

**Summary of**

**Los Angeles Unified School District's**

**Comprehensive Plan for Due Process**

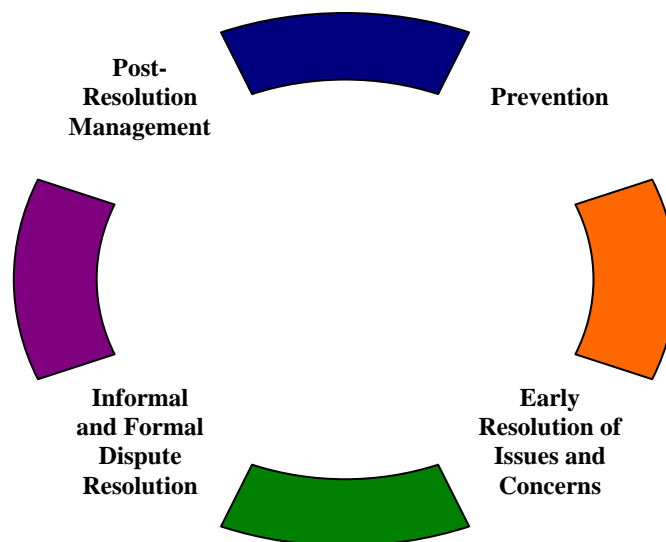
## INTRODUCTION

The Los Angeles Unified School District has developed a comprehensive plan to address the disproportionately high number of due process filings involving the District. “Due process filings” means those special education disputes that result in requests for mediation or requests for a due process hearing (with or without mediation prior to the hearing). A review of data relating to due process filings reveals that for the past four school years, the District’s special education enrollment has been approximately 13% of the statewide total enrollment but the District has been a party in approximately one third or 33% of the statewide due process filings.

Through specific activities set out in the comprehensive plan the District seeks to: (1) improve the training and information provided to those involved in the individualized educational program (IEP) process in order to prevent disputes whenever possible; (2) improve the ability of District personnel to resolve disputes and implement agreements and orders after disputes are resolved; and (3) restructure its dispute resolution process to meet the requirements of the Individuals with Disabilities Education Improvement Act (also referred to as “IDEA 2004”).

The anticipated result of the activities in the comprehensive plan is a decrease in the total number of due process filings against the District and a decrease in District’s percentage of statewide filings.

Like the comprehensive plan, this summary is organized into five sections. The first section deals with general issues, such as distribution and implementation of the comprehensive plan and development of a single electronic data system. The four remaining sections deal with each stage of the special education dispute resolution process, from identification of parent concerns to post-resolution activities. These four sections: Prevention; Early Resolution of Issues and Concerns; Informal and Formal Dispute Resolution; and Post-Resolution Management, are arranged chronologically as they occur in the dispute process. It is envisioned that these four sections, and the listed activities in the sections, represent a continuous circle, rather than a line, and that progress in each area filters back into, and benefits, the other areas. The following graph illustrates this idea:



## **I. General Issues**

### ***Distribution of the Plan and Accountability***

The District will complete the following activities to communicate the contents of the comprehensive plan to interested and responsible parties and to ensure implementation of the plan after it is disseminated:

During the months of April and May 2005, District Administration (the Superintendent, Associate Superintendent of Special Education, Local District Superintendents, Local District Directors and School Site Administrators) will distribute copies of the plan and/or copies of this summary of the plan to central office, local district and school site personnel.

Thereafter, to ensure implementation of the plan, District Administration will hold appropriate District personnel accountable for fulfilling their respective roles under the plan and in the dispute resolution process. They will reinforce positive action and discourage negative practices utilizing employee evaluations, targeted trainings and conferences. They will also use progressive disciplinary measures as necessary to address persistent noncompliance.

By June 2005, the Division of Special Education will include standards for providing assistance and support for dispute resolution in the employee evaluation process for relevant Division of Special Education Administrators and Local District Support Unit Administrators.

By June 2006, District administration will include standards for management of special education programs at school sites, including dispute resolution, in the employee evaluation process for School Site Administrators.

