

**United States District Court
Office of the Court Monitor**

Emma C., et al., v. Delaine Eastin, et al. (No. C96-4179 TEH)

**RSIP Compliance Trends Report
2003 - 2015**

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October, 2015

RSIP Compliance Trends Report

Corrective Activity: 6.2

The District shall ensure that assessments are conducted in accordance with Requirement 6.2.1.

Requirement: 6.2.1 (b)

The District shall ensure that assessments include the following components:

b) assessments shall be conducted in the child's primary language by specialists conversant in that language, and if an agency or private contractor specialist is not reasonably available, the assessment shall be conducted using interpreters conversant in that language;

The Monitor shall, four times each school year, review student records to evaluate whether the procedures set forth above have been followed. Beginning with Quarter 1 of 2014-15, the subparts under this item shall each be monitored individually, as if separate items. All subparts that historically have been 95% compliant for four consecutive semesters shall be deemed to have fulfilled the maintenance period, and will no longer be monitored, and have been stricken above. Thus, as of Quarter 1 of 2014-15, the only remaining areas to be monitored are 6.2.1(b) and 6.2.1(i), which were deemed compliant for the 2013-14 year, and therefore require two additional consecutive semesters of compliance to fulfill the maintenance period, and 6.2.1(l). For 6.2.1(l), in Quarter 1 of the 2014-15 school year, the District shall be permitted to reassess students found noncompliant in this category and resubmit the student names for remonitoring during Quarter 2, within the same timelines as Quarter 2 monitoring data. The Monitor shall reevaluate compliance with this subpart for such files with retroactive effect as to Q1.

Evidence of Performance:

Student records; integrated assessment team reports and assessment plans; documents demonstrating recruitment efforts for bilingual assessors; any reports or notes of the review team or any member of the team. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for at least 95% of the students reviewed.

Year	# Reports Reviewed	# Compliant	% Compliant
2003-04	64	58	90.6%
2004-05	59	53	89.8%
2005-06	47	46	97.9%
2006-07	77	75	97.4%
2007-08	69	68	98.6%
2008-09	131	124	94.7%
2009-10	94	83	88.3%
2010-11	112	107	95.5%
2011-12	123	122	99.2%
2012-13	167	147	88.0%
2013-14	149	144	96.6%
2014-15	158	158	100%

The District's compliance with this requirement increased in year three, was maintained at very high levels of compliance in years four and five, regressed slightly in year six, regressed further in year seven, recovered to a high level of compliance in year eight, and came very close to full compliance in year nine. Although the District declined to the lowest level of compliance in the years of RSIP implementation in year ten, in year

RSIP Compliance Trends Report

eleven the District rebounded to a very high level of compliance. In year twelve, the District reached 100% compliance.

As noted in the May-July 2015 report, the maintenance period for this requirement was fulfilled.

RSIP Compliance Trends Report

Corrective Activity: 6.2

The District shall ensure that assessments are conducted in accordance with Requirement 6.2.1.

Requirement: 6.2.1 (i)

The District shall ensure that assessments include the following components:

i) assessments shall be student centered, and may be based in part on information from the child's primary care provider, and may include home, school and community observations when required by the assessment plan or requested by the parent;

The Monitor shall, four times each school year, review student records to evaluate whether the procedures set forth above have been followed. Beginning with Quarter 1 of 2014-15, the subparts under this item shall each be monitored individually, as if separate items. All subparts that historically have been 95% compliant for four consecutive semesters shall be deemed to have fulfilled the maintenance period, and will no longer be monitored, and have been stricken above. Thus, as of Quarter 1 of 2014-15, the only remaining areas to be monitored are 6.2.1(b) and 6.2.1(i), which were deemed compliant for the 2013-14 year, and therefore require two additional consecutive semesters of compliance to fulfill the maintenance period, and 6.2.1(l). For 6.2.1(l), in Quarter 1 of the 2014-15 school year, the District shall be permitted to reassess students found noncompliant in this category and resubmit the student names for remonitoring during Quarter 2, within the same timelines as Quarter 2 monitoring data. The Monitor shall reevaluate compliance with this subpart for such files with retroactive effect as to Q1.

Evidence of Performance:

Student records; integrated assessment team reports and assessment plans; documents demonstrating recruitment efforts for bilingual assessors; any reports or notes of the review team or any member of the team. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for at least 95% of the students reviewed.

