>
<tr>
<td>White</td>
</tr>
<tr>
<td>Other</td>
</tr>
</tbody>
</table>

Note. Standard errors are in parentheses.
from school systems since desegregation and the difficulty of building mutual respect and trust. In the case of Latino families, whose rates of attendance are consistent whether categorized by language or by ethnicity, it seems likely that both language and cultural aspects of ethnicity could be the source of the pattern. On the other hand, it is encouraging to note that the differences in responses for attendance did not reach statistical significance.

Awareness and Participation. With regard to awareness, Latino parents tended to be the least aware of special education rights and resources, especially related to IDEA and the right to disagree with the school district. They were also the least likely to have participated in due process proceedings. On the other hand, it is encouraging to note that the differences in responses for attendance did not reach statistical significance.

The responses of African American families were notable in being the least likely to feel adequately involved while also wanting to be more so, whereas Latino and White families were more likely to be satisfied with their level of involvement (Table 5). Although Latino and African American families were less likely than White families to attend IEP meetings, African Americans who did attend tended to report less satisfaction with the IEP process than did other groups, specifically with regard to whether their children were receiving adequate services and whether the parents themselves felt adequately involved in the process.

Native Language. The overlap between language and race/ethnicity was evident in the relatively low positive responses of Latino parents to questions about receipt of District information, awareness of services and rights, and participation in due process proceedings. Greater language needs were also evident among this group, in that they were almost three times as likely as parents speaking other languages to request a translated copy of the IEP, and they were the most likely to request an interpreter for IEP meetings. However, whereas 96% of those Latino parents who requested an interpreter were provided with one, they were less likely than other parents who used interpreters to report that the interpretation received included conversations that took place among others at the IEP meeting.

English-speaking parents were more likely to report having received LAUSD information booklets and were more aware of special education rights and resources. However, although these groups were more likely to report that securing services took almost no effort, they were the most likely to believe that their children were not getting enough services. English-speaking parents were also more likely than Spanish-speaking parents to have participated in informal dispute resolution activities. As with the discussion of IEP meeting attendance, difficulty arises when treating native language and race/ethnicity separately. For instance, within the English-speaking group, there were differences between African American parents’ and White parents’ reports of participation with dispute resolution proceeding. Specifically, although both groups reported similar rates of disagreement with the school district (46% and 49%, respectively) and considered participating in an informal dispute resolution activity (34% and 35%, respectively), only 14% of African American parents reported actually participating in such an activity, whereas 23% of White parents did. Similarly, although African American and White parents reported similar rates of awareness of LAUSD’s special education policies and services, one notable difference was their awareness of the federal law—46% of African Americans as compared with 62% of White parents.
Level of Child’s Disability

One of the strongest characteristics that differentiated parental responses was the level of the child’s disability. Parents of students with low-incidence disabilities tended to be more aware and involved than those of students in high-incidence disability categories. Parents of students in low-incidence disability categories were more likely to report having received a copy of LAUSD information booklets (81–88%) and were more likely to attend IEP meetings (83–90%).

Despite (or as will be discussed later, perhaps due to) this heightened awareness and attendance, parents of students with low-incidence disabilities tended to be less satisfied with their children’s services and progress. They were less likely to report that their children were getting enough services and less likely to report that it took almost no effort to get services (Table 6).

Child’s Age/Grade Level

Parents of preschool and elementary school students were more involved in special education processes than parents of middle and high school students.

Attendance at IEP meetings was lower for LAUSD parents of students 13 years and older than for parents nationally (79% vs. 88%, respectively), however, no differences were noted by race/ethnicity and household income categories. Participation in dispute resolution activities differs because LAUSD parents were less likely to have participated in these proceedings than parents nationally were (7% vs. 13%, respectively). Differences also were noted for LAUSD parents with incomes of $25,000 or less (7% LAUSD vs. 16% nationally) and for LAUSD parents of Latino students (4% LAUSD vs. 21% nationally) who had participated in dispute resolution proceedings.