### ***Website Posting of Policies, Procedures, Guidelines, and Training Opportunities***

A copy of the comprehensive plan and all relevant policies and procedures, guidelines and informational pamphlets developed to implement the plan will be posted on LAUSD's website at <http://dse-web.lausd.k12.ca.us>. Training opportunities, with a description of content, dates, times, and locations will also be posted on the website at <http://dse-web.lausd.k12.ca.us>.

### ***Data Review and Analysis and Information Sharing***

The District will improve its ability to analyze special education dispute data by developing a user-friendly electronic data module as part of its Welligent system for special education dispute data. The District will develop the module so that it is ready for data entry by January 2006. Until the special education dispute module of Welligent system is operational and capable of producing reports, the Due Process Department in the Division of Special Education will continue to produce reports from existing data sources (e.g., Time Matters, Excel spreadsheets).

After the module is completed, District staff at school sites and within the Division of Special Education will enter special education dispute information into the Welligent system and the module will be operational and capable of producing reports by July 2006.

The Due Process Department will regularly share data reports (monthly or quarterly depending on type of report) with the following departments and personnel: Deputy Superintendent,

Associate Superintendent, Local District Superintendents, Support Units, and Office of General Counsel Special Education Legal Team.

The Due Process Department, OGC Special Education Legal Team and Educational Equity Compliance Office will, on a quarterly basis, present data reports at District Leadership Team (DLT) meetings to identify problem area and targeted intervention needs.

### ***Responsibilities of Local District Superintendents and Directors***

The participation of local district administrators who oversee school site administrators is critical to the comprehensive plan. Local District Superintendents and Directors provide a link between the central office and school sites that is necessary to ensure implementation of the plan and to provide school site accountability in the IEP and dispute resolution processes.

Under the plan, Local District Superintendents and Directors are responsible for: (1) reinforcing the importance of the IEP team process; (2) providing leadership and encouragement to School Site Administrators for resolving parents concerns and issues proactively; (3) ensuring that School Site Administrators follow policies and procedures related to IEP development and implementation; (4) ensuring that School Site Administrators attend and implement training sessions; (5) emphasizing the importance of implementation of settlement agreements, hearing officer orders, and CDE compliance reports; (6) participating in conferences with Support Unit Administrators and school site administrators when problem areas or patterns are identified; and (7) taking corrective action as necessary to address persistent problems at school sites.

### ***Responsibilities of School Site Personnel***

The comprehensive plan to reduce due process filings requires implementation at the school site level. Teachers, service providers, School Site Administrators and other District personnel working directly with students with disabilities are in the best position to prevent disputes by accurately assessing students' unique educational needs and developing appropriate IEPs. They are also in the best position to communicate with parents regarding their children's programs and to resolve parents concerns and issues as they arise. Accordingly, as part of the comprehensive plan it is expected that school site personnel will fulfill the following responsibilities.

School Site Administrators are to: (1) monitor the IEP process at their school sites; (2) ensure that school site staff receives and implements training on development of appropriate IEPs, parent participation, IEP implementation and conflict resolution; (3) communicate with parents and encourage participation in the IEP process; (4) facilitate parent training opportunities; (5) ensure compliance with informal dispute resolution (IDR) and resolution session procedures; (6) monitor implementation of settlement agreements, hearing officer orders and CDE compliance reports; and (7) take corrective action as necessary to address persistent problems at school sites.

IEP team members must understand their responsibilities in the IEP process and develop appropriate IEPs. It is expected that with the assistance, training and support provided pursuant to the comprehensive plan, IEP teams will be able to: (1) properly assess students; (2) develop IEPs which identify students' unique needs and set out offers of FAPE based on those needs; (3) analyze students' placements in the least restrictive environment considering the continuum of options; (4) facilitate parental participation in IEP meetings; and (5) fully implement IEPs.

## **II. Prevention of Special Education Disputes**

### ***Policies and Procedures***

The Associate Superintendent of Special Education will draft and distribute a policy bulletin that clarifies IEP team roles, responsibilities and authority to commit District resources.

Timeline: April 2005

The Division of Special Education will incorporate the policy bulletin and guidelines for School Site Administrators into District's IEP policies and procedures manual that is currently being developed.

