



FY2019 Performance Oversight Responses
Office of the Ombudsman for Public Education
Serena M. Hayes, Ombudsman
January 24, 2020

Program Operations and Community Engagement

Q1. What were the major accomplishments of the Office of the Ombudsman for Public Education in FY19 and to date in FY20?

Over the course of the last year and a half, the Office of the Ombudsman for Public Education has continued to devote most of its energy and resources to directly supporting families and schools to reduce barriers in accessing public education in the district. Changes in case management and client intake have greatly increased our office's efficiency as we continue to expand our work, engage our stakeholders, empower our families and schools in the District.

A fully staffed office has resulted in more strategic and intentional case management system. We have one Assistant Ombudsman focused on special education and a second Assistant Ombudsman focused on bullying, student safety, and discipline. Each Assistant Ombudsman now has the opportunity to deepen their knowledge base in their respective areas resulting in more efficient and informed office. Our increased efficiency allows us to identify and interrogate patterns of practice and policy gaps more quickly.

We continue to maintain an excellent handle on the increased demand for our office's service each year as demonstrated by the total number of contacts we receive (emails, voicemails, live calls, and in-person requests) and the total number of cases that we opened throughout the year. While not all contacts result in cases being created they are still an important measure of our office's capacity and growth. Our office received 1,186 calls in SY18-19 and accepted 612 as cases. Compared to SY17-18, the number of cases opened increased by 34%. Last year, our peak months were May (91 cases) and October (85 cases). In the current school year, we have already opened 357 cases. We are averaging around 25 calls per week, and roughly 16 intakes per week.

Another highlight is that we attended a larger number of in-person meetings this year. We work to meet parents and schools where they are. If special attention and hand-holding is needed, including being present at a meeting, then we attend. We are also receiving more frequent requests from schools to attend meetings in support of them, as well as the family.

However, our most meaningful accomplishments are rooted in the families we serve. Like Carson, a young boy whose mother called our office concerned that her son was unfairly suspended due to his disability; a member of our team worked with the school and the family to

revise his IEP and develop a more appropriate Functional Behavior Assessment. At that meeting, the school worked with his mom to brainstorm interventions for his disruptive behaviors and since that meeting Carson has yet to be suspended. Or Patience, a young girl with visual impairment whose family fought diligently to obtain an IEP as the student struggled to complete her classwork without the necessary accommodations. Our team guided her family through a mediation process that resulted in the development of an IEP and addressed their concerns about the school's safety and staff. Since that meeting, Patience now has the support she needs.

Our office is proud to not only facilitate meaningful relationships between families and schools but with various stakeholders. The office partnered with the Office of the Attorney General to conduct attendance mediations. Initially, the partnership was to assist the OAG to clear the backlog of cases. This school year, we have partnered with OAG to be located inside of a dedicated school one day per week, for the purpose of conducting attendance mediations and connecting families with the City's resources, as needed. Through this partnership, the Office connects with families who may not have heard of the Office of the Ombudsman before and share information about how we can help. We have also contracted with a consultant to develop a program development evaluation tool for the Office's special education cases. The tool functions as a means for evaluating the programs impact on improving educational outcomes and reducing barriers for students attending DC public schools. Additional partnerships include collaborations with Georgetown University, various Public Charter Schools, and various Advisory Boards and Taskforces throughout the District.

Q2. Identify any legislative, statutory, or regulatory requirements that the Office of the Ombudsman lacks sufficient resources to properly implement. Please note any operational or logistical barriers to your office's operations.

Just last year our fully staffed office was able implement our statutory and legislative requirements. However, due to continued growth and demand for services, we are no longer at a point where we can meet our legislative requirements properly, on a consistent basis.

