Office of the Independent Monitors
P.B., et al., v. John White, et al. (Civil Case No. 2:10-cv-04049)
Status Report
June 3, 2016

Pursuant to Section V(8) of the Consent Judgment (CJ), the Independent Monitors shall file with the Court and provide the Parties with reports describing the steps taken by the State Defendants and the Defendant-Intervenor to implement the Agreement and evaluate the extent to which the State Defendants and the Defendant-Intervenor have complied with each substantive provision of the Agreement. Pursuant to Section V(8)(a), the Monitor shall issue an initial report every 120 days after the implementation of the Agreement, and then every 180 days thereafter. The reports shall be provided to the Parties in draft form for comment at least 14 days prior to their issuance. The Monitor shall consider the Partiesô responses and make appropriate changes, if any, before issuing the report. These reports shall be written with due regard for the privacy interests of the students. Pursuant to Section V(8)(b) of the CJ, the Independent Monitors shall evaluate the state of compliance for each relevant provision of the Agreement using the following standards: (1) Substantial Compliance and (2) Noncompliance. In order to assess compliance, the Monitor shall review a sufficient

shall not be admissible against the State Defendants and the Defendant-Intervenor in any proceeding other than a proceeding related to the enforcement of this Agreement initiated and handled exclusively by the State Defendants, the Defendant-Intervenor, or the Plaintiffôs counsel.

Mr. Mark Mlawer was initially appointed as the Independent Monitor (IM) and provided correspondence to all Parties on October 19, 2015 following a review of documents related to Sections IV(A)(1), IV(C)(1), and IV(D)(5) of the CJ. Fluency Plus, LLC personnel (Dr. Dale Bailey, Dr. Tony Doggett, Mr. Ken Swindol, and Mr. William Swindol) were appointed as Independent Monitors (IMs) in January 2016 following the resignation of Mr. Mlawer.

The draft status report is organized by each Substantive Provision section of the CJ and each section begins with the language taken directly from the Agreement identified in italics. Where appropriate, language from Addendum A (Monitoring Protocols) to the CJ was also incorporated into the status report. The IMs then provide a report of current findings based on a review of materials submitted by the LDOE, Recovery School District (RSD), OPSB, and each charter school association or csec(lus,)-123[nd)f(a)4(c)4ahoion or aoehoo9A

SECTION IV(A) CHILD FIND (pp. 6-8 of the CJ)

1. The State Defendants, after conferring with the Defendant-Intervener, shall develop a schedule identifying the assignment of Child Find responsibilities within New Orleans (p. 6 of the CJ).

a. The schedule shall allocate responsibility for identifying, locating, and evaluating individuals, aged 3 - 21, suspected of having a disability, including individuals who are: not currently enrolled in school; enrolled in a non-public school in New Orleans; detained in a juvenile detention center or adult correctional facility in New Orleans; and/or housed in a public or private hospital, institution, or other health care facility in New Orleans (p. 6 of the CJ).

Current Findings

One of the components of the Initial Child Find Schedule (developed in the summer of 2015) was a table which outlined the responsibility for conducting child find activities for specific groups of children within Orleans Parish. The table was reviewed by the former IM, Mark Mlawer, on October 10, 2015 and Plaintiffôs counsel on October 28, 2015. Recommendations were made by the former IM to provide more specific language concerning correctional facilities and other health care facilities under Section IV(A)(1)(a). All parties agreed to the changes and the updated table of responsibility was included as part of a document entitled ñPB v White - Child Find Written Guidance.ò (See Appendix A for the model template). Plaintiffôs counsel also requested that the IMs verify if the final template was disseminated to all LEAs (See memo dated February 2, 2016) and LDOE agreed to this request. The current IMs have verified all charter schools have attested to receiving the ñPB v White - Child Find Written

Guidanceò document as of April 4, 2016 (See details in Section 4 below).

Status of Compliance

Based on a review of the document entitled, ñPB v White - Child Find Written Guidanceò and verification of the receipt by the LEAs of the document (see Section 4), the LDOE is judged to be in **Substantial Compliance** with Section IV (A)(1)(a) of the CJ for the 2015-2016 school year.

Recommendations

The IMs recommend that each LEA (including future charters not currently in existence) continue to verify receipt of the ñPB v White - Child Find Written Guidanceò (or any future versions of the template) document through attestations each school year by July 1st in order to maintain Substantial Compliance with this section of the CJ.

b. The schedule shall include procedures for ensuring that an evaluation initiated at one New Orleans LEA is completed within applicable timelines, even where a child moves to another New Orleans LEA (p. 7 of the CJ).

Current Findings

The procedures as outlined in Section IV(A)(1)(b) of the CJ, are included within the document entitled ñPB v White - Child Find Written Guidanceò under the title ñTimely completion of Evaluation for Transferring Students.ò However, at this time, the procedures delineated in this document are under review by both LDOE and Plaintiffôs

c. Within thirty (30) days of the assignment of an Independent Monitor, the State Defendants shall submit the schedule to the Independent Monitor for review and approval. The Independent Monitor will provide comments on the schedule to the Parties within twenty-one (21) days. The Parties may provide comments on the

ys. The Independent Monitor will

any changes within fifteen (15) days (p. 7 of the CJ).

Current Findings

The document entitled ñPB v White - Child Find Written Guidanceò was provided for review by the LDOE on January 15, 2016. Plaintiffôs counsel requested edits to this model template in a letter dated February 1, 2016 and discussed the requested changes in

Recommendations

The IM will review the final version of the ñPB v White -

entitled ñSPLC Settlement Workshopò provided by the LDOE on December 10-11, 2015 to each charter school association and related sign-in sheets on May 10, 2016. A review of this presentation revealed that the LDOE addressed appropriate completion of all sections of the template with charter school attendees during this workshop.

A copy of the ñSpecial Education Program Description Templateò used by charter school personnel during the 2015-2016 school year is located in the Appendix. A review of Section D of the template by the IMs during the spring 2016 school term revealed that the document satisfied the requirements listed in Sections IV. A(1)(a) of the CJ listed above. In relation, the Plaintiffôs counsel reported in a letter to the LDOE dated February 1, 2016

attestation forms provided with the materials submitted for each charter received from the RSD on April 22, 2016 revealed that one or more representatives from all charter school associations participated in this professional development.

The IMs and all parties also received a schedule for charter school applications and renewals in correspondence from the LDOE dated January 25, 2016. According to this correspondence, all Type 2 and Type 5 charter schools in New Orleans were required to submit the completed Special Education Program Description Template including the ten charter schools that were scheduled for charter renewals during the 2015-2016 school year. As previously reported in this section, all Type 2 and Type 5 charter schools completed Section D of the template as directed by the LDOE and relevant sections of the CJ.