Year	# Reports Reviewed	# Compliant	% Compliant
2003-04	66	63	95.5%
2004-05	59	54	91.5%
2005-06	48	40	83.3%
2006-07	77	74	96.1%
2007-08	69	63	91.3%
2008-09	131	122	93.1%
2009-10	94	76	80.9%
2010-11	111	101	91%
2011-12	123	116	94.3%
2012-13	167	156	93.4%
2013-14	150	147	98%
2014-15	158	147	93%

After two years of regression, the District's compliance with this sub-requirement improved to a high level of compliance in year four. After a slight regression in year five compliance improved slightly in year six, but fell substantially in year seven. In year eight the District improved to a high level of compliance, and improved further in year nine. In year ten it regressed slightly, but rebounded to a very high level of compliance

RSIP Compliance Trends Report

in year eleven. Unfortunately, compliance declined in year twelve to the lowest level in four years.

RSIP Compliance Trends Report

Corrective Activity: 6.2

The District shall ensure that assessments are conducted in accordance with Requirement 6.2.1.

Requirement: 6.2.1 (l)

The District shall ensure that assessments include the following components:

(l) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area;

The Monitor shall, four times each school year, review student records to evaluate whether the procedures set forth above have been followed. Beginning with Quarter 1 of 2014-15, the subparts under this item shall each be monitored individually, as if separate items. All subparts that historically have been 95% compliant for four consecutive semesters shall be deemed to have fulfilled the maintenance period, and will no longer be monitored, and have been stricken above. Thus, as of Quarter 1 of 2014-15, the only remaining areas to be monitored are 6.2.1(b) and 6.2.1(i), which were deemed compliant for the 2013-14 year, and therefore require two additional consecutive semesters of compliance to fulfill the maintenance period, and 6.2.1(l). For 6.2.1(l), in Quarter 1 of the 2014-15 school year, the District shall be permitted to reassess students found noncompliant in this category and resubmit the student names for remonitoring during Quarter 2, within the same timelines as Quarter 2 monitoring data. The Monitor shall reevaluate compliance with this subpart for such files with retroactive effect as to Q1.

Evidence of Performance:

Student records; integrated assessment team reports and assessment plans; documents demonstrating recruitment efforts for bilingual assessors; any reports or notes of the review team or any member of the team. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for at least 95% of the students reviewed.

Year	# Reports Reviewed	# Compliant	% Compliant
2003-04	34	3	8.8%
2004-05	23	0	0%
2005-06	38	33	86.8%
2006-07	48	46	95.8%
2007-08	41	37	90.2%
2008-09	91	80	87.9%
2009-10	64	59	92.2%
2010-11	68	66	97.1%
2011-12	70	70	100%
2012-13	117	112	95.7%
2013-14	84	77	91.7%
2014-15	99	81	81.8%

The District's compliance with this sub-requirement increased dramatically from years one and two to year three, and increased again in year four to a high level of compliance. However, it regressed slightly in year five and regressed again in year six. It improved to a high level of compliance in year seven, to its highest level ever achieved in year eight, and to full compliance in year nine. It regressed in year ten, but still remained at a very high level of compliance. However, it regressed further in year eleven, and regressed substantially in year twelve.

RSIP Compliance Trends Report

Corrective Activity: 7.5

The District shall ensure that IEP teams review BIPs within 30 days after the initial BIP was developed.

Requirement: 7.5.1

The District shall ensure that IEP teams review BIPs within 60 days after the initial BIP was developed.

Evidence of Performance

Records and IEPs of students who have received an initial BIP during the school semester. The District shall be deemed compliant with this item if it demonstrates that 95% of BIPs initially developed during a school semester were reviewed by the IEP team within 60 days.

Data and Analysis

Year	# BIPs	# BIPs Reviewed within Timeline	% Compliant
2003-04	8	5	62.5%
2004-05	16	9	56.3%
2005-06	18	17	94.4%
2006-07	7	6	85.7%
2007-08	10	9	90%
2008-09	3	3	100%
2009-10	4	3	75%
2010-11	5	4	80%
2011-12	2	2	100%
2012-13	3	3	100%
2013-14	1	1	100%
2014-15	1	1	100%

After a slight decline in compliance from year one to year two, the District achieved a high rate of compliance in year three. It regressed in year four, improved in year five and achieved full compliance in year six. It regressed in year seven, recovered slightly in year eight, and achieved full compliance in years nine, ten, eleven, and twelve. According to the data provided by the District, this requirement affected 19 students over the last seven years.

RSIP Compliance Trends Report

Corrective Activity: 8.2

The District shall provide parents advance notification in their primary language of the scheduling of an IEP team meeting and shall give parents the opportunity to reschedule the IEP team meeting at a mutually convenient time and place.