While we are excited about our office's growth, we are now stretched very thin. Because of being stretched thin, our recently hired program associate, essentially serves as a third assistant ombudsman. Consequently, many of the duties of a program associate are difficult, if not impossible, for her to complete. Additionally, the office's outreach and community engagement efforts have been reduced to focus directly on case management and meet community demands. While the office is in desperate need of a third assistant ombudsman, we realize that physical space of our office suite does not provide space for a third person to work. This creates a logistical barrier to our office's operations. Moreover, the structure and setup of the space makes walk-ins challenging, and privacy nearly impossible. Nonetheless, we have found the overall use of the conference space typically available on the 11th floor very useful for conducting larger meetings and facilitations.

Q3. Provide the Committee with the mission, vision, goals, and services for the Office of the Ombudsman for Public Education.

The purpose of the Office of the Ombudsman for Public Education is to serve as an external, neutral resource for current and prospective public-school students and their parents or guardians in the resolution of complaints and concerns regarding public education in a way that, in the opinion of the Office, furthers the students' best interest.

The vision of the office is to provide quality conflict resolution and mediation services to families eligible to attend public schools in the District of Columbia and reduce barriers to accessing public education. The vision is to eliminate barriers to accessing public education for every eligible student in D.C. We envision a D.C. where everyone has access and choice to quality public education.

Our office's goals include:

- Responding to concerns in a timely, caring, and productive manner;
- Identifying and sharing the trends we observe;
- Making recommendations for systemic change to prevent recurring problems and improve existing processes;
- Reducing the need for administrative hearings and litigation by facilitating appropriate and timely resolution of education-related conflicts;
- Improving communication between parents and schools, on both the individual and systemic levels.

The primary services we provide are:

- Advising, coaching, and providing information about resources and policies to parents, students and schools;
- Conflict resolution services for issues that impact individual students;
- Making strategic recommendations to improve educational outcomes for all students;
- Collaborating with families and stakeholders to address systemic issues, such as bullying, educational opportunity gaps, and overrepresentation in school discipline.

It is also important to note that, in order to comply with our authorizing statute and best practices, the services we provide do not include the following:

- Playing any role in formal judicial or administrative proceedings;
- Making binding decisions or mandating policies;
- Providing legal advice or legal services;
- Intervening in school personnel decisions.

Q4. Provide the Committee with the operational guidelines for the Office of the Ombudsman.

Our operational guidelines are based on our authorizing statute. We also currently follow these more detailed operational guidelines: It is our goal to offer responsive customer care, individualized attention and high-quality conflict resolution services. We seek to provide timely responses to all concerns and complaints, generally within 48 hours from the receipt of the complaint, and we treat all customers with respect. We expect to review all complaints brought to our office with keen attention to addressing the problem in a way that serves the best interest

of students of public schools in the District. Moreover, we will take direct action and will regularly share our progress with the complainants toward obtaining a fair process.

The office receives contacts through email, in person, telephone (most frequent), and referrals. We reply to contacts within 48 hours, excluding weekends and holidays. We typically call the contact and conduct a brief screening to ensure that case criteria have been established, as set by our authorizing statute. Thus, we are confirming that the matter is not in formal judicial or administrative proceedings, ensuring that the contact is aware that we do not provide legal advice or legal services, the intended outcome for the parent does not involve the office intervening in school personnel decisions.

Once a contact clears the screening process, a full intake is conducted, usually by a fellow or by the Program Associate. Thereafter the case is assigned, by topic to one of the assistant ombudsman, the ombudsman herself, and because of increased capacity, or the Program Associate.

Once we accept a complaint, the steps we take typically include:

- Obtaining detailed information about the situation at hand;
- Researching applicable education law, policies, best practices, etc.;
- Interviewing all the involved parties, which may include the student (with the parent's consent), teachers, school leadership team, parents, other school staff members, and witnesses to the situation in question;
- Reviewing student records;
- Facilitating or mediating conversations between parents, families, and school staff members;
- Considering and recommending student-centered options to solve the problem;
- Regularly monitoring efforts to address problems until results for the student are achieved; and
- Close case.