The survey also highlighted differences in parents’ efforts to secure their children’s services, with LAUSD parents of secondary-school-aged students in most racial/ethnic and income categories less likely to report that almost no effort was required to secure services. For example, 18% of parents with incomes of $25,000 or less and 24% of parents with incomes of $25,001 to $50,000 reported almost no effort

| Table 6: Satisfaction of services, effort required, by disability incidence |
|---------------------------------------------|------------------|
|                               | Disability Incidence |
|                               | High, % Low, % |
| Provision of services         |               |
| Sufficient amount             | 64.5 (2.1)  55.5 (2.4) |
| Effort required               |                 |
| Almost no effort              | 23.5 (2.2)  17.8 (1.8) |

Note. Standard errors are in parentheses.

LAUSD Findings Compared With Those of NLTS2

LAUSD parents’ experiences differ significantly from those of parents of students receiving special education services nationally. Examining these differences raises the question of whether they are due to actual differences in experiences and perceptions between the two groups of parents or whether differences are associated primarily with demographic differences between LAUSD families and families nationally. For example, more families in LAUSD have a lower income than families of students receiving special education services nationally—two thirds (66%) of LAUSD families have annual incomes of less than $25,000 compared with approximately one third (35%) of families nationally. In addition, the racial/ethnic breakdown of families in LAUSD differs greatly from that of families nationally. Latino students in LAUSD make up 71% of the students receiving special education services compared with 14% of Latino students nationally; 16% of students in LAUSD are African American compared with 21% of students nationally; and 10% of students in LAUSD are White compared with 62% of students nationally.
for securing services, compared with 37% and 42% of parents nationally in similar income categories, respectively. LAUSD parents of Latino (20%) and White (17%) students were less likely than parents nationally to feel that it took *almost no effort* to get services for their children (43% and 44%, respectively).

When perceptions about service level are analyzed by household income and racial/ethnic categories, differences in perceptions about whether students receive sufficient services are apparent only for parents with higher incomes (more than $50,000) and for parents of White students. That is, 53% of wealthier parents in LAUSD felt their children receive sufficient services compared with 77% of wealthier parents nationally, whereas 37% of parents of White students in LAUSD reported adequate services compared with 74% of their national counterparts.

... parents’ evaluation of their children’s services and progress was generally more positive for preschool and elementary students than for older students.

Across income and racial/ethnic categories, parents in LAUSD were consistently less likely to be *very satisfied* with the services their children do receive than were parents nationally.

Overall, most of the differences noted between LAUSD parents and those nationally as a whole were evident within racial/ethnic and household income category comparisons as well. This finding suggests differences are not a reflection of demographic differences between the two parent populations, but instead may be a result of the experiences and satisfaction of parents of students with disabilities nationally and in LAUSD.

**Discussion**

The challenge of measuring and interpreting parents’ awareness of, participation in, and satisfaction with special education services has a considerable history in studies on this topic. First, it can be difficult to reach the full range of parents. As observed by Harry (2008), survey methods typically have resulted in low rates of return overall and notably low representation of CLD or low-income respondents. The LAUSD study reported in this article achieved a higher than usual rate of return for telephone surveys with typical response rates of 60 to 70% (Bickman & Rog, 1998). It seems that the extensive efforts to contact parents and to pursue those who initially refused contributed considerably to this outcome. The similar response rates observed across the three primary racial/ethnic groups suggest that when afforded the opportunity to provide feedback, all parents are equally interested. Second, the challenge of determining what constitutes constructs such as parental “participation” or “satisfaction” is by no means simple (Lai & Ishiyama, 2002; McNaughton, 1994; Singer, 2002). With regard to participation, although it is clear that attendance at IEP meetings indicates parents’ response to school invitations, it does not tell us the nature of their participation. Similarly, it is difficult to take at face value statements about satisfaction without relating those statements to parents’ prior expectations, whether based on differing cultural traditions or on minority groups’ experiences with the school system within the United States (Harry, 2008).

Despite these difficulties, we believe the efforts in this survey to identify activities that indicate parents’ own perceptions of their awareness, involvement, and satisfaction presented a level of specificity that allows considerable confidence in the majority of the findings. Furthermore, the findings regarding the importance of income level, race/ethnicity, language, age of child, and child disability are consistent with much that is known about family participation (Turnbull & Turnbull, 2000).