Requirement: 8.2.1

At least ten days prior to each scheduled IEP team meeting, the District shall provide to the child's parents a notification of the IEP team meeting. The notice shall be in the parents' primary language. The District shall provide the parents the opportunity to reschedule the IEP meeting for a more convenient time and place. The notice shall indicate the purpose, time, and location of the meeting and who shall be in attendance. The notice shall also inform the parents of the right to bring other people to the meeting who have knowledge or special expertise regarding the student.

Evidence of Performance:

A notation in the student's file indicating the date that the notification required by Requirement 8.2.1 was provided to the parents, signed and dated by the person who provided it, and records of parental attendance at IEP meetings. The District shall be deemed to have complied with this requirement if it demonstrates through the student database that appropriate notices has been provided no less than 95% of the time.

Data and Analysis

Year	# IEP Meetings	# Notices with Required Content in Primary Language and within Timeline	% Compliant
2003-04	186	115	61.8%
2004-05	178	134	75.3%
2005-06	181	163	90.1%
2006-07	213	196	92%
2007-08	211	125	59.2%
2008-09	284	203	71.5%
2009-10	314	221	70.4%
2010-11	354	311	87.9%
2011-12	398	318	79.9%
2012-13	443	409	92.3%
2013-14	460	439	95.4%
2014-15	480	463	96.5%

The District's compliance with this requirement had improved each year for the first four years of RSIP implementation. However, compliance declined precipitously in year five. In year six the District's compliance rate improved considerably, and remained at approximately the same level in year seven. In year eight the compliance rate improved substantially, but declined in year nine. However, it improved significantly in year ten, improved further in year eleven, and improved again in year twelve to the highest level ever achieved with this requirement.

RSIP Compliance Trends Report

Corrective Activity: 8.3

The District shall provide to parents a copy of the completed assessment reports. Such reports shall be in the parents' primary language or, if the primary language is other than English or Spanish, the District shall provide the opportunity to receive a verbal translation of the report to be discussed at the child's IEP team meeting at least five days prior to the IEP team meeting.

Requirement: 8.3.1

At least five days prior to an IEP team meeting, the District shall provide to the parents a copy of the written assessment report. Such report shall be in the parents' primary language. If the primary language is other than English or Spanish, the District shall provide the opportunity for the parents to receive a verbal translation of any assessment report to be discussed at the child's IEP team meeting.

Evidence of Performance:

A notation in the student's file indicating the date that the report was provided to the parents or a signed verification from the translator that a verbal translation was provided, signed and dated by the person who provided it. The District shall be deemed to have complied with this requirement if the student's file contains documentation that parents received assessment reports or verbal translation 95% of the time.

Notwithstanding the foregoing, for up to 30% of all assessments reviewed to assess compliance for the quarterly report, the District shall be deemed compliant if the evidence submitted to determine compliance shows that at least two (2) calendar days prior to the IEP meeting, both of the following events have occurred:

- a) the District provides to the parents a copy of the written assessment report in the parents' primary language; and
- b) the District's assessor reviews the report with the parent(s) in his/her primary language, including offering parent(s) an opportunity to ask questions to assist in their understanding of the report.

Data and Analysis

Year	# Assessment Reports	# Reports Sent to Parents in Primary Language and within Timeline	% Compliant
2003-04	69	19	27.5%
2004-05	63	9	14.3%
2005-06	50	7	14%
2006-07	78	34	43.6%
2007-08	69	6	8.7%
2008-09	134	81	60.4%
2009-10	106	86	81.1%
2010-11	115	76	66.1%
2011-12	123	97	78.9%
2012-13	167	143	85.6%
2013-14	150	119	79.3%
2014-15	158	147	93%

After three years of regression, the District's compliance rate with this requirement tripled in year four. However, the District's compliance level in year five crumbled to the lowest level since the beginning of RSIP implementation. In year six of RSIP

RSIP Compliance Trends Report

implementation the District's performance improved dramatically, and in year seven it improved substantially again. Although the level of compliance declined substantially in year eight, the District rebounded in year nine, and improved again in year ten to the highest level of compliance it had yet achieved. While the District's compliance rate regressed in year eleven, it improved dramatically in year twelve to the highest level of compliance ever achieved with this requirement.

RSIP Compliance Trends Report

Corrective Activity: 8.4

The District shall provide to parents whose primary language is not English interpretation from interpreters of their child's IEP team meeting and shall provide parents a fully-translated IEP within twenty days after the conclusion of the IEP team meeting.