According to the correspondence received on January 25, 2016 from the LDOE, no new Type 2 or Type 5 charter schools are planned for the 2016-2017 school year in New Orleans and nine (9) charter schools are scheduled for renewal during the 2016-2017 school year. Applications for the 2017-2018 school year were due on March 4, 2016 for forwarding to third party evaluators. All schools scheduled to open during the 2017-2018 school year will be required to complete the ñSpecial Education Program Description Templateò as part of their application process. The Plaintiffôs counsel requested in a letter dated February 1, 2016 to the IMs, LDOE, and OPSB that the IMs review all completed templates for the nine (9) schools up for renewal during the 2016-2017 school year prior to submission of LDOEôs renewal recommendations in November/December 2016 and

students who: have Section 504 Plans; are in the RTI process; are under consideration by a School Building Level Committee; failed two (2) or more academic subjects in the prior school year; or are subject to more than ten (10) days of disciplinary removal during the school year. LEA selection, student file selection, file reviews, staff interviews, and school site visits shall be conducted

targeted monitoring results in the identification of noncompliance, the State Defendants shall require each LEA with validated noncompliance to undertake corrective actions sufficient to remedy the noncompliance and to reasonably ensure that such noncompliance does not reoccur, as detailed in Addendum A (p. 7 of CJ).

a. The annual new identification rate for each LEA shall be calculated by dividing the number of students each LEA identifies for initial eligibility under the IDEA between July 1 and June 30 by the total number of students enrolled in the LEA on October 1 (p. 7 of CJ).

Current Findings

The IMs and Plaintiffs counsel received correspondence from the LDOE on January 20, 2016 providing a list of charter schools identified for targeted monitoring during the spring 2016 term and confirmation that each charter was sent a notification email listing the requirements for targeted monitoring pursuant to the CJ, the specific areas in which the charter was being monitored, methods of monitoring (e.g., student file selection, staff interviews, desk file reviews), LDOE contact personnel, the specific date of phone

interviews with staff, call in phone numbers and instructions, and copies of the staff interview questions and student file review protocols during January 2016. The IMs were provided a sample notification email for review. The LDOE also conducted planning calls with each identified charter during late January 2016 to assist them in preparing for the staff interviews, student file submission process in a secured format, and desk file review process. The IMs also received an excel file from the LDOE on April 26, 2016 that included a column listing all Type 2 and Type 5 charter schools. The ñNew Identification %ò column used the formula specified in Addendum A of the CJ. A review of the spreadsheet and related materials from the LDOE by the IMs revealed that the following three charter schools were selected for targeted monitoring as required in this section of the CJ.

The three schools identified for targeted monitoring during the spring 2016 semester in the area of Child Find were:

1. Joseph A Craig Charter School
2. Lake Area New Tech Early College High School
3. Sophie B. Wright Charter School

Status of Compliance

Based on a review of the documents submitted by LDOE and verification of the calculations in the excel spreadsheet by the IMs, the LDOE is judged to be in **Substantial Compliance** with Section IV(A)(3)(a) of the CJ for the 2015-2016 school year.

Recommendations

The LDOE shall continue to follow the targeted monitoring procedures as outlined in this

LDOE and completion of the student file reviews and staff interviews using the required Child Find protocol, the LDOE is judged to be in **Noncompliance** with Section

timelines for issuing this information to the LEAs. The LDOE confirmed during the phone conference that areas of noncompliance identified by both LDOE personnel and the IMs during the protocol reviews and phone interviews were used in completing the monitoring reports, making determinations regarding noncompliance, and making recommendations for corrective action. LDOE personnel will be providing technical assistance directly to each LEA in developing the corrective action plans during the first two weeks of June 2016. In relation, the IMs shall receive each LEAs recommended corrective action plan by June 30, 2016 for review and comment. The IMs will provide an update regarding the monitoring reports and corrective action plans for each LEA in the report due to the Court on August 1, 2016. Specifically, the IMs will review if the LDOE required each LEA to ñundertake corrective actions sufficient to remedy the noncompliance and to reasonably ensure that such noncompliance does not reoccurò (p. 9 of CJ). As such, the IMs will evaluate the status of compliance for LEA noncompliance determinations and corrective actions identified by the LDOE after reviewing the monitoring reports and corrective action plans.

Recommendations

The LDOE shall continue to perform student file reviews and staff interviews using the required Child Find protocol as outlined this section of the CJ and in the Addendum of the CJ. IMs will continue to participate in the protocol review and staff interview process and verify completion of required activities by the LDOE as outlined in the CJ. The IMs will review monitoring reports and corrective action plans to ensure that the concerns identified during protocol reviews by LDOE monitoring personnel and IMs were

addressed in forthcoming monitoring reports for the three (3) identified LEAs targeted for monitoring in the area of Child Find during the spring 2016 term. In addition, the IMs recommend for consideration by all parties that staff interviews and student file reviews be conducted on site using the Child Find protocol for LEAs identified for future reviews to assist in the acquisition of materials required to complete the reviews and to have access to school personnel during the file review process. This recommendation is being made to assist the IMs and LDOE personnel in completing the student file reviews in a timely and cost effective manner as the desk review process required approximately 6 weeks during the spring 2016 term. On-site visits will also allow the IMs and/or LDOE to have quick access to school personnel to assist in obtaining any additional information that may be

302(C) and Louisiana Bulletin 1508. If the LEA does not suspect a disability, this guidance shall explain that the LEA must provide the parent written reasons for its decision within thirty (30) business days of the parent request for evaluation (p. 8 of CJ).

b. The written guidance shall explain that an evaluation cannot be delayed because

program (p. 8 of CJ).

c. The guidance shall further explain that a Section 504 Plan is not a substitute for a child who is in need of an evaluation under the IDEA (p. 8 of CJ).

d. The guidance shall be provided to the chief executive of each LEA in New Orleans annually by August 1 for the duration of this Agreement (p. 8 of CJ).

e. The State Defendants shall provide the guidance to the Independent Monitor for review and approval annually by May 1 for the duration of this Agreement. The Independent Monitor will provide comments on the guidance to the Parties within twenty-one (21) days. The Parties may provide

comments, mediate any disputes, and approve documents with any changes within fifteen (15) days (p. 8 of CJ).

Current Findings

The document entitled ñPB v White - Child Find Written Guidanceò was created and disseminated to all LEAs in accordance with 4(A)(1) and 4(A)(4) of the CJ. A

template and provide feedback to all parties. The status of compliance with Section IV(A)(4) will be reassessed after the LDOE has submitted the revised model template to all LEAs. The IMs will verify dissemination of the revised document through a review of signed attestations from each LEA after the LDOE disseminates the updated ñPB v White ï Child Find Written Guidanceò document during the summer 2016 term. An update regarding compliance with the activities required in this section of the CJ will be provided in the bi-annual status report due to the Court on August 1, 2016.