At the Office of the Ombudsman, we believe that it is important that we do the following when resolving a complaint:

- Listen and understand issues while remaining neutral with respect to the facts. The Office staff does not listen to judge or to decide who is right or wrong. The staff listens to understand the issue from the perspective of the individual. This is a critical step in developing options for resolution.
- Assist in reframing issues, developing options, and helping individuals evaluate options.
- Guide or coach individuals to deal directly with other parties.
- Refer individuals to other appropriate resolution resources if needed. An ombudsman may refer individuals to one or more formal organizational resources that can potentially resolve the issue.
- Assist in surfacing issues to formal resolution channels. When an individual is unable or unwilling to raise concerns directly, the Office can assist by giving voice to the concern and/or creating an awareness of the issue among appropriate decision-makers in the organization.

There are five major aspects of case management process in the Ombudsman's office. The five areas are screening, referral, intake, case assignment, examination, conflict resolution processes, closure, and reporting. Fellows and staff are provided training on every aspect of this process.

Intake

In working with clients during routine casework, on-going consultation will determine if more formal active mediation and conflict resolution will need to occur. The Ombudsman's office will always encourage the parent or the school staff member to take at least one mutually-agreed upon action step. If that action meets with resistance, or if the situation demands it, the Ombudsman's office will work more closely with one or both parties to move toward resolution.

The initial call will often lead into continuing discussions with the client, and prompt consultations with the school staff (if the client is a parent or student). The depth of the issue, a parent's communication skills and background knowledge, and the nature of the school's response are among the many factors that determine the number and frequency of consults. A closing discussion occurs prior to closing a case.

Intakes are completed with our case management system, QuickBase. Clients are asked a series of demographic questions such as the name of the caller, their residential address so that we can determine the ward that they live in, the school that their child attends, whether the student has been disciplined in the past and/or has an IEP (questions which are designed to obtain some more information about the profile of children who need assistance from our office), and questions specific to the steps taken to address issues the client has called about. The answers to these questions determine whether the Ombudsman's office can directly intervene on the issue.

The Office may prioritize cases that are determined to negatively impact a student's ability to fully access their education, which includes issues relating to enrollment, special education, bullying/safety and student discipline. We may prioritize cases under the following circumstances:

Student Profile

Students who are or experience the following:

- Out-of-School or at Significant Risk of Being Out-of-School
- Chronic Disciplinary Action
- In Truancy or Drop-Out Status
- Institutionalized or recently institutionalized or at significant risk of being institutionalized, including juvenile rehabilitation, in-patient admission, etc.
- Homeless, youth in foster care, at risk of out-of-home placement, in-state care, academic failure or at significant risk of not graduating subject to restraint or isolation at school
- Mental Health Issues, including suicidal ideations or expressions, bullying, intimidation, or harassment

Parent/Guardian Profile

A parent or caregiver who is:

- Limited English Proficient, Immigrant or Incarcerated Parent
- Experiencing Mental Health Issues (Incapacitated parent)

Process Profile

When the Process is:

- Unfair or Has Not been Followed Correctly (failure to follow due process)
- The relationship between the adults directly affecting the student's outcome is: Destructive, Hostile or Combative Imbalance of Power, unsafe environment (such as abandonment, drug use, etc.)

What follows are examples of the kinds of cases we have prioritized to better illustrate:

1. Juan Ramirez attended a DC elementary school from 2007-2008. He then transferred to charter school that is now closed before the family moved. Ms. Ramirez needs Juan's school records to show he was in school during this time for immigration purposes. She has spoken with the school, LEA, and PCSB and neither have been able to produce the records. We were able to contact the registrar and obtain the record with the hour.
2. Sheila Walker has a high school student, Hakeem. The Walkers had a family emergency, so Ms. Walker went to the school to check Hakeem out early. The school called the classroom and Hakeem was not in class. The front desk staff told Ms. Walker Hakeem was absent and refused to call for Hakeem over the PA system because they insisted Hakeem was absent. They also instructed Ms. Walker that she should be concerned with why Hakeem skips class. We were able to contact the principal, who called for Hakeem. Ms. Walker was able to check Hakeem out within minutes.