Requirement: 8.4.2

For any IEP team meeting held where the parents' primary language is not English, the District shall provide interpretation to the parents in their primary language by a person who received training in accordance with Requirement 8.4.1. Such interpretation shall be sufficient to allow the parents to understand the IEP meeting. The District shall develop a questionnaire for parents to determine: (a) whether the interpretation service provided was sufficient to allow the parents to understand the IEP meeting; (b) whether the parents decline a written IEP in their primary language; and (c) whether the parents decline a verbal translation of the IEP (which the District shall provide upon the parents' request whether or not the parents request a written translation). If the parents express concerns regarding the interpretation, the District will offer to reconvene the meeting or otherwise address and resolve the parents' concerns.

Evidence of Performance:

For each IEP team meeting held where the parents' primary language is not English, a verification on the questionnaire signed and dated by the parents that the District provided interpretation sufficient to allow the parents to understand the IEP team meeting, and documentation that the District offered to reconvene the meeting or otherwise address and resolve parents' concerns regarding interpretation, if any. The district shall be deemed to be compliant with this requirement if 95% of the parents (whose primary language is not English) signed a questionnaire.

Data and Analysis

Year	# IEP Meetings for ELLs	# Signed/Dated Questionnaires	% Compliant
2003-04	106	58	54.7%
2004-05	99	74	74.7%
2005-06	118	99	83.9%
2006-07	83	82	98.8%
2007-08	110	91	82.7%
2008-09	190	179	94.2%
2009-10	213	202	94.8%
2010-11	206	192	93.2%
2011-12	216	209	96.8%
2012-13	257	247	96.1%
2013-14	270	268	99.3%
2014-15	271	271	100%

After four years of steady progress toward compliance with this requirement, the District declined markedly in year five. However, it achieved a high level of compliance with this requirement in year six, and maintained it in years seven and eight. It achieved a very high level of compliance in year nine, again in year ten, and in year eleven achieved its highest compliance rate in the years of RSIP implementation. In year twelve 100% compliance was achieved.

RSIP Compliance Trends Report

As noted in the May-July 2015 report, the maintenance period for this requirement was fulfilled.

Although not relevant to the evidence of performance for this requirement, the Monitor also collected data regarding the extent to which interpreters were actually present for the IEP meetings of these students (with the exception of the July-October 2003 report):

Year	# IEP Meetings for ELLs	# Meetings with Interpreter Present	% Meetings Interpreter Present
2003-04	87	69	79.3%
2004-05	99	79	79.8%
2005-06	118	101	85.6%
2006-07	87	82	94.3%
2007-08	110	103	93.6%
2008-09	190	185	97.4%
2009-10	211	211	100%
2010-11	208	205	98.6%
2011-12	216	212	98.1%
2012-13	257	255	99.2%
2013-14	270	270	100%
2014-15	271	271	100%

The District was slightly more successful at providing interpreters in year three than it had been in years one and two, achieved a high rate of success in year four, maintained that level of success in year five, improved in year six, and provided interpreters for all IEP meetings for ELLs in the sample in year seven. There were very slight declines in years eight and nine, an increase in year ten, and interpreters were provided for all IEP meetings in the sample in years eleven and twelve.

RSIP Compliance Trends Report

Corrective Activity: 8.5

The District shall provide parents with a meaningful opportunity to participate in the development of their child's IEP.

Requirement: 8.5.2

If parents provide any input and/or concerns, the District shall document the inputs/concerns in the record of the meeting.

Evidence of Performance

Input and/or concerns provided by parents which appear in the record of IEP team meetings. Beginning Quarter 1 of 2014-15, the Court Monitor shall assess the compliance of this requirement by calculating the total rate of compliance for the combined total of all files monitored in the two following categories: a) files reviewed by the Monitor by analyzing parent input forms and/or meeting notes; and b) files reviewed by the Monitor by comparing the PHP list of concerns with documentation of those concerns on IEPs. The rate of compliance shall be calculated by dividing the combined number of compliant files in both categories (a and b) by the combined number of files reviewed in both categories (a and b).

Data and Analysis

As the manner of calculating compliance with this requirement changed for the 2014-15 school year, historical data appear below the current table:

Year	IEP Meetings/ Instances of Input	# IEPs Documenting Input	% Compliant
2014-15	430	421	97.9%

In year twelve, there were only nine IEPs that did not fully document parental input.