SECTION IV(B) RELATED SERVICES (pp. 8-9 of the CJ)

1. *The State Defendants shall require that the charter application and renewal processes for Type 2 and Type 5 charter schools in New Orleans require each organization seeking issuance or renewal of a charter to provide a description of:*

a. *ed services to students with qualifying disabilities who are or may come to be enrolled at the charter school, including without limitation the following categories of related services: physical therapy, occupational therapy, counseling services, orientation and mobility services, speech-*

association and related sign-in sheets on May 10, 2016. A review of this presentation revealed that the LDOE addressed appropriate completion of all sections of the template with charter school attendees during this workshop.

A copy of the Special Education Program Description Template used by charter school personnel during the 2015-2016 school year is located in the Appendix for review by interested parties. A review of Section D of the template by the IMs during the spring 2016 school term revealed that the document satisfied the requirements listed in Sections IV.B(1)(a) and IV.B(1)(b) of the Consent Judgment listed above. In relation, the Plaintiffôs counsel reported in a letter to the LDOE dated February 1, 2016 that they had no additional concerns with the template document as related to these two sections of the Agreement. The LDOE required each Type 2 or Type 5 charter schools in New Orleans to complete and submit the template to the department by January 29, 2016. As a result, fifty-nine (59) completed templates were provided for review to the IMs on April 22, 2016 by the Recovery School District (RSD). Specifically, completed templates were provided for five (5) Board of Elementary and Secondary Education (BESE) charter schools including International School of Louisiana, International High School, Lyceeô Francais, Milestone Academy, New Orleans Military and Maritime High School and twelve (12) charter associations under the direction of RSD including Algiers Charter School Association (6 schools including Martin Behrman, Eisenhower, W.J. Fischer Accelerated, McDonogh #32, Algiers Tech, and Landry-Walker High School), ARISE Schools (2 schools including ARISE Academy and Mildred Osborne), Choice Foundation (3 schools including Esperanza, Lafayette Academy, and McDonogh #42),

with Section IV(B)(1)(a-b) of the CJ for the 2015-2016 school year.

Recommendations

The IMs and LDOE agreed during the phone conference held on June 2, 2016 that each LEA shall use the feedback to make any needed corrections and submit the revised templates to the LDOE before June 30, 2016. The LDOE shall then submit the revised templates to the IMs for review prior to placement of the templates on each charter schoolôs website. The LDOE also agreed to establish links to the complete Special Education Program Description templates from the RSD website and enrollnola (OneApp) website. As such, the LDOE and OPSB shall continue to require each charter school to submit a Special Education Program Description Template by the required timelines for the 2016-2017 and 2017-2018 school years. The IMs will continue to review all completed Special Education Program Description templates for existing charter schools, new charter schools, or charter schools scheduled for renewal during the 2016-2017 and 2017-2018 school years prior to the LDOEôs recommendations to BESE at the intervals designated above to ensure that the templates meet compliance with this section of the CJ.

2. *The State Defendants shall annually calculate the rate at which each LEA in New Orleans provides related services to students eligible for such services under the IDEA*

select LEAs for targeted monitoring. As part of targeted monitoring, the State Defendants shall conduct file reviews of a random, representative sample of students with disabilities at the selected LEAs. LEA selection, student file selection, file reviews,

staff interviews, and school site visits shall be conducted consistent with the processes detailed in Addendum A.

identification of noncompliance, the State Defendants shall require each LEA with validated noncompliance to undertake corrective actions sufficient to remedy the noncompliance and to reasonably ensure that such noncompliance does not reoccur, as detailed in Addendum A (p. 9 of CJ).

a. The service provision rate shall be calculated by dividing the total number of minutes of related services per week identified in the IEPs of each student with a disability in an LEA on October 1 by the total number of students with disabilities enrolled in the LEA on October 1 (p. 9 of CJ).

Current Findings

The IMs and Plaintiffs counsel received correspondence from the LDOE on January 20, 2016 providing a list of charter schools identified for targeted monitoring during the spring 2016 term and confirmation that each charter was sent a notification email listing the requirements of the related requirements for targeted monitoring pursuant to the CJ, the specific areas in which the charter was being monitored, methods of monitoring (e.g., student file selection, staff interviews, desk file reviews), LDOE contact personnel, the specific date of phone interviews with staff, call in phone numbers and instructions, and copies of the staff interview questions and student file review protocols during January 2016. The IMs were provided a sample notification email for review. The LDOE also conducted planning calls with each identified charter during January 2016 to assist them in preparing for the staff interviews, student file submission process in a secured format,

CJ.

b. The targeted monitoring activities described above and in Addendum A shall supplement, not supplant, the annual monitoring activities undertaken by LDOE pursuant to its general supervisory responsibilities under the IDEA. The monitoring of an LEA pursuant to the monitoring obligations identified in this Agreement shall not influence

monitoring protocols (p. 9 of CJ).

Current Findings

Pursuant to Section B(2)(a) on page 3 of the Addendum to the CJ, the LDOE was required to review files of students with disabilities with particular emphasis on students with low-incidence disabilities. For purposes of Related Services monitoring, a ñstudent with a low-incidence disabilityò was defined as a student who is eligible for special education and related services under IDEA eligibility categories of deaf-blindness, deafness, hearing impairment, intellectual disability, multiple disabilities, orthopedic impairment, traumatic brain injury, autism spectrum disorders, or visual impairment including blindness. Pursuant to Section B(2)(b) on page 3 of the Addendum to the CJ, the LDOE was required to request a list of students with low-incidence disabilities from each LEA targeted for monitoring and randomly select twenty (20) percent of the students on that list for a file review. Pursuant to Section B(2)(b)(1), the LDOE was required to review a minimum of ten (10) randomly selected files for student meeting the above criteria at each LEA in the event that an LEA identified less than fifty (50) students. Pursuant to Section B(2)(b)(2), the LDOE was required to review all files of

students with low incidence disabilities and supplement its review with additional randomly selected files of students with non-low-incidence disabilities in the event that an LEA identified less than ten (10) students with low incidence disabilities.

The LDOE provided the IMs with a list of identified students for each LEA during an onsite visit to the Department on March 22-24, 2016. Ten (10) students were selected by the LDOE for review from each LEA identified for targeted monitoring (e.g., Algiers Technology Academy, International High School of New Orleans, Landry-Walker High School). All 10 students from each LEA met the required criteria for selection. As such, all 30 students across the 3 charter schools targeted for monitoring met the required selection criteria outline in this section of the CJ.

Pursuant to Section B(3)(a) on page 3 of the Addendum to the CJ, the LDOE was required to review de-identified student record files for each of the students identified through the selection process described above. The LDOE was required to conduct the file review using the Related Services portion of the monitoring instrument and information sufficient to make all relevant determinations required by the monitoring tool.