Case Assignment

If the Ombudsman's office has determined that the office will accept the case, the case will be assigned to an Ombudsman staff member or fellow. The assigned staffer or fellow is expected to respond to the family within two (2) business days of receiving the case.

Case Management

We have created several procedures to assist with case management, which helps ensure that families are receiving services in a manner aligned with the Ombudsman's goals and office procedures. We believe that in providing good customer service is one of the most important aspects of case management. The Ombudsman meets with each staff member including fellows, on a weekly basis, to discuss cases to ensure we are employing the best intervention strategies and actions to resolve the school problem. Quality assurance is very important to our office and so, we have created regular reports in our case management system, QuickBase, to show us how long each staff member has spent working on a case, understand which case issue areas we have received over a month or a quarter (such as bullying, special education, school discipline etc.), last actions on each case, age of the case, and number of cases a staff or fellow has at any given time. We are also tracking the types of interventions so that we can expedite the time it takes to work on a case.

As discussed above, we also restructured our case assignment process so that no assistant ombudsman must be "expert" in every topic area. One assistant ombudsman handles bullying and safety cases, while another assistant ombudsman handles special education cases. Also, as mentioned above, our program associate handles enrollment, communication and engagement,

records, resource needs cases. Structuring the office in this manner has allowed for increased efficiency and makes it easier to identify case trends.

Referral

Cases in which formal administrative procedures are needed, an established process already exists for resolving cases, or are outside of our purview shall be referred to the appropriate party. The referral process can take place in the initial screening, during intake, during case management, upon case closing. Types of cases which are typically referred include situations in which the student is at risk for immediate expulsion and thus requires attorney representation, special education cases where due process is the only viable way to address the concern after multiple informal attempts, and cases involving school-related document retrieval, such as transcript requests.

Reporting

Quarterly reporting is provided to the State Board on the Ombudsman Office's casework and trends that observe in the present school year. Additionally, we are statutorily required to submit an annual report to the SBOE and to the public which provides information on trends, most common cases, and recommendations based on trends. The Ombudsman's office has also shared such quarterly reports with DCPS. We post these quarterly reports publicly on our website and continue to look for opportunities to engage and share our trends with other stakeholders. We meet with DCPS monthly to discuss data trends and the most common cases. On a regular basis, we share challenges that our families are experiencing with school leaders in public charter LEAs and with DCPS central office staff when problem areas arrive that we have detected in our casework. We have discontinued posting monthly data snapshots on our websites because the content was not specific enough to create value for our stakeholders.

Q5. Does the Ombudsman have the resources necessary to execute her duties? If not, describe the areas in which resources are lacking.

No, the Ombudsman does not have the necessary resources to complete her duties. During FY18, the Office was fully staffed with four full time employees. Our staff is comprised of the Ombudsman, two Assistant Ombudsmen and a Program Associate. With this staff, for the first time, we were able to completely eliminate the waitlist for our services, ensuring that each family and school received the time and attention they deserved. We believe that the very attentiveness and efficiency that has heightened our reputation in the District and propelled our growth will now suffer as we lack the staff to match our growing demand.

In the past year, the Assistant Ombudsmen were responsible for managing the casework process, including all case follow up and in-person meetings. They also supervised fellows and interns. Additionally, they assisted with data analysis, testimony and hearing preparation. One of the Assistant Ombudsmen also oversaw the budget and procurement for the office. The Program Associate is responsible for providing support on outreach activities, providing operational and logistical support for events, outreach and advocacy programs; setting up outreach events; managing the email; phone system and overall intake process. She is also responsible for database management and organizing and highlighting relevant data.

We also use two graduate student fellows. Our fellows assist with intakes and case management, and special projects. We have continued to intentionally provide as much support as possible to the families that have approached our office, but not to compromise the quality of services that we provide to each family.