1) Parental Input via Parent Input Form

Year	# IEP Meetings	# IEPs Documenting Input	% Compliant
2003-04	151	114	75.5%
2004-05	131	106	80.9%
2005-06	167	158	94.6%
2006-07	211	201	95.3%
2007-08	167	153	91.6%
2008-09	281	272	96.8%
2009-10	267	253	94.8%
2010-11	303	296	97.7%
2011-12	285	282	98.9%
2012-13	342	336	98.2%
2013-14	390	387	99.2%

The percentage of IEPs documenting parental input via the parent input form increased steadily during the first four years of RSIP implementation, declined slightly in year five,

RSIP Compliance Trends Report

improved in year six, remained at a high level of compliance in year seven, improved in year eight, and improved to very high levels of compliance in years nine, ten, and eleven.

2) Parental Input Provided to the Monitor by the PHP Advocates

Year	# Instances of Parental Input	# IEPs Documenting All Concerns	% Compliant
2003-04	25	4	16%
2004-05	43	20	46.5%
2005-06	41	24	58.5%
2006-07	27	26	96.3%
2007-08	35	27	77.1%
2008-09	55	41	74.5%
2009-10	51	47	92.2%
2010-11	55	53	96.4%
2011-12	68	64	94.1%
2012-13	103	97	94.2%
2013-14	106	78	73.6%

The percentage of IEPs that documented all parental concerns expressed at IEP meetings increased steadily from year one to year three. In year four compliance improved dramatically, but declined significantly in year five. A slight further decline took place in year six, but the District rebounded to a high level of compliance in year seven, and achieved the highest level it has ever achieved in year eight. Compliance declined by a small amount in year nine, and remained at a high level in year ten. However, in year eleven compliance declined dramatically.

RSIP Compliance Trends Report

Corrective Activity: 9.2

The District shall ensure that IEPs are conducted in accordance with the procedures set forth in Requirement 9.2.1.

Requirement: 9.2.1 (j)

The District shall ensure that IEPs are conducted in accordance with the following procedures:

(j) special education teachers implement curriculum-based assessments, aligned with the California curriculum framework, to assess academic skills development in each curricular area; and

The Monitor, four times each school year shall review student records of 15% of students with disabilities in the District and evaluate whether the procedures set forth above have been followed. Beginning Quarter 1 of 2014-15, the subparts under this item shall each be monitored individually, as if separate items. All subparts that historically have been 95% compliant for four consecutive semesters shall be deemed to have fulfilled the maintenance period, and will no longer be monitored, and therefore are stricken above. Thus, the only remaining areas to be monitored will be 9.2.1(j) and 9.2.1(k).

Evidence of Performance:

IEPs and documentation. The District shall be deemed to have complied with this requirement if the procedures set forth above have been followed for 95% of the students reviewed.

Data and Analysis

Year	# IEPs	# Compliant	% Compliant
2003-04	120	6	5%
2004-05	107	3	2.8%
2005-06	155	145	93.5%
2006-07	180	180	100%
2007-08	117	116	99.1%
2008-09	202	197	97.5%
2009-10	209	198	94.7%
2010-11	226	226	100%
2011-12	208	205	98.6%
2012-13	263	262	99.6%
2013-14	281	261	92.9%
2014-15	233	195	83.7%

The District's compliance rates for this sub-requirement were egregious in years one and two. After providing very specific training to its staff, the District improved dramatically in year three. Very high rates of compliance were then maintained for seven school years. The District regressed in year eleven to the lowest level of compliance in the prior nine years, and regressed further in year twelve. However, the District was 100% compliant in the second half of year twelve.

RSIP Compliance Trends Report

Corrective Activity: 9.2

The District shall ensure that IEPs are conducted in accordance with the procedures set forth in Requirement 9.2.1.

Requirement: 9.2.1 (k)

The District shall ensure that IEPs are conducted in accordance with the following procedures:

(k) outcomes from these assessments are shared with other members of the child's educational team and are used to develop yearly, standards-referenced IEP objectives.

The Monitor, four times each school year shall review student records of 15% of students with disabilities in the District and evaluate whether the procedures set forth above have been followed. Beginning Quarter 1 of 2014-15, the subparts under this item shall each be monitored individually, as if separate items. All subparts that historically have been 95% compliant for four consecutive semesters shall be deemed to have fulfilled the maintenance period, and will no longer be monitored, and therefore are stricken above. Thus, the only remaining areas to be monitored will be 9.2.1(j) and 9.2.1(k).