Between March 22, 2016 and May 5, 2016 both LDOE monitoring personnel and the IMs completed desk file reviews of each of the ten (10) student files selected for each of the three (3) LEAs listed above using the Related Service protocol located on pages 10-11 of the Addendum of the CJ. In relation, the LDOE provided each charter with an additional

document entitled ñRelated Services and Enrollment Stability Monitoring Checklistò to assist them in the submission of required documents for the desk file review. This checklist was provided to the IMs for review on February 15, 2016 and included four items pertaining to related services documentation: 1) evidence of prior written notification, 2) IEP signature pages (first and last page), 3) documentation of related services including the method of measurement to achieve goal listed on the IEP (e.g., teacher logs, observational data, teacher checklists, student work samples, tally sheet, etc.) and 4) related services schedule for each student (include location of services, schedule of service delivery, student roster, and name and contact information of person responsible for providing services). At the request of the IMs, the LDOE provided each studentôs 2014-2015 and/or 2015-2016 IEP and related documentation (e.g., SER related service reports, SER eligibility reports, Related Services and Enrollment Stability Monitoring Checklists complete by the charter school personnel, all information submitted from each LEA for each student to the LDOE, LDOE Related Services protocols completed from March, 2016 through May, 2016) to assist in the completion of protocol reviews for the identified students in the identified charters. As such, the IMs also reviewed all thirty (30) student files selected from the three (3) charters schools (e.g., Algiers Technology Academy, International High School of New Orleans, Landry-Walker High School) for the spring 2016 school term.

Pursuant to Section 4(a) and 4(b) of Addendum A of the CJ, the LDOE was required to conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator,

and one (1) special education administrator or coordinator at each LEA selected for targeted monitoring. The LDOE was required to conduct staff interviews using the Related Services portion of the monitoring instrument.

The LDOE submitted the phone interview schedule for all charter schools across all four areas of targeting monitoring to the IMs on February 4, 2016. The staff interview for Algiers Technology Academy was conducted on February 25, 2016 via phone with LDOE monitoring personnel, IMs, and charter school staff (e.g., general education teacher, special education administrator/coordinator, special education teacher, ESS coordinator, exceptional support specialist, supervisor/speech therapist, speech pathologist assistant, social work supervisor, social worker, health services administrator, and APE teacher). The staff interview for International High School was conducted on February 25, 2016 via phone with LDOE monitoring personnel, IMs, and charter school staff (e.g., principal, general education teacher, special education administrator/coordinator, special education teacher/coordinator, and director of curriculum and instruction). The staff interview for Landry-Walker High School was conducted on February 16, 2016 via phone with LDOE monitoring personnel, IMs, and charter school staff (e.g., general education teacher, special education administrator/coordinator, special education teacher, ESS coordinator, exceptional support specialist, speech therapist, speech pathologist coordinator, social work supervisor, social worker, and health services administrator). The results of the phone interviews were submitted by the LDOE to the IMs for review and verification on February 19, 2016 and March 4, 2016. In relation, the list of participants for each charter

school was sent by the LDOE to the IMs for review and verification on March 4, 2016 and May 10, 2016.

Pursuant to Section B(5) of the Addendum to the CJ on page 4, the LDOE shall conduct on-site compliance monitoring at the LEA selected for targeted monitoring in the event

students at International High School based on a review of signatures on the IEP and/or other documentation (e.g., written prior notice, excusal forms). The IMs observed concerns with the provision of related services in the type and frequency specified on the IEP (Item #9) for three (3) students at Algiers Technology Academy receiving counseling and/or social work services and three (3) students at International High School receiving adaptive PE and/or occupational therapy as a related service and one (1) student receiving social work services as a related service.

Status of Compliance Targeted Monitoring

A review of the documents submitted by each identified charter school and the LDOE and completion of the student file reviews and staff interviews using the required Related Services protocol revealed that the LDOE completed the staff interviews and student file reviews during the spring 2016 term as designated in Section IV(B)(2)(b) of the CJ and Sections B(3)(a), B(4)(a), B(4)(b), B(5)(a) on pages 3-4 of the Addendum to the CJ for the 2015-2016 school year. As such, the LDOE is judged to be in **Substantial Compliance** with these sections of the CJ and Addendum of the CJ for the 2015-2016 school year based on the activities performed to date.

Status of Compliance Noncompliance Determinations and Corrective Action

The LDOE informed the IMs during a phone conference held on June 2, 2016 that monitoring reports for the charter schools identified for targeted monitoring during the spring 2016 school term have been completed. The LDOE also reported that cover letters, complete monitoring reports with recommendations for improvement, specific findings of

noncompliance in relation to IDEA violations, and corrective action plan templates will be provided to each LEA and IMs on June 8, 2016 which is consistent with LDOE timelines for issuing this information to the LEAs. The LDOE confirmed during the phone conference that areas of noncompliance identified by both LDOE personnel and the IMs during the protocol reviews and phone interviews were used in completing the monitoring reports, making determinations regarding noncompliance, and making recommendations for corrective action. LDOE personnel will be providing technical assistance directly to each LEA in developing the corrective action plans during the first two weeks of June 2016. In relation, the IMs shall receive each LEAs recommended corrective action plan by June 30, 2016 for review and comment. The IMs will provide an update regarding the monitoring reports and corrective action plans for each LEA in the report due to the Court on August 1, 2016. Specifically, the IMs will review if the LDOE required each LEA to ñundertake corrective actions sufficient to remedy the

SECTION IV(C) DISCIPLINE (pp. 9-11 of the CJ)

1. The State Defendants shall, within 60 days of the implementation of this Agreement, review the code of conduct and/or discipline policy of each Type 2 or Type 5 charter school in New Orleans for compliance with the IDEA. The State Defendants shall require that the codes of conduct and/or discipline policies for each Type 2 or Type 5 charter school in New Orleans contain, at a minimum: (a) a s disciplinary procedural protections and procedural safeguards for students with disabilities, which should be written in plain language that parents/guardians, students, and the general public can understand; and (b) a plan for supporting school behavior and discipline in compliance with the requirements of La. Rev. Stat. § 17:251-252 (p. 9 of CJ).

a. For the duration of this Agreement, the State Defendants shall, on the anniversary of the initial reviews described above:

i. require each Type 2 or Type 5 charter school in New Orleans to submit a written assurance that the code of conduct and/or discipline policy for the school has not changed since the State Defendants last reviewed the code or policy; or,

ii. review, for compliance with the IDEA, the code of conduct and/or discipline policy of each Type 2 or Type 5 charter school in New Orleans that is unable to provide such an assurance (p. 9 of CJ).