Due to high caller volume, the Program Associate has, for all practical purposes, assumed the role of a third Assistant Ombudsman. She is assigned cases involving communication and engagement, resource needs, enrollment, and records. Her caseload ranges from 17 to 25 cases weekly. As a result of having to perform these tasks, there is very little that she can perform regarding her actual job description. And yet, without her presence and commitment to case work, the office would flounder. As the demand for the office continues, we have every reason to believe that her and our caseload will continue to grow, only diminishing her capacity and ours to serve in our appropriate roles in the best way possible.

Q6. Describe the Office of the Ombudsman's stakeholder engagement and outreach efforts for FY19 and to date in FY20.

Outreach

We have continued our efforts in building, improving and now sustaining relationships with education stakeholders and community professionals. This year the office resumed holding regular monthly meetings with DCPS officials. These monthly meetings improved the working relationship and have allowed us to improve our work by increasing the number of contacts that we can call upon for assistance in cases involving DCPS students. We are grateful for DCPS's willingness to work with our office.

In FY18-19, we also began developing close relationships with PCSB staff members. PCSB would refer cases to our office, and occasionally, we collaborated on cases. PCSB also held its annual summit for charter schools, in which our office presented about the value that we provide to families, as well as schools. In addition, the office attended a leadership training for charter school board members.

In FY20, the office has had fewer regularly scheduled, formal meetings with DCPS and PCSB. This, again, is primarily because our office is overextended. We do still regularly communicate and collaborate on cases with DCPS, as well as PCSB.

In FY19 we expanded our advertising campaign in Metro Stations and on Metrobuses to let families know about the services that the Office can provide. We currently advertise in Wards 1, 4, 5, 6, 7 and 8. We have advertisements in English and Spanish. For a short duration, we also added a bike share add in Wards 1 and 4.

In FY18 we started an initiative to message to schools that we are here to support them as well. The initial goal with this campaign was to meet with school administrators individually and share the ways that the office is here to serve them. Given the staff transitions and increased call volume, we were unable to make significant headway on this project. Rather than scrapping it all together, the office decided to infuse the messaging about our support to schools on a day-to-day basis, as we interact with them in casework. We have seen that schools truly appreciate this

approach. We are also finding that schools continue to reach out to the office for assistance with review of various policies, to work with families that they have had a difficult time communicating with, and to ensure that schools also feel that we are fair with them in our approach to casework. This has led to increasing partnerships and referrals regarding families in need of assistance.

Engagement

Through our work with the Office of the Student Advocate, we have been able to engage with community members and parents directly on a variety of topics from safe passage to special education.

At the beginning of the school year, our office participated in safe passage as a partner where we regularly attended meetings. We have also joined the LGTBQA+ Taskforce within DPCPS, attended numerous school-based events and Ward specific events focused on school choice and equity.

Q7. Regarding complaints to the Office of the Ombudsman, provide the Committee with the following information for FY19:

- a. Number of complaints received and completed: **634**
- b. Number of complaints examined and resolved informally: **381 (63%)**
- c. Number of complaints examined and resolved formally: **91 (18%)**
- d. Complaints dismissed: **0** (We take all cases that meet the minimum criteria to open a case. Although we are not finders of fact, our practice is to intervene to, at least, improve communication and restore relationships.)
- e. Number of complaints pending: **22**
- f. Number of recommendations made: **100**
- g. Number of recommendations followed: **Unknown.** We cannot accurately determine the number of recommendations that were followed by schools, due to limitations with our database system.
- h. A description of the most frequent issues handled by the Office of the Ombudsman:

The three areas that we are contacted about most frequently are issues of bullying and student safety, special education, and communication and engagement. Towards the end of FY19, we modified the topic labels for our cases. Previously, we placed numerous cases within the “school environment” topic, but upon further review we realized that additional topics, especially, bullying and school safety cases, were being captured under school environment without clear distinction in rationale and frequency. To capture our cases with greater accuracy, we decided to eliminate “school environment” as a topic and label those cases under existing but more exact labels. As a result, “Bullying and Student Safety” emerged as the highest case category.