Year	# IEPs	# Compliant	% Compliant
2003-04	120	6	5%
2004-05	107	3	2.8%
2005-06	155	145	93.5%
2006-07	180	180	100%
2007-08	117	116	99.1%
2008-09	201	183	91%
2009-10	209	196	93.8%
2010-11	226	226	100%
2011-12	208	205	98.6%
2012-13	263	261	99.2%
2013-14	281	249	88.6%
2014-15	230	186	80.9%

The District's compliance rates for this sub-requirement were egregious in years one and two. After providing very specific training to its staff, the District improved dramatically in year three, improved to full compliance in year four, came extremely close to full compliance in year five, but regressed to its lowest level in four years in year six. The compliance level improved slightly in year seven, full compliance was achieved in year eight, with very high levels of compliance maintained in years nine and ten. Unfortunately, the District regressed significantly in year eleven to the lowest level of compliance in the prior nine years, and regressed further in year twelve. However, the vast majority of the instances of noncompliance in year twelve occurred in the first half of the year.

RSIP Compliance Trends Report

Corrective Activity: 9.3

The District shall develop IEPs that contain the content set forth in Requirement 9.3.1.

Requirement: 9.3.1 (i)

The District shall ensure that IEPs include the following components:

(i) A description of program modifications and supports that will be provided to enable the child to advance toward attaining goals, be involved and progress in the general education curriculum, and participate in extracurricular activities and other non-academic activities;

The Monitor, four times each school year, shall review at least 15% of the student records and placements to evaluate whether the procedures set forth above have been followed. Beginning Quarter 1 of 2014-15, the subparts under this item shall each be monitored individually, as if separate items. All subparts that historically have been 95% compliant for four consecutive semesters shall be deemed to have fulfilled the maintenance period, and will no longer be monitored, and therefore are stricken above. Thus, the only remaining area to be monitored will be 9.3.1(i) which was deemed compliant for the 2013-14 year, and therefore requires two additional consecutive semesters of compliance to fulfill the maintenance period.

Evidence of Performance:

IEPs and student records. The District shall be deemed to have complied with this requirement if all of the procedures set forth above have been followed for 95% of the students reviewed.

Data and Analysis

Year	# IEPs	# Compliant	% Compliant
2003-04	177	172	97.2%
2004-05	169	167	98.8%
2005-06	176	176	100%
2006-07	205	204	99.5%
2007-08	164	154	93.9%
2008-09	282	282	100%
2009-10	262	254	96.9%
2010-11	302	300	99.3%
2011-12	288	288	100%
2012-13	346	331	95.7%
2013-14	389	376	96.7%
2014-15	368	368	100%

The District maintained a high level of compliance with this sub-requirement over the first four years of RSIP implementation, declined in year five, improved to full compliance in year six, maintained high levels of compliance in years seven and eight, achieved full compliance in year nine, but declined in year ten. However, it remained at a very high level of compliance. In year eleven the District's compliance rate improved slightly. In year twelve, 100% compliance was achieved.

As noted in the May-July 2015 report, the District fulfilled the maintenance period for this requirement.

RSIP Compliance Trends Report

Corrective Activity: 10.2

The District shall ensure that students with IEPs receive services in the least restrictive environment in accordance with Requirement 10.2.1.

Requirement: 10.2.1

The District shall ensure that students with IEPs receive services in the least restrictive environment in accordance with the following:

- (a) The preferred educational placement option considered for each student with an IEP shall be the school the student would attend if not disabled, with appropriate aids and services to facilitate such placement;
- (b) The District shall consider the full range of supplementary aids and services that if provided would facilitate the student's placement in the regular classroom setting;
- (c) Placement decisions shall be individually determined on the basis of the student's needs, and not solely on (1) category of disability, (2) significance of disability, (3) availability of special education and related services, (4) configuration of the service delivery system, (5) availability of space, or (6) administrative convenience;
- (d) Student academic and/or social development of a specific performance level shall not be a prerequisite for placement into an age-appropriate regular classroom;
- (e) Students shall not be removed from education in age-appropriate regular classrooms solely because of needed modifications in the general curriculum, including the need for a positive behavior support plan; and
- (f) each student's IEP shall form the basis for the educational placement decision.