Current Findings

A document entitled the ñProcedural Safeguards Checklist - Disciplinary Removal of Students with Disabilitiesò was developed by LDOE to assist in the compliance review

of the code of conduct and/or discipline policies of each Type 2 or Type 5 charter school in New Orleans. The 19-item document covers the following discipline policies; 1) Overview of Procedural Safeguards & Change in Placement, 2) Determining Manifestation Determination & Services, 3) Weapons, Drugs or Serious Bodily Injury: Emergency Procedures. 4) Appeals, 5)

on April 28, 2016. An appraisal by the IMs noted that one Code of Conduct was reviewed for the following charter groups; ReNEW, KIPP, Friends of King, and Algiers. Of the 43 total reviews, 23% (10 of 43 LEAs) of the charter LEAs obtained an affirmative score on all 19-items. These low scores supported the LDOEs development of model policy entitled ñDiscipline Policy & Procedures for Students with Disabilitiesò to assist the charter schools in addressing all required components in their respective Codes of Conduct. The IMs conducted a review of the Codes of Conduct submitted by 59 charter schools. This review revealed that 38 charter schools adopted the specific language from the LDOE model policy document and included it in their Code of Conduct for the 2015-2016 school year. The IMs initial evaluation of the remaining 21

by the IMs for Section IV (C) (1b) of the CJ. In addition, OPSB should submit written evidence that the district has a plan for supporting school behavior and discipline in compliance with the requirements of La. Rev. Stat §17:251-252.

multi-tiered use of PBIS strategies and interventions, failure to address support strategies for students with disabilities, failure to address procedural safeguards such as a prior written notice before a disciplinary change of placement, and failure to meaningfully address ñbest practicesò to reduce suspensions and expulsions for students with disabilities).

During a meeting held on February 28, 2016 at the LDOE, the decision was made that additional professional development training will be developed by the IMs in coordination with all parties to address the aforementioned limitations of the previous professional development held during the summer 2015 term. In relation, the Parties and IMs will work collaboratively to establish a presentation schedule for professional development during the late summer or early fall 2016 term as LEA schedules for the 2016-2017 school year become available.

Status of Compliance - Technical Assistance

Based on a review of related technical assistance materiaفم ® Ħ ® e ò

ssional evelopment numbterceon(in pr

training to be

4. The Defendant-

Suspension Guidance,ò and ñParent FAQs: Special Education in Charter Schoolsò model templates for the 2016-2017 school year. The documents have been approved by the Plaintiffôs counsel and IMs. A communication from Wayne Stewart on June 1, 2016, indicated OPSB will provide confirmation of any technical assistance activities

year.

Status of Compliance Annual Professional Development

Based on a review of the workshop conducted on ñDiscipline of Students with Disabilitiesò and verification all 20 LEAs attended the workshop, OPSB is judged to be in **Substantial Compliance** with the professional development provisions of Section IV (C) (4) for the CJ for the 2015-16 year.

Recommendations

To address Section IV (C) (4) regarding undocumented suspensions and parent information the OPSD should submit to the IMs verification their charters disseminated to parents the LDOE the document ñParent FAQs: Special Education in Charter Schools.ò In addition, the IMs recommend that all OPSB charter schools use a variety methods (e.g., mail parents and/or legal guardians of students with disabilities a copy of the document via U.S. postal services; send a copy of the document to the residence in an envelope with the student; email a copy of the document to the parents of students with disabilities; include a copy of the document in the new school year packet of information or registration packets; provide a copy of the document to parents and/or legal guardians at annual IEP or IAP review meetings; include a copy of the document in the Parent Newsletter; have a copy of the document available across several school settings including, but not limited to, the front office, Principalôs or Dean of Studentôs Office, Family Resource Center) in an effort to the ñbroadlyò disseminate the information to parents of students with disabilities regarding the prohibited practice of undocumented

suspensions as required in this section of the CJ. As mentioned previously, the IMs will

required to review a minimum of ten (10) randomly selected files for student meeting the above criteria at each LEA in the event that an LEA identified less than fifty (50) students. Pursuant to Section C(2)(b)(2), the LDOE was required to review all files of students meeting the above criteria and supplement its review with additional randomly selected files of students identified under the disability categories of Emotional Disturbance or Other Health Impairment in the event that an LEA identified less than ten (10) students meeting the above criteria.

The LDOE provided the IMs with a list of identified students for each LEA during an onsite visit to the Department on March 22-24, 2016. A total of ten (10) students were selected by the LDOE for review from two (2) of the schools selected for monitoring (e.g., Cohen College Prep and International High School of New Orleans).

Pursuant to Section C(3)(a) of the Addendum to the CJ, the LDOE was required to review de-identified student record files for each of the students identified through the selection process described above. The LDOE was required to conduct the file review using the discipline portion of the monitoring instrument and information sufficient to make all relevant determinations required by the monitoring tool.

Between March 22, 2016 and May 5, 2016 both LDOE monitoring personnel and the IMs completed desk file reviews of each of the ten (10) student files selected for two (2) of the three (3) LEAs listed above using the discipline protocol located in the Addendum of the CJ. In relation, the LDOE provided each charter with an additional document entitled

ñDiscipline Monitoring Checklistò to assist them in the submission of required documents for the desk file review.

Pursuant to Section C(4)(a) and C(4)(b) of Addendum A of the CJ, the LDOE was required to conduct interviews with at least one (1) general education teacher of students with disabilities, one (1) special education teacher, one (1) general education administrator, and one (1) special education administrator or coordinator at each LEA selected for targeted monitoring. The LDOE was required to conduct staff interviews using the discipline portion of the monitoring instrument.

The LDOE submitted the phone interview schedule for all charter schools across all four areas of targeting monitoring to the IMs on February 4, 2016. The staff interview for International High School was conducted on February 25, 2016 via phone with LDOE monitoring personnel, IMs, and charter school staff. The staff interview for Cohen College Prep was conducted on February 16, 2016 via phone with LDOE monitoring personnel, IMs, and charter school staff. The staff interview for Crescent Leadership Academy was conducted on February 17, 2016 via phone with LDOE monitoring personnel, IMs, and charter school staff. The results of the phone interviews were submitted by the LDOE to the IMs for review and verification on by March 4, 2016. In relation, the list of participants for each charter school was sent by the LDOE to the IMs for review and verification by May 10, 2016.

Pursuant to Section C(5)(a) of the Addendum to the CJ, the LDOE shall conduct on-site

compliance monitoring at the LEA selected for targeted monitoring in the event that

Status of Compliance - Targeted Monitoring

Based on a review of targeted monitoring documents submitted by each identified charter school and the LDOE, and completion of the student file reviews and staff interviews using the required Child Find protocol, the LDOE is judged to be in **Noncompliance** with Section IV(C)(5)(b) of the CJ and Section C (2) (a) of the CJ Addendum for the 2015-2016 school year because the student files selected for review during the spring 2016 term did not include a full year of discipline data as required as outlined in Section C(2)(a) of Addendum A of the CJ.