Timeline: July 2005

### ***Training***

#### **1. Training on IEP Team Roles and Responsibilities**

The Associate Superintendent will train staff of Support Units, and Local District Superintendents and Directors, regarding IEP team responsibilities and requesting assistance.

Timeline: May/June 2005

The Support Units will train School Site Administrators and relevant local staff on IEP team responsibilities and when to request assistance.

Timeline: June 2005

#### **2. Training on Assessments and Development and Implementation of IEPs**

The Division of Special Education will develop training seminars to instruct IEP team members on how to: (1) draft assessment plans; (2) conduct assessment and draft assessment reports; (3) develop IEPs which identify students' unique needs and set out offers of a free appropriate public education (FAPE) based on those needs; (4) determine students' placements in the least restrictive environment (LRE) when considering the range of placement options; (5) facilitate meaningful parental participation in IEP meetings; and (6) ensure implementation of IEPs. The training seminars will be provided to School Site Administrators as part of mandatory initial administrative training and ongoing continuing education. Training will also be provided to Division of Special Education personnel annually and recorded on video and/or DVD and distributed to school sites for school site personnel (e.g., school psychologists, Special Day Program teachers, Resource Specialist Program teachers, general education teachers) who will be required to view the seminars annually.

Timeline for development of seminars: December 2005

Timeline for conducting seminars and distribution of video/DVD: May 2006

#### **3. Special Education Resource Book for Administrators**

The Division of Special Education will develop a resource book for School Site Administrators, which will include: guidance on handling IEP issues that often lead to disputes; answers to frequently asked questions; and examples of good practices relating to the administration of special education programs at school sites. The Division will place the resource book on the

District's website, with links to helpful web pages and publications.

Timeline: December 2005

#### 4. Parent Training

The Division of Special Education will designate a multidisciplinary committee to develop a training seminar for parents on video/DVD that can be checked out by parents at school sites. The training will cover parent participation in IEP process, development of appropriate IEPs through collaboration, and shared responsibilities.

Timeline for designation of committee: June 2005

Completion of training seminar on video/DVD: December 2005

Support Units will continue to conduct a minimum of two parent training conferences per year (in each support unit) on topics such as participation in IEP process, development of appropriate IEPs through collaboration, and shared responsibilities. Support units will ensure that school sites post notices and inform parents of these training conferences.

#### 5. Training on Special Education Disputes and Developing an Offer of FAPE

The Due Process Department and OGC Special Education Legal Team will provide ongoing training on parent complaints, IDR and due process hearings and the development of offers of FAPE to School Site Administrators as part of their mandatory initial administrative training and ongoing continuing education. The training will focus on those issues that disproportionately cause parents to file a complaint or request a hearing and the mechanisms available for resolving special education disputes. Training will be updated to reflect any issues identified through data review and analysis.

#### *Ongoing Data Review and Analysis*

The Due Process Department and OGC Special Education Legal Team will: (1) review and analyze cases proceeding to due process to determine if hearing requests were related to an IEP team that did not properly utilize its authority to recommend appropriate services; (2) analyze due process requests, settlement agreements, and hearing officer decisions to identify policy/procedural issues that disproportionately cause parents to request hearings and issues that are frequently lost at hearing. The findings from these data analyses will be incorporated into due process/IDR training and shared with relevant District departments and personnel.

As part of the District Validation Review (DVR) Process, the Compliance Department within the Division of Special Education will review a sampling of IEPs to determine if school sites are correctly using policies and procedures and adhering to statutory requirements and timelines. When substantive issues are identified, the Compliance Department will conduct conferences with School Site Administrators and Local District Directors and/or targeted training.

### **III. Early Resolution of Issues and Concerns**

#### ***Policies and Procedures***

##### **1. Conflict Resolution/Case Management Teams**

The Support Unit Administrators in each of the four support units will identify staff to be part of a conflict resolution/case management team to support Local Districts and individual schools.

Timeline: May 2005

The Support Unit Administrators will develop a protocol for school sites to request conflict resolution/case management assistance and provide schools with protocol and a list of individuals to call for support and technical assistance.

