

Community Advisory Committee for LAUSD

Open Letter Draft

January 13, 2022

For Public Release:

To: The California Department of Education, Los Angeles Unified School District Board of Education, and Other Interested Parties,

The LAUSD Community Advisory Committee has received overwhelming inquiries and complaints that students receiving special education services are suffering from learning loss and skill regression. It is apparent that this is due to a lack of effective processes, policies, and procedures that would allow greater access to a free appropriate public education and related services. We speak on behalf of all special education stakeholders in our advisory capacity under the California Education Code and other applicable regulations. Our students with disabilities are experiencing a crisis of learning loss and regression. While we do understand that the COVID-19 pandemic created unprecedented difficulties that contributed to this problem, we can and should do better. We need your help and support. After 18 months of school closures, social isolation, lack of social and emotional support, technology issues, and loss of instruction from the COVID-19 pandemic, the specific needs of our disabled students and their families must be addressed with urgency.

LAUSD's choices during this pandemic have profoundly affected our students' basic well-being. Recently, it has come to our attention through formal discussions and presentations that LAUSD has prioritized their responsibility for the general student population to the detriment of our special education students, thereby contributing to a crisis of ever-increasing proportions. It is incumbent on the CAC to advise on this matter and incumbent on LAUSD to solve

it. While we have many specific concerns and suggestions we will address three pressing issues:

1. The problems with the City of Angels independent study program and the failure to expedite and provide any meaningful options for virtual learning, particularly for students with IEPs.
2. LAUSD's persistence in pushing "recoupment" for all students without adequately planning for "compensatory" services for students who have or need IEPs.
3. The lack of transparency and two-way communication between LAUSD and the families it serves.

Virtual Learning:

The absence of an adequate plan for the havoc wreaked by AB 130 currently restricts alternatives to in-person learning to the point where independent study is the only option. Please consider adequately staffing City of Angels with knowledgeable, certified, and experienced special education teachers and service providers to ensure that students with disabilities can access their curricula. Alternatively, LAUSD could create additional independent study options that offer a Free Appropriate Public Education to these students. Finally, please proactively schedule IEP meetings to expedite enrollment as required by California Education Code § 51745(c). We would love to collaborate with you to figure out a way forward.

The situation as it stands now, to be frank, is a public embarrassment. Students with IEPs have been forced to choose between waiting weeks or months to complete their enrollment in independent study with no education or support, or to sign written waivers of their rights to accommodations and supportive services. All of our students with disabilities were impacted, and none more than those medically fragile students for whom returning to school in-person was not a viable option.

LAUSD can still prevent further harm to the many students harmed by the lack of a meaningful remote learning option. The writing is on the wall – the District Court for the Northern District of California issued a temporary restraining order

on November 4, 2021 requiring California to provide meaningful instruction to a group of student plaintiffs.¹ It is our expectation that the LAUSD Board will take action now to avoid further lawsuits by providing adequate education and services for all of our children.

Compensatory Services

All students were impacted by the pandemic, particularly our students who have or need IEPs. LAUSD can and should get ahead of this by proactively offering compensatory services to the thousands of students who have or need IEPs and related services.

We have been provided only limited explanations and given tacit notice that LAUSD is pushing “recoupment” for all students in equal measure rather than specifically and proactively addressing the magnified setbacks suffered by our special education students. The Division of Special Education admitted in its August 25, 2021 presentation to our committee that it would not use the term “compensatory services” because the phrase “implies that our district is out of compliance.” The CAC recognizes that the intention may be to keep money in special education services that would otherwise go to legal fees. We implore LAUSD to consider policies that recognize the regression suffered by students with disabilities and target it directly.

This has been clearly evidenced and is apparent in light of the California Department of Education’s investigation concluding that LAUSD is in fact found to be out of compliance. On June 7, 2021, the CDE found that LAUSD failed to complete timely assessments and IEP team meetings.² We are aware of the compliance deadlines and are glad to hear that LAUSD is on track to meet them. In addition we ask that you properly consider all CAC advisory communications and be more responsive to requests for appropriate updates in order to better serve our community.

LAUSD’s continued use of the term “recoupment” exclusively with little or no mention of compensatory services is problematic for all the special education students and families who have suffered disproportionately due to the lack of

¹ *E.E. v. California*, No. 21-CV-07585-SI, 2021 WL 5139660 (N.D. Cal. Nov. 4, 2021)

² <https://www.disabilityrightsca.org/press-release/california-department-of-education-cde-rules-in-favor-of-students-with-disabilities>

educational support during the pandemic. We ask that LAUSD publicly release its plan for compliance with state and federal law as soon as practicable and be transparent and communicative about its priorities, advancements, and limitations regarding compliance.

Transparency and Two-Way Communication

The issues discussed above relate directly to our need for better transparency and two-way communication. Our students thrive when schools and families are on the same page about their education. This principle is woven through the fabric of special education law and regulation. Parent participation is not just a best practice, it is a legal requirement. And we insist.

In Conclusion

The Community Advisory Committee formally advises and strongly urges LAUSD to take the following suggested actions to build better collaboration between schools and families:

- Immediately revamp the LAUSD website to make information more readily available.
- Issue policy bulletins prioritizing transparency and two-way communication.
- Be open and honest about special education priorities, plans to support special education students, and difficulties in achieving full compliance with state and federal law.
- Create a task force of LAUSD administrators with decision-making power and representative parents, students and community members to formulate and carry out a plan to address all of the outstanding issues preventing our children from fully accessing a free appropriate public education. Thank you in advance for your prompt response to these issues affecting our special education students within LAUSD.

Sincerely,

Community Advisory Committee, LAUSD