Our office defines the “Bullying and Student Safety” topic as “issues in which a student feels harassed or targeted for negative actions by another member of the school community. This includes the legal definition under the Youth Bullying Prevention Act of 2012, as well as ta family member’s impressions, and sexual assault. Concerns about negative interactions between

students also fall into this topic. In one case, we worked with an aunt whose middle school niece, Ashley, was experiencing bullying on her way to and from school. While Ashley had been involved in several altercations, she felt they were all orchestrated by one student who had an altercation with Ashley earlier in the school year. Our office contacted the school to initiate a bullying investigation and facilitated a meeting to develop a safety plan.

Our office defines the “Special Education/Disability” topic as “issues preventing a student from accessing their education due to a student’s diagnosed or suspected disability.” Special education issues involve students with IEPs, 504 plans, and those suspected of having or in the process of being evaluated for disabilities. The complaints that we receive range from issues of implementation to questions about rights and process. In many cases the issue stems from or is exacerbated by a lack of knowledge about the special education process by one or both parties. For example, we worked with a family that attempted to have their daughter evaluated for dyslexia for four years but was repeatedly told that their child was too young. While the family was eventually able to convince the LEA to evaluate the child, the IEP was developed but never implemented. After the family contacted our office, we were able to assist in scheduling an IEP meeting. The parents expressed their concerns, and the IEP was finally implemented.

Finally, our office defines the “Communication and Engagement” topic as “issues preventing a student from accessing their education due to real or perceived breakdowns in the ability of parties to share information appropriately.” Concerns about staff behavior fall into this topic. In one case, a mother expressed that her elementary school aged son, Willie, was involved in an altercation at school. His mom was disappointed to only learn of this altercation when her son told her at dismissal. We utilized shuttled diplomacy where the school shared this was a unique situation because it happened just before dismissal. The school committed to contacting her as soon as possible if another incident occurred.

Q8. Describe the Office of the Ombudsman’s process for prioritizing, wait listing, and referring cases.

Case Prioritization Process

In order to prioritize a case, the Ombudsman’s office determines whether there is a clear corrective or positive impact on a K-12 student by intervening. Time is also an important consideration, as some corrective actions require prompt responses, such as pending expulsions, short-term suspensions, suspensions for students with IEPs or other issues where students’ normal in-class schedules have been disrupted.

Our office prioritizes direct intervention if it can affect a positive change in outcome for an individual student or group of students that:

- Allows a student to return to school;
- Corrects a discriminatory impact against the student;
- Significantly improves the safety or well-being of a student at school;
- Addresses the student’s academic failure or significant risk of failure without intervention; or

- Significantly improves the cultural responsiveness of a school toward the student and/or their family.

The Office of the Ombudsman has removed its waitlist policy. Currently, once a case is assigned, a staff member will touch the case once a week. Given the increased volume, most cases are touched every 1.5 to 2 weeks. Because of the increased volume, the office is considering reinstituting a waitlist in order to more expeditiously serve existing cases. If we decide to reinstitute a waitlist, then the Office will likely use similar policy that existed before, which was to decide regarding the parents' abilities to effectively advocate for their own students' needs in deciding whether to place the family on the waitlist. We utilize the same criteria for determining the level of direct intervention in any individual case and may also serve as a guide for deciding when to close any case. In addition, if the facts, situation, or urgency of a case changes because of direct intervention or other influences, and the situation no longer meets the criteria established internally, the Office may decide to close a case.