Timeline: September 2005

##### **2. Collaborative Groups**

###### ***Community Collaborative Group:***

The District will form a “Community Collaborative Group” that will include representatives from Due Process Department, Complaint Response Unit (CRU), Community Advisory Committee (CAC), SEMAC, and parent advocacy groups. The Community Collaborative Group will meet quarterly to review and analyze data, discuss recurrent issues and concerns, develop possible solutions to persistent problems, and recommend ways to improve resolution process.

Timeline for first Community Collaborative Group meeting: September 2005

###### ***District Collaborative Group:***

The District will form a “District Collaborative Group” that will include representatives from school site administration, each Support Unit, Instructional Initiatives, Related Services, Non-public Services, Compliance Department, Complaint Response Unit (CRU), Due Process, and OGC (Special Education Legal Team and Educational Equity Compliance Office). The District Collaborative Group will meet quarterly to review and analyze parent complaint and dispute data, provide suggestions to correct pervasive deficiencies, and identify Support Units, Local Districts and/or schools in need of targeted intervention. As an initial task, the District Collaborative Group will develop a communication protocol so that those receiving complaints/concerns directly from parents (particularly the CRU) can contact appropriate Departments and personnel within the Central Office or Support Units to facilitate early resolution of complaints/concerns.

Timeline for first Community Collaborative Group meeting: October 2005

Timeline for Development of communication protocol: February 2006

#### ***Training***

##### **1. Conflict Resolution and Case Management Training Seminars**

The Division of Special Education and OGC Special Education Legal Team will provide (or contract for the provision of) professional development seminar on conflict resolution and case management to Support Unit staff and School Site Administrators. Following the training seminar, the Support Units will conduct conferences with School Site Administrators and Local

District Directors and provide targeted training, as necessary, to reinforce conflict resolution and case management strategies presented at training seminar.

Timeline for training seminar: September 2005 (and annually thereafter)

2. Training for Support Unit Conflict Resolution Teams

The Due Process Department and OGC Special Education Legal Team will provide ongoing training to conflict resolution teams on analyzing issues and crafting possible resolutions.

Timeline: Ongoing (quarterly) beginning May 2005

3. Walk-in Clinic for School Site Administrators

The Support Units, Due Process Department and OGC Special Education Legal Team will conduct monthly walk-in clinics at each Support Unit. These clinics will allow School Site Administrators to ask questions and obtain guidance regarding specific IEP disputes. Walk-in support teams for each Support Unit will be composed of one due process specialist, one attorney from the OGC Special Education Legal Team, and an administrator from the Support Unit. The clinics will be conducted locally at each Support Unit.

Timeline: Ongoing (monthly) beginning May 2005

***Data Review and Analysis***

The Due Process Department will collect and analyze parent complaint and dispute data and will produce and share reports that summarize the data with relevant District departments and personnel, the Community Collaborative Group and the District Collaborative Group.

Timeline: Ongoing (quarterly, to begin September 2005)

**IV. Informal and Formal Dispute Resolution Processes**

***Policies and Procedures***

1. IDR/Resolution Session Reference Guide

The Due Process Department will revise the IDR Reference Guide to incorporate the procedural safeguards provisions in IDEA 2004. The revised Reference Guide will align the existing IDR process with a 30 day “resolution” period required by IDEA 2004. The Reference Guide will also define the roles and responsibilities of the school, support unit and central office personnel in the dispute resolution process.

Timeline for revision of Reference Guide: April 2005 (may be amended periodically)

Timeline for distribution of Reference Guide: June 2005

2. Parents Guide with Procedural Rights and Safeguards

The Division of Special Education will revise the notice of procedural rights and safeguards in the “Parents Guide to Special Education Services” to reflect changes made by IDEA 2004. A flowchart of the special education dispute system under IDEA 2004 is attached to this summary.