Nevertheless, although some of these findings make intuitive sense, they also contain contradictions that present a challenge to service providers hoping to meet the needs of their students and families. One such conundrum is age and severity of disability. It is not surprising that parents of children with more severe challenges would tend to engage in greater participation and to have a higher level of expectation for services, if only due to the more intense level of need. However, whereas parents of children with such disabilities were more involved with school efforts, they also expressed less satisfaction and were more likely to disagree with school recommendations than were parents of children with high-incidence disabilities. It may be speculated that this apparent contradiction might reflect not only the higher level
of need of those parents but also that with more involvement comes more awareness of the possibilities for optimal services and the range of rights and legal provisions. One discrepancy that could not be explained, however, was the fact that parents of preschool and elementary students expressed greater satisfaction with services, which seems at odds with the findings about type of disability, because the low-incidence disabilities are usually the ones identified and served at a younger age. Thus, one would expect greater overlap between parents of students in lower-incidence categories and parents of younger children. Further inquiry into the programmatic differences in the delivery model of services for younger students may provide useful insights into these contradictions.

The fluctuating nature of satisfaction is also evident when considering race/ethnicity and SES. Clearly, Latino parents’ lower awareness and participation contrasts with their higher level of expressed satisfaction with services and their steady, moderate (as opposed to contrasting extremes) satisfaction with their level of involvement. This echoes numerous arguments regarding the influence of cultural traditions of hierarchy as well as the limited opportunities on which many immigrant families base their expectations of schooling (e.g., Kalyanpur & Harry, 1999; Lynch & Hanson, 2004). Parents in the lowest income group presented perhaps the greatest example of the “satisfaction” conundrum, in that they reported the lowest levels of attendance and involvement, but were more likely to express satisfaction with services.

To extend a better understanding of race/ethnicity, one must also note the overlap between these features and native language. If one can assume that parents whose primary language was English were U.S. nationals, then one can also assume that by being more a part of U.S. culture, these two groups (White and African American) were more aware of their rights under the law, yet African Americans were much less likely to exercise those rights. Similarly, although both groups were more likely to express extremes of satisfaction or dissatisfaction than were parents of Latino or Other ethnicities, it was also clear that African American parents in the survey reflected the common finding of lower participation levels than their White counterparts.

A limitation of the survey methodology was the inability to make clear connections between overlapping features of these categorical divisions. This difficulty was referred earlier to the overlap between lower-incidence disabilities and a younger age group. With regard to SES, although this feature displayed perhaps the clearest relationship to parental perspectives, we do not know to what extent the parents of low SES were also African American or Latino. Similarly, we do not know the levels of education or SES of the Other language groups.

Finally, it is important to note both the similarities and differences between the LAUSD study and national study. It is discouraging to see that SES and race/ethnicity continue to be factors that place these families at the lower end of the spectrum of meaningful participation in comparison to White and higher income families. Although the figures show that no one factor (SES or ethnicity) accounts for the differences, it is unknown what the effects might be of the greater concentration of diversity and low income in one place—specifically, a large urban school system. These comparisons also may imply there are limitation to the use of national findings as a frame of reference for evaluating a particular district’s performance.

References


### About the Authors

Jaime E. Hernandez, Ed.D., is the director of research for the Office of the Independent Monitor. 333 S. Beaudry Avenue, Floor 18, Los Angeles, CA 90017. Email: scjaime@gmail.com.

Beth Harry, Ph.D., is a professor in the Department of Teaching and Learning at the University of Miami in Florida. Email: bharry@miami.edu.

Lynn A. Newman, Ed.D., is a senior education researcher at SRI International. 333 Ravenswood, Avenue, Menlo Park, CA 94025. Email: lynn.newman@sri.com.

Renee Cameto, Ph.D., is a senior research social scientist at SRI International. 333 Ravenswood, Avenue, Menlo Park, CA 94025: Email: renee.cameto@sri.com.
CASE IN POINT:
A Question Revisited
A Special Education Lawsuit: Catalyst for Positive Systemic Change?