Status of Compliance Noncompliance Determinations and Corrective Action

The LDOE informed the IMs during a phone conference held on June 2, 2016 that monitoring reports for the charter schools identified for targeted monitoring during the spring 2016 school term have been completed. The LDOE also reported that cover letters, complete monitoring reports with recommendations for improvement, specific findings of noncompliance in relation to IDEA violations, and corrective action plan templates will be provided to each LEA and IMs on June 8, 2016 which is consistent with LDOE timelines for issuing this information to the LEAs. The LDOE stated that areas of noncompliance identified by both LDOE personnel and the IMs during the protocol reviews and phone interviews were used in completing the monitoring reports, making determinations regarding noncompliance, and making recommendations for corrective action. LDOE personnel will be providing technical assistance directly to each LEA in developing the corrective action plans during the first two weeks of June 2016. In relation, the IMs shall receive each LEAs recommended corrective action plan by June

30, 2016 for review and comment. The IMs will provide an update regarding the monitoring reports and corrective action plans for each LEA in the report due to the Court on August 1, 2016. Specifically, the IMs will review if the LDOE required each LEA to ñundertake corrective actions sufficient to remedy the noncompliance and to reasonably ensure that such noncompliance does not reoccurò (p. 11 of CJ).

As such, the IMs will evaluate the status of compliance for noncompliance determinations and corrective actions for each LEA identified by the LDOE after reviewing the monitoring reports and corrective action plans.

Recommendations

The LDOE shall continue to perform student file reviews and staff interviews using the required Discipline protocol as outlined this section of the CJ and in the Addendum of the CJ. IMs will continue to participate in the protocol review and staff interview process and verify completion of required activities by the LDOE as outlined in the CJ. The LDOE is strongly encouraged to address the concerns identified during the student selection process in the area of Discipline. In addition, appropriate corrective actions should be recommended by the LDOE to address identified areas of noncompliance for the targeted LEAs

SECTION IV(D) ENROLLMENT (pp. 11-15 of the CJ)

1. The State Defendants shall annually disseminate to each Type 2 and Type 5 charter school in New Orleans policy guidance describing the legal obligations of each Type 2 and Type 5 charter school in New Orleans to enroll and serve students with disabilities pursuant to federal law. The State Defendants will request that the principal of each Type 2 and Type 5 charter school acknowledge receipt of this guidance. The guidance will, at a minimum, contain: (a) a summary of the legal obligations of the school to provide necessary services and accommodations to students with disabilities; (b) a statement describing the obligations of the school to enroll students with disabilities without regard to their disabilities; (c) a statement advising the school that its staff is prohibited from informing or suggesting to parents of students with disabilities that the parents should not enroll their child in the school because the school does not provide the

better served at another school; and (d) a statement notifying the principal that he or she can incur personal monetary damages for intentional discrimination and operating in bad faith due to noncompliance with Section 504 (pp. 11-12 of CJ).

a. The State Defendants shall disseminate the required policy guidance to each Type 2 or Type 5 charter school in New Orleans annually by March 1 for the duration of this Agreement (p. 12 of CJ).

b. The State Defendants shall provide the policy guidance to the Independent Monitor for review and approval annually by December 1 for the duration of this Agreement. The Independent Monitor will provide comments on the guidance to the Parties within twenty-one (21) days. The Parties may provide comments on the

comments, mediate any disputes, and approve documents with any changes within fifteen (15) days (p. 12 of CJ).

Current Findings

Ty Manieri, LDOE counsel, submitted the LDOE document entitled ñPB v White ï Enrollment Discrimination Policy Guidanceò (see Appendix A for the model template) to Plaintiffôs counsel, Eden Heilman and Jennifer Coco, þ ? ôtiot Ä) n

tw t 1 ă ſ ʌ ɤ ʇ v G% ȯ B v l, Edlaintiffô

counsel, the IMs agree the LDOE ñEnrollment Discrimination Policy Guidanceò document is consistent with the required guidelines outlined in Section IV.D.1 of the PB v White CJ.

However, Section IV.D.1 of the CJ also specifically requires the State Defendants to disseminate ñEnrollment Discrimination Policy Guidanceò to each principal of NOLA Type 2 and Type 5 charter schools by March 1 annually and request written receipt (i.e. Attestations) of this guidance. This dissemination of the ñEnrollment Discrimination Guidanceò and receipt of attestation documents from school principals is required annually for the duration of the CJ. As mentioned previously, although there is evidence that representatives from each NOLA Type 2 and Type 5 Charter Organization received professional development reviewing enrollment discrimination guidance, there is, however, limited evidence that each principal of Type 2 and Type 5 Charter LEAs received training and/or completed an ñAttestation of Review of Enrollment Discrimination Guidanceò document. As such, the LDOE is judged to be in **Noncompliance** with the completion of this implementation activity as required under Section IV.D.1 of the CJ. The IMs will review evidence of compliance once submitted by the LDOE and make determinations regarding Substantial Compliance or Noncompliance. An update regarding this section of the CJ will be provided by the IMs in the bi-annual report due to the Court on August 1, 2016.

Recommendations

It is recommended that the LDOE disseminate the approved ñLDOE Enrollment

under its jurisdiction annually by March 1 for the duration of this Agreement (p. 12 of CJ).

b. The Defendant-Intervenor shall provide the policy guidance to the Independent Monitor

outlined in Section IV.D. 2 of the PB v White CJ.

As noted previously, Section IV.D.2 of the CJ also requires the Defendant-Intervenor to disseminate policy guidance related to enrollment discrimination policies to each school under its jurisdiction and require the principal of each school under its jurisdiction to acknowledge receipt of this guidance. Currently, no evidence has been submitted by the OPSB to indicate this implementation activity was completed during the 2015-2016 school term. As such, the OPSB is judged to be in **Noncompliance** with this required IA under Section IV.D.2 of the CJ. It should be reported that in a June 1, 2016

3. The State Defendants shall require that each Type 2 and Type 5 charter school in New Orleans annually develops a written description of its special education program, including, at a minimum: (a) the name and contact information of the special education coordinator for the school; (b) a description of how pupil appraisal, special education, and related services are provided by the school; (c) a description of how the school plans to provide the continuum of special education placements for students whose IEP placement is outside of the regular education setting; (d) the current enrollment rate of students with disabilities served by the school; (e) the current suspension rate of students with disabilities served by the school; (f) the number of students with disabilities who are removed for disciplinary reasons for more than 10 school days in one academic year; and (g) an indication of the dividuals with mobility impairments. The State Defendants shall require that the program descriptions for all Type 2 and Type

ans Cn of the

Descriptionò document and on February 1, 2016 and recommended two additions to the draft ñProgram Descriptionò document submitted by the LDOE. Specifically, as required under Section IV.D.3.c. of the CJ, Plaintiffôs counsel recommended revising the draft ñSpecial Education Program Description Templateò document to provide an opportunity for LEAs to specifically describe how the school will provide a continuum of special education supports for students whose placement requires a special school, detention center, therapeutic placement, hospital or homebound setting. Additionally, the Plaintiffôs counsel recommended revising the draft ñSpecial Education Program Description Templateò document to provide an opportunity for LEAs to describe accessibility to individuals with mobility impairments and/or accommodations for individuals with mobility impairments as required by Section IV.D.3.g. of the CJ. The concerns expressed by Plaintiffôs counsel regarding the ñ

Program Description Template proposed for use during the 2016-2017 school year with edits by the LDOE and IMs highlighted within the document. The ñPB v White ï Special Education Program Description Templateò for each NOLA Type 2 and Type 5 Charter School was submitted by RSD personnel on April 22, 2016.

A review of these documents indicated that 100% of the NOLA Charter LEAs completed the Special Education Program Description Template during the 2015-2016 school year.

Status of Compliance

The ñPB v White ï Special Education Program Description Templateò revised by the LDOE and IMs on May 11, 2016 is judged to include the required components as outlined in Section IV. D.3. in the CJ.

Due to the fact that an IM was not secured until after December, 2015, the LDOE made the decision to move forward and required each NOLA Type 2 and Type 5 Charter LEA to complete the draft ñPB v White ï Special Education Program Description Templateò by January 29, 2016. Although this document had not received final approval from all parties, 100% of NOLA Type 2 and Type 5 Charter Schools completed and submitted to the LDOE the ñSpecial Education Program Description Templateò within the required timeline. As such, the LDOE is judged to be in **Substantial Compliance** with the Special Education Program Description completion requirements as outlined in Section IV.D.3. of the CJ for the 2015-2016 school year. As noted previously, the IMs have completed a detailed review of each NOLA Charter SchoolsôñSpecial Education

Program Description Templateò and provided spec

IMs by June 30, 2016. Once received, the IMs will evaluate the status of compliance for this requirement of the CJ and these findings will be reported in the bi-annual report due to the Court on August 1, 2016.

4. The Defendant-Intervenor shall annually develop a written description of OPSB's special education program, including, at a minimum: (a) the name and contact information of special education contacts at the district level and at the school level; (b) a description of how pupil appraisal, special education, and related services are provided; (c) a description of how the OPSB plans to provide the continuum of special education placements for students whose IEP placement is outside of the regular education setting; (d) the current enrollment rate of students with disabilities served by each OPSB school; (e) the current suspension rate of students with disabilities served by each OPSB school; (f) the number of students with disabilities who are removed for disciplinary reasons for more than 10 school days in one academic year; and (g) an

The Defendant-Intervenor shall require that the OPSB special education program description is made available to parents of students with disabilities at each school site, website (p. 13 of CJ).

Current Findings

Wayne Stewart, counsel for the Defendant-Intervenor (OPSB), provided the IMs with the OPSBôs policy entitled ñOPSB Special Education Program Descriptionò for review on February 28, 2016. The IMs reviewed and provided feedback on this document on April 4, 2016. It should be noted that Wayne Stewart, OPSB Counsel, requested the

OPSB be allowed to complete a single, parish-

the IMs will review evidence for this IA and will report the status of compliance for this requirement of the CJ in the bi-annual due to the Court on August 1, 2016.

Recommendations

It is recommended OPSB update their current ñSpecial Education Program Descriptionò and incorporate the IMs suggested recommendations. These revisions should be submitted to the IMs for review by June 30, 2016. Once reviewed by the IMs, it is also recommended that OPSB ensure the ñOPSB Special Education Program Descriptionò template is posted on each OPSB LEAôs website and the OPSB website as required in Section IV.D.4 of the CJ. Evidence of these dissemination requirements should be provided to the IMs on or before June 30, 2016.

5. The State Defendants shall require each Type 2 and Type 5 charter school in New Orleans to develop a written complaint investigation protocol describing the

The protocol shall include the contact information of the individual at the school responsible for investigating complaints of alleged discrimination; a process by which parents may make complaints; a timeline for the school to conduct an investigation; the steps to be taken or the process by which the school will conduct the investigation; the process by which the school will disseminate the outcome of the investigation; and corrective action that may be undertaken as a result of noncompliance. A summary description of the protocol shall be widely disseminated to parents of students with disabilities enrolled at the school. The complaint investigation protocols shall be

developed for the sole purpose of investigating allegations of enrollment discrimination arising under Section 504 of the Rehabilitation Act or Title II of the ADA and shall not supplant the complaint management system or due process complaint procedures pursuant to the IDEA (pp. 13-14 of CJ).

a. The State shall develop a model written complaint investigation protocol that meets the requirements identified in this section. This model will be available to any school upon request, and will be provided to each Type 2 and Type 5 charter school by March 1, 2015 and every school year thereafter (p. 14 of CJ).

b. Upon receipt of a complaint related to the enrollment practices of Type 2 and Type 5 charter schools, the State will: (i) provide the complainant in writing, either via electronic or U.S. Mail, with the contact information for the Office of Civil Rights and low cost legal services providers; and (ii) where required under IDEA, initiate an investigation of the complaint (p. 14 of CJ).

Current Findings

Ty Manieri, LDOE counsel, submitted the LDOE document entitled ñLEA Disability Discrimination Complaint Proceduresò template (see Appendix A for Model template) to Plaintiffôs counsel, Eden Heilman and Jennifer Coco, and the IMs on January 15,2016 for review. Additionally, this ñCompliant Proceduresò policy was discussed and approved by all parties on February 18, 2016 during a meeting with Ty Manieri, LDOE counsel, Way

to parents. As such, the LDOE is judged to be in **Noncompliance** with regard to this IA as required in Section IV.D. 5. of the CJ until such time each NOLA Charter LEA provides evidence of how the LEAs adopted discrimination compliant policies and how these procedures are routinely communicated to parents, as well as, evidence verifying the complaint protocol was disseminated to parents of students with disabilities enrolled in NOLA Charter LEAs during the 2015-2016 school year.

Finally, Section IV.D.5.b of the CJ also requires the LDOE to provide complainants, in writing, with contact information for the Office of Civil Rights and low cost legal service providers; and where required under the IDEA, initiate an investigation. Currently, the LDOE has provided no evidence for the completion of this activity as required by the CJ. As such, the LDOE is currently judged to be in **Noncompliance** with this section of the CJ. The IMs will evaluate any evidence submitted for this requirement of the CJ during June, 2016 and report findings in the IMs bi-annual report due to the Court on August 1, 2016.