Timeline for revisions: April 2005 (may be amended after issuance of regulations)

Timeline for Distribution of revised Parents Guide: June 2005

## ***Training***

### **1. IDR/Resolution Session Training**

Until May 2005, the Due Process Department will continue to provide training to School Site Administrators on the IDR process until the revised reference guide and training is developed. Beginning May 2005, the Due Process Department will train the Division of Special Education Staff, Support Unit Staff, Local District Directors and School Site Administrators on the implementation of the revised IDR/Resolution Session Reference Guide.

### **2. Ongoing Professional Development**

The Due Process Department, OGC Special Education Legal Team and Educational Equity Compliance Office will take advantage of professional development opportunities to keep abreast of the latest field developments that may assist in dispute resolution.

## ***Ongoing Data Review and Analysis***

Beginning June 2005, the OGC Special Education Legal Team Leader will prepare a quarterly report for the Associate Superintendent and General Counsel that summarizes and analyzes settlements, due process hearings and decisions for the current quarter.

In June 2005, the Due Process Department will analyze the data on school site use of IDR and prepare a report on this analysis, sorting data by Local District (high to low usage). After July 1, 2005, the Due Process Department will collect data on compliance with IDEA 2004 resolution session procedures and timelines and will prepare and share quarterly data reports with recommendations to improve the District's effectiveness in resolving complaints.

The Due Process Department and OGC Special Education Legal Team will maintain a log on the District's written offers of settlement, and whether hearing orders meet or exceed the District's settlement offers.

The Educational Equity Compliance Office will prepare biannual reports that analyze data concerning CDE compliance complaints filed against the District and the results of the compliance investigations.

The Associate Superintendent will review the data reports from the OGC Special Education Team Leader, Due Process Department and Educational Equity Compliance Office to determine the success of resolution sessions, mediations, written offers of settlement, and hearings and to develop and adopt new strategies, as appropriate.

The Support Unit Administrators will review and analyze the reports from the OGC Special Education Team Leader, Due Process Department and Educational Equity Compliance Office to identify problem areas and provide targeted intervention (*e.g.*, training, conferences) to Local Districts and individual school sites as necessary.

## **V. Post Resolution Management**

### ***Policies and Procedures***

#### **1. Memorandum Regarding Implementation of Agreements**

The Associate Superintendent of Special Education will distribute a memorandum to the Local District Superintendents and Directors emphasizing the importance of implementing settlement agreements, hearing orders and CDE compliance reports. The memorandum will include contact numbers for school sites to call when they have questions regarding the interpretation or implementation of settlement agreements, hearing orders and CDE compliance reports.

**Timeline:** May 2005

#### **2. Protocol for Routing Agreements and Orders and Requesting Assistance**

The Due Process Department will develop written protocol for routing settlement agreements, and hearing orders to personnel with implementation responsibilities and for individual school sites to request assistance.

**Timeline:** May 2005

The Associate Superintendent will draft a cover letter that will be sent with settlement agreements and hearing orders to appropriate District personnel. The cover letter will emphasize the importance of implementing settlement agreements and hearing orders and describe the assistance that is available to school sites if there are questions regarding interpretation or implementation of settlement agreements and orders.

**Timeline:** May 2005

### ***Ongoing Training***

The Due Process Department, OGC Special Education Legal Team and Educational Equity Compliance Office will provide training to Support Units and School Site Administrators on routing protocol, interpreting and implementing settlement agreements, hearing orders and CDE compliance reports, and convening implementation IEP team meetings.

The Support Units will conduct targeted training at school sites to address persistent implementation problems.

### ***Data Review and Analysis***

#### **1. Using Welligent to Manage Implementation of Agreements and Orders**

By January 2006, the Due Process Department will develop post-resolution management tools (e.g., due dates, giving reminder notices) in the Welligent system. Beginning February 2006, the Due Process Department and OGC Special Education Legal Team will provide (or contract for the provision of) training to the Support Units and School site Administrators regarding the use of the Welligent system for post-resolution case management.

2. Implementation/Repeat Filing Data

On a quarterly basis, the Due Process Department will collect and analyze data pertaining to repeat filings and CDE compliance complaints resulting from failure to implement prior agreements or hearing orders. From this analysis, the Due Process Department will produce data reports and provide proactive feedback to Support Units on significant implementation issues and persistent implementation problems for specific Local Districts and school sites.