Referrals

Referrals are implemented when there is an office that can better address a situation, the issue is not under our purview and the appropriate agency is known, or when the caller needs formal administrative adjudication. A referral is made by contacting the appropriate authority, if known, requesting the assistance of the office, and connecting the caller and the referral organization. The referral agency will, with the caller's permission, receive the caller's contact information, summary of the issue, steps the ombudsman office has taken, why the referral was made, and to support the client needs. Most of our referrals are to OSA and AJE. After Suzanne Greenfield resigned from the DC Citywide Youth Bullying Prevention Office, we stopped referring cases to that office.

Q9. Please discuss policy recommendations included in the Ombudsman's annual report. Provide information on how to best implement policy recommendations included in the report. What has been the response to the Ombudsman's annual report from other education agencies?

We believe that the Office of the Ombudsman for Public Education provides a critical role in allowing families and students to have a voice in the education space. Our focus is primarily on providing direct intervention to families and students. While we are not an enforcement agency, we believe that there is value in raising awareness around issues that can be part of the public dialogue/discourse. Our approach is consistent with the best practices of educational ombudsman nationwide.

We have also come to understand the role our Office also plays in shaping policies and practices that impact families' access to quality public education and create barriers to educational attainment. As we learn through practice, we offer systemic insights and recommendations to make vital policy changes possible at the school and citywide levels. In FY19's annual report, we narrowly focused our recommendations on special education. We made three recommendations:

Create a Citywide Response to Intervention Framework

Our office has recommended creating a citywide Response to Intervention (or RtI) framework in its two previous annual reports and we make the same recommendation today. RtI is a systematic, multi-tiered teaching approach that allows teachers to differentiate learning instruction based upon student need. While the goal of this framework is to provide appropriate education for each child, inconsistent and at times inappropriate use of this system can lead to additional barriers for families who suspect their child may have a disability. As such, the District must set a uniform guide of catalysts, required data, and transition points for students receiving RtI support.

In the past, the Office handled cases where some schools used RtI to deny parents' requests for a special education evaluation. These parents were incorrectly told that RtI had to occur before their child could be evaluated for special education. Implementing a citywide RtI plan would prevent schools from making these claims because (1) the RtI data would already exist and (2) determining when parents would be advised of rights to request a special education evaluation would have been established by the city. While a citywide RtI framework may be a newer concept for the District, several of our neighboring school districts and school districts across the country have a citywide, district-wide, or state-wide RtI framework. No one office or agency can tackle a citywide RtI framework independently. At both the design and implementation phases, inter-agency and cross sector collaboration will be necessary.

Classroom level

- Teachers provide quality classroom instruction;
- Provide regular assessments for data collection and assign students to tiers in accordance with assessment results;
- Provide tiered interventions and refer students to an intervention specialist when appropriate;
- Review universal screening data at regular intervals.

School level

- Establish growth goals for school;
- Hire interventionists, adjust the school schedule, and review assessments to determine successes and opportunities for growth.

LEA level

- Provide training, support, and resources to schools
- Provide funding for interventionist staffing;
- Provide further guidance on the legal requirements under IDEA regarding the initial evaluation timeline and referral process;
- Lead family partnership by performing outreach, sharing proposed ideas, and gathering feedback from parents.

OSSE

- Continue and possibly increase training and support for schools and staff on RtI implementation;
- Coordinate the effort to establish a citywide system;

- Research options for data collection and maintain the database system;
- Survey schools to determine which schools are already successfully implementing RtI, as well as which schools have not yet adopted an early intervention strategy.

Policymakers

- Legislate a citywide RtI framework;
- Ask with school administrators and leaders in public education if schools are using early interventions for students prior to a student receiving failing grades;
- Question whether early interventions are being used across grade bands, not just with elementary school-aged children.

Set Guidelines for How the Manifestation Determination Review Must Be Conducted

School discipline, particularly suspensions, is an area of on-going challenge for students with disabilities. According to the data in OSSE's most recent annual report, students with disabilities are almost twice as likely as other students to be suspended. Students with disabilities are also more likely to be suspended multiple times during the year — two to three times on average.