At the annual review (or initial review, as appropriate) of each child, including but not limited to each District child in non-District programs such as SMCOE and charter schools for which the District is responsible for providing special education services, the IEP team shall consider the factors set forth in Requirement 10.2.1. The District shall inform the inclusion expert (see Corrective Activity 10.3, below) of any IEP team proposal to place a child (including initial placement) outside the regular class that exceeds 20% of the school week. The expert's opinions concerning the placement decision shall be conveyed to the parents for their consideration. If this information then results in a parent request for an IEP meeting, the expert(s) shall provide written recommendation to the IEP team of the modifications and supports that would be necessary for the child to participate in the regular classroom program. The IEP team shall reconvene within 30 days to consider the recommendations of the expert(s) and, if adopted, to develop a transition plan that includes the recommended supports and modifications, to allow the student to participate in the less restrictive placement option. If the IEP team rejects the recommendation of the inclusion expert, the team shall set forth in writing in the IEP the reasons for such rejection.

Evidence of Performance:

Expert recommendations, students' IEPs; parent requests for an IEP team meeting; IEP team reasons for acceptance, modifications or rejection of the expert recommendations; all of which shall be maintained in the students' file.

Data and Analysis

Year	# Students	# Students Inclusion Expert Informed	% Compliant
2003-04	20	0	0%
2004-05	16	4	25%
2005-06	13	5	38.5%
2006-07	12	6	50%
2007-08	6	3	50%
2008-09	10	6	60%

RSIP Compliance Trends Report

Year	# Students	# Students Inclusion Expert Informed	% Compliant
2009-10	18	16	88.9%
2010-11	26	25	96.2%
2011-12	17	15	88.2%
2012-13	23	20	87.0%
2013-14	26	26	100%
2014-15	38	38	100%

The District's rate of compliance improved over the first four years of RSIP implementation, but remained flat at an unacceptably low level in year five. It improved in year six and again in year seven, and improved to the highest level ever achieved by the District in year eight. Although the compliance rate regressed in year nine, and regressed slightly in year ten, full compliance was achieved in year eleven, and maintained in year twelve.

As noted in the May-July 2015 report, the District fulfilled the maintenance period for this requirement.

RSIP Compliance Trends Report

Corrective Activity: 12.1

The District shall ensure the provision of all services, including resource specialist and/or related services as specified in the IEPs of students with disabilities.

Requirement: 12.1.3

The District shall ensure that all services in a student's IEP are provided to the student. The Monitor shall, four times each year, review student records (including student files, IEPs, timelogs and progress reports) and provision of services to evaluate whether the services have been provided in accordance with IEPs. The Monitor shall review no less than 15% of the special education student body each quarter. Each quarterly review will include a sample of the students from each setting type (i.e., charter schools which are not a separate LEA for special education services, county programs, non-public schools, and home/hospital instruction).

Evidence of Performance:

Student records and other documentation. The District shall be deemed to have complied with this requirement if it demonstrates that 95% of students in the sample received specified services. Beginning with Quarter 1 of 2014-15, the District shall be deemed compliant with this item if 95% of files reviewed show evidence of delivery of 95% or more of services owed during the reporting period. Noncompliant files for a quarter may be submitted by the District for reassessment and shall be retroactively brought into compliance with a showing that 95% of services owed to a student were provided as measured across two consecutive quarters within the same academic year, i.e., Q1-Q2, Q2-Q3, or Q3-Q4.

Data and Analysis

Year	# Students	# Students Who Received All Services	# (%) No Determination Possible*	% Compliant
2003-04	280	37	154 (55%)	13.2%
2004-05	235	95	88 (37.4%)	40.4%
2005-06	231	111	73 (31.6%)	48.1%
2006-07	242	164	3 (1.2%)	67.8%
2007-08	246	64	37 (15%)	26%
2008-09	315	156	41 (13%)	49.5%
2009-10	276	239	0 (0%)	86.6%
2010-11	285	236	0 (0%)	82.8%
2011-12	306	274	0 (0%)	89.5%
2012-13	360	296	1 (.3%)	82.2%
2013-14	343	289	3 (.9%)	84.3%
2014-15	394	377	4 (1%)	95.7%

**Due to incomplete or missing timelogs, no current IEP in file, or student's file not in cabinet.*

After years of improvement in both delivery of services and staff timelogs (which allow such determinations to be made), the District's compliance with this requirement decreased dramatically in year five, and the percentage of students for whom a determination could not be made increased. In year six the latter percentage decreased slightly and compliance increased substantially. In year seven compliance increased dramatically to the highest level ever achieved by the District. Although compliance declined slightly in year eight, in year nine the District improved to the highest rate of

RSIP Compliance Trends Report

compliance it had ever achieved with this requirement. Unfortunately, the level of compliance declined by over 7% in year ten, but improved slightly in year eleven. In year twelve, the District achieved the highest rate of compliance it has ever achieved.