Recommendations

It is recommended that each NOLA Type 2 and Type 5 Charter LEA provide a written plan for disseminating the LEAôs adopted ñDisability Discrimination Complaint Proceduresò template to parents of students with disabilities along with evidence of dissemination to parents as required under Section IV.D.5 of the CJ. This evidence should be submitted to the LDOE and IMs for review by June 30, 2016. In relation, it is also recommended the LDOE provide evidence of compliance with requirements in

Section IV.D.5.b (i.e. providing complainants with OCR contact information, etc.) of the CJ by June 30, 2016. Once received from the LDOE, a compliance review for these CJ requirements will conducted and these findings will be reported in the bi-annual report due to the Court on August 1, 2016.

6. The Defendant-Intervenor shall develop a written complaint investigation protocol describing the Defendant-

discrimination on the basis of disability for all schools within its jurisdiction. The protocol shall include the contact information of the division of OPSB responsible for investigating complaints of alleged discrimination; a process by which parents may make complaints; a timeline for the Defendant-Intervenor to conduct an investigation; the steps to be taken or the process by which the Defendant-Intervenor will conduct the

Current Findings

Wayne Stewart, counsel for the Defendant-Intervenor, indicated that OPSB would adopt the approved LDOE ñ LEA-Disability Discrimination Complaint Proceduresò template for the 2016-2017 school year in a meeting at the LDOE with all parties on February 18, 2016.

Status of Compliance

Currently, the OPSB has provided no evidence to indicate that OPSB has (a) formally adopted an approved complaint protocol, (b) provided a plan for dissemination and /or (c) verified the adopted complaint procedures have been disseminated to parents of students with disabilities. As such, the OPSB is currently judged to be in **Noncompliance** with fulfilling these required implementation activities as outlined in Section IV.D.6 of the CJ.

Recommendations

It is recommended that OPSB disseminate the adopted ñDisability Discrimination Complaint Proceduresò template to school principals of each OPSB LEA and secure written verification of review (e.g., signed attestation form). Additionally, it is recommended that each OPSB LEA submit a written plan for disseminating the adopted ñDisability Discrimination Complaint Proceduresò to parents of students with disabilities along with evidence of dissemination to the IMs for review by June 30, 2016. Upon receipt, the IMs will review this documentation and the compliance status for this IA will be reported in the bi-annual report due to the Court on August 1, 2016.

7. The State Defendants shall annually calculate the rate at which students with disabilities choose not to reenroll at each LEA in New Orleans each school year

targeted monitoring. LEA selection, student file selection, file reviews, staff interviews, and school site visits shall be conducted consistent with the processes detailed in in

noncompliance, the State Defendants shall require each LEA with validated noncompliance to undertake corrective actions sufficient to remedy the noncompliance and to reasonably ensure that such noncompliance does not reoccur, as detailed in Addendum A (p. 14 of CJ).

a. The mobility rate shall be calculated by dividing the total number of students with disabilities who are enrolled in a nonterminal grade at an LEA in New Orleans

monitoring protocols (p. 15 of CJ).

Current Findings

The LDOE provided the IMs and Plaintiffôs counsel with a list of charter schools identified for targeted monitoring during the spring 2016 term, the specific areas in which the selected LEA was being monitored, methods for LEA selection and methods of monitoring (e.g., staff interviews, desk file reviews using monitoring instrument described in Addendum A of the CJ) in correspondence dated on January 25, 2016. It is also important to note that the targeted LEAs received formal notification of monitoring from LDOE and participated in planning calls with LDOE monitoring staff in late January, 2016.

A student enrollment spreadsheet entitled ñ*Rate at Which Students with Disabilities (SWD) Choose Not to Reenroll Between 2013-14 to Oct. 1, 2014: OPSB & Charter Schools in Orleans Parish*ò was submitted to the IMs on April 26, 2016. This spreadsheet was used to select LEAs for targeted monitoring in the area of Enrollment Stability by calculating the total number of students with disabilities who were enrolled in a nonterminal grade in each LEA from September 1, 2013 to May 31, 2014 and who were not enrolled in the same LEA on October 1, 2014 divided by enrollment of students with disabilities enrolled on October 1, 2014. This method of determining mobility rate was verified by the IMs and determined to be consistent with the guidelines required under Section IV(D)(7) of the CJ and Section D(1)(a) and D(1)(b) on page 6 of Addendum A. As required by the CJ, three schools were identified for targeted monitoring during the

related services including the method of measurement to achieve goal listed on the IEP (e.g., teacher logs, observational data, teacher checklists, student work samples, tally sheet, etc.) and 4) related services schedule for each student (include location of services, schedule of service delivery, student roster, and name and contact information of person responsible for providing services).

January 6, 2016, a detailed review of aggregated data from the protocol reviews conducted during the spring 2016 school term will be presented in the bi-annual report due to the Court on August 1, 2016. A preliminary review of protocol findings indicated consistent agreement between the LDOE monitoring staff and the IMs that acceptable practices were observed in the majority of areas assessed with regard to Related Services provisions. However, both the LDOE monitoring staff and the IMs also identified varying degrees of concern with regard to the development of (a) meaningful PLAAFP statements, (b) measureable goals and short-term objectives and (c) documentation of related service provisions, including documentation specifying the types and frequency of services provided, as well as, data gathered to evaluate student progress as required by the IEP. A detailed review of these protocol findings will be presented in the IMs bi-annual report due to the Court on August 1, 2016.

Status of Compliance-Targeted Monitoring

Based on the IMs review of the documents submitted by LDOE and verification of the calculations provided in the LDOE Enrollment Stability database and appropriate LEA selections, the LDOE is judged to be in **Substantial Compliance** with completing these IAôs as required under Section IV (D) (7) of the CJ and Section D (1) (a), D (1) (b) and D (1) (c) of the Addendum to the CJ for the 2015-2016 school year.

Based on a review of the documents submitted by each identified charter school and LDOEôs completion of the student file reviews and staff interviews using the required Related Services protocol, the LDOE is judged to be in **Substantial Compliance** with

fulfilling the requirements designated in Section IV(D)(7) of the CJ and Section D(2)(a), D(2)(b), and D(2)(c) on page 6 the Addendum to the CJ for the 2015-

monitoring personnel and IMs in forthcoming monitoring reports to three (3) identified LEAs targeted for monitoring in the area of Enrollment Stability. In addition, specific corrective actions should be recommended by the LDOE to address all identified areas of noncompliance and/or areas with identified weakness. The IMs shall review the monitoring reports submitted by the LDOE and shall collaboratively participate with the LDOE in the development of corrective action plans to address identified areas of noncompliance. As noted previously, the IMs also recommend for consideration by all parties that the staff interview process and student file reviews to address Enrollment Stability be completed on-site at selected LEAs by both the IMs and LDOE personnel during the fall 2016 term for LEAs identified for targeted reviews based on an analysis of 2015-2016 enrollment stability data.