David P. Riley, Ph.D.
Urban Special Education Leadership Collaborative

Five years ago, the Journal of Special Education Leadership (JSEL) dedicated a special issue to “Critical Issues in Urban Special Education” (Volume 16, Number 1, May 2003) and offered insights into the challenges of special education leadership in urban school districts. These perspectives focused on access to the curriculum, school-wide behavior supports, disproportionality, funding, and teacher preparation. In her CASE in Point piece for the issue, Ms. Gayle Amos, officer for Special Education and Student Support Services in the Baltimore City Public Schools, reflected on the pluses and minuses of the Vaughn G. class-action lawsuit. Ms. Amos’s piece questioned whether such a lawsuit, the negotiated and multiple plans to achieve compliance, oversight of a court-appointed monitor, and the significant expense in lawyers’ and consultant fees, would be a positive catalyst—a “driving force”—for change. She shared the concern that a school district could meet most of the prescribed benchmarks required for court disengagement and that students with disabilities could be receiving services in accordance with their individualized education programs (IEPs) but that the quality of services would “probably not” have improved. She also suggested that internal “policies and practices that lead to positive results for students with disabilities” in any sustained manner would not have been developed or implemented. She closed by writing:

Special education litigation is burdensome and costly with few positive results. We have not had the needed financial or human resources to collaborate with general educators to establish comprehensive and adequate early support services for all students. We are very concerned that our “driving force” for the past three years has been outcomes for disengagement instead of positive outcomes for students. They are not the same.

(In 2003, the lawsuit was approximately 20 years old, and it remains unsettled 5 years later.)

The current issue of JSEL reports on the impact of another class-action lawsuit, Chanda Smith v. Los Angeles Unified School District (LAUSD). In this case, the school district has been under federal court oversight since 1996, and an independent monitor was court appointed in 2003 to determine whether LAUSD meets the outcome standards negotiated between the school district and the plaintiffs as delineated in the modified consent decree. This JSEL issue presents the processes, progress, and lessons learned from Los Angeles as the school district, plaintiffs, and independent monitor have worked independently and collaboratively to understand how parent engagement and satisfaction might be improved, the efficacy of service delivery could be assessed, and out-of-school suspensions and disproportionality reduced.

Unlike Ms. Amos’ conclusions in her 2003 reflection on the impact of the Baltimore case, considerable progress has been made in Los Angeles on issues that promise to impact directly and positively on students. The May 2008 status report of the Office of the Independent Monitor (OIM) indicates that suspensions are down, service delivery in the general education classroom and in home schools (i.e., the school a student with a disability would attend if she/he did not have a disability) are up, the percentage of timely completions of evaluations has just about met adopted benchmarks, and the performance of students with disabilities on the California English language arts and mathematics
assessments are steadily rising. Although no one—least of all LAUSD leaders and educators—is claiming complete satisfaction with the progress to date, all of the parties to the case are understandably pleased that the improvement trajectory is positive.

The Los Angeles case demonstrates that special education leadership comes in many forms and from many sources—if we understand its true measure to be first and foremost about improving outcomes and life opportunities for children and youth with disabilities. Despite early and, occasionally, significant disagreements on organizational tactics and strategies, resource allocations, and interpretations of law and regulation, this measure has been the central focus of the parties, the mediator, and the OIM over the past several years. Ultimately, what kept bringing the parties back to the table was a respect for the goals of Individuals with Disabilities Education Act (IDEA), an appreciation for the importance of accurate and timely data, and reliance upon research-based decision making. As the articles in this issue of *JSEL* reflect, the OIM, school district, and plaintiffs have been struggling with some of the essential purposes and most common and most challenging compliance issues of IDEA. Of course, these challenges were compounded by the fact that they were in Los Angeles—the second largest school district in the country, with approximately 700,000 students being educated in 878 schools, of which more than 84,000 are receiving special education services. Here, flawed policy changes or unwise use of resources (fiscal and human) risked the very credibility of the case and, ultimately, the willingness of school district leaders, teachers, and parents to keep moving forward.

There are many lessons that can be drawn from the work in Los Angeles, some of which are presented in this issue and others that can be found in the various research reports, surveys, implementation plans, and performance analyses available on the OIM’s Web site (http://www.oimla.com). Among these lessons is that, as Ms. Amos pointed out 5 years ago, “special education litigation is burdensome and costly”—and, most certainly, not recommended. However, another lesson is that with the right kind of special education leadership from internal and external sources, there is a way in which a class-action lawsuit may be a catalyst for positive systemic change.

**About the Author**

David P. Riley, Ph.D., is the Executive Director of the Urban Special Education Leadership Collaborative at Education Development Center, Inc., 55 Chapel Street, Newton, MA 02458. Email: driley@edc.org.