The Individuals with Disabilities in Education Act (IDEA), the federal law that governs how students with disabilities must be educated, allows for the suspension of students with disabilities, but only for a total of 10 days during the school year. Once a student with a disability has been suspended for 10 days, that student cannot receive further suspensions unless the school conducts a Manifestation Determination Review (MDR). The goal of the MDR process is to provide protections for students with disabilities to ensure that these students' behaviors are addressed appropriately and that they are not being overly suspended for behaviors that relate to or stem from their disability. The recently passed Student Fair Access to School Amendment Act of 2018 has several provisions that go beyond the requirements of federal law. The newly enacted Student Fair Access to School Amendment Act has provisions that go beyond IDEA and are designed to limit the number of suspensions that students can receive as well as a limit on the maximum length of time per suspension. It also decreases the timeline for when students with disabilities receive an MDR.

However, our office regularly hears from parents who feel that their child is being suspended for behaviors relating to their disability but that they are not getting help or a chance to even seek a remedy, because the number of days that their child has been suspended is not enough to trigger the additional protections afforded under the IDEA. To ensure that schools are considering all of a student's disabilities and whether their behavior may be related to a disability (even if it was not directly caused by one), new measures are needed.

School level

- Ensure that there is appropriate sharing of information and parent participation in the MDR process;
- Utilize checklists during IEP and MDR meetings to ensure that processes are being followed and that families can understand what is happening step-by-step;
- Provide families MDR findings in writing;

- Ensure findings include a thorough description of the disability's symptoms, the act or acts for which the student has been disciplined, and an analysis of whether the act was caused by the student's disability or could have been related to their disability.

LEA level

- Provide guidance on what types of information must be shared with the parent and considered as part of the determination being made at the meeting

OSSE

- Provide guidance for who must attend the MDR meeting, how much advanced notice must be provided to parents before a meeting can take place, and what types of information must be shared with the parent and considered as part of the determination being made at the meeting.

Policymakers

Stipulate a minimum amount of time (24-48 hours) required to provide notice, before an MDR can take place.

Require Schools to Maintain a Published List of the Special Education Services that the School Has Accommodated on Its Campus Within the Previous Three Years

Currently, federal law requires that every LEA provide a free and appropriate public education for all its students, even those with disabilities. Practically, however, LEAs have limited staffing and resources. The result of the conundrum is LEAs partnering with OSSE to send students to private schools when that LEA cannot meet the student's need in-house. It is our experience that families would like to know which schools can provide special education services in-house prior to enrollment or listing a school on the common lottery application.

While we understand that a listing of all special education services offered in-house over the past three years does not guarantee staffing, space, or (consequently) enrollment, we do see this list as a means of getting one step closer to providing a similar level of school choice to families with students with disabilities as the level of choice that exists for families without students with a disability.

School level

- Submit list of in-house special education services.

LEA level

- Compile list of in-house special education services by school.

OSSE

- Collaborate with MySchool DC in sharing list of in-house special education services by school prior to the lottery;
- Continue to provide supports so all schools can eventually provide a full continuum of services.

Q10. Besides in person meetings with a translator and translated brochures, what other ways does the Office of the Ombudsman for Public Education comply with the Language Access Act?

Our brochures are available in six languages: French, Korean, Amharic, Spanish, Chinese, and Vietnamese. We continue to use the Language Access line for intake translation and when working with ELL families.

Our office continues to serve increasing number of Spanish speaking families, as such our office has made a distinct effort to engage and actively communicate with the Spanish speaking community throughout the District. Our website, brochures and several Metro ads throughout the District are all translated in Spanish. In FY18, we began conducting in person meetings with a translator present for families who requested it. In FY19, we hired a Spanish-English staff member who obtained her Spanish Language Proficiency Certification. Additionally, we attended several outreach events at schools with large Spanish speaking populations. Considering growing concerns regarding the current federal administration's stance on immigration, we acknowledge the possibility that this population may be less inclined to work with our office and/or our sister government agencies. Despite