Students For Whom All Services Were Not Delivered

Year	# Students	# Students All Services Not Delivered	% Noncompliant
2003-04	136*	18*	13.2%*
2004-05	234	52	22.2%
2005-06	231	47	20.3%
2006-07	242	75	31%
2007-08	246	145	58.9%
2008-09	315	118	37.5%
2009-10	276	37	13.4%
2010-11	285	49	17.2%
2011-12	306	32	10.5%
2012-13	360	63	17.5%
2013-14	343	51	14.9%
2014-15	394	13	3.3%

**Data on this subject were not collected for the first two quarters of the 2003-04 school year.*

The data from year four indicated that 31% of the sampled students did not receive all IEP services, which was an increase over the prior three years. Unfortunately, the data for year five indicated further erosion in service delivery as almost 59% of the sampled students did not receive all IEP services. In year six the District improved, although 37.5% of sampled students did not receive all IEP services. In year seven the percentage of students who did not receive all IEP services decreased substantially, but increased in year eight, and declined to its lowest level over the years of RSIP implementation in year nine. However, the percentage of sampled students who did not receive all services in year ten increased. The percentage declined in year eleven, and declined to a very low level in year twelve.

Although firm conclusions regarding service delivery are not possible under circumstances of missing or incomplete timelogs, no current IEP in student files, or missing files, what do the data indicate regarding the students for whom a judgment could be made?

Year	# Verifiable Students	# (%) Compliant	# (%) Noncompliant
2003-04	30	12 (40%)	18 (60%)
2004-05	147	95 (64.6%)	52 (35.4%)
2005-06	158	111 (70.3%)	47 (29.7%)
2006-07	239	164 (68.6%)	75 (31.4%)

RSIP Compliance Trends Report

Year	# Verifiable Students	# (%) Compliant	# (%) Noncompliant
2007-08	209	64 (30.6%)	145 (69.4%)
2008-09	274	156 (56.9%)	118 (43.1%)
2009-10	276	239 (86.6%)	37 (13.4%)
2010-11	285	236 (82.8%)	49 (17.2%)
2011-12	306	274 (89.5%)	32 (10.5%)
2012-13	359	296 (82.5%)	63 (17.5%)
2013-14	340	289 (85%)	51 (15%)
2014-15	390	377 (96.7%)	13 (3.3%)

In year five the District's ability to deliver services declined very dramatically from prior years, and was at its lowest point in the history of the RSIP. In year six, service delivery improved substantially. In year seven the percentage of verifiable students who received all IEP-mandated services was at its highest level in the history of RSIP implementation, and the percentage of students who did not at its lowest level. In year eight, however, the latter increased and the former decreased, but in year nine the District achieved its best performance ever on this measure. The data showed that service delivery eroded in year ten, improved in year eleven, and improved dramatically in year twelve.

RSIP Compliance Trends Report

Corrective Activity: 12.2

On at least a quarterly basis, the District shall provide progress reports to parents, including the student's progress toward achievement of goals and objectives

Requirement: 12.2.1

At least once every grading period or as prescribed by the student's IEP, the District shall send progress reports to parents, which shall include the student's progress toward achievement of goals and objectives. The progress report shall also include a statement of the extent to which that progress is sufficient to enable the student to achieve the goals by the end of the year.

Evidence of Performance

A notation in the student's file indicating the date that the progress report was sent to the parents, signed and dated by the person who sent it, and copies of progress reports. The District shall be deemed to have complied with this requirement if it demonstrates no less than 95% notations of students sampled.

Data and Analysis

Year	# Students	# Compliant Progress Reports	% Compliant
2003-04	107	22	20.6%
2004-05	116	83	71.6%
2005-06	123	98	79.7%
2006-07	154	139	90.3%
2007-08	98	67	68.4%
2008-09	180	176	97.8%
2009-10	176	60	34.1%
2010-11	192	172	89.6%
2011-12	204	198	97.1%
2012-13	200	185	92.5%
2013-14	258	248	96.1%
2014-15	224	214	95.5%

The District's level of compliance with this requirement had improved each year, but declined to its lowest level since year one in year five. However, in year six the District achieved a very high level of compliance, the highest it had ever achieved with this requirement. In year seven compliance fell precipitously. (Those results should be interpreted with caution for the reasons set forth in the Monitor's third and fourth quarterly reports from the 2009-10 school year and at the 6/30/10 Status Conference.) In year eight compliance improved dramatically, and improved further to a very high rate of compliance in year nine. Although compliance declined in year ten, it improved to a very high level in year eleven, which was maintained in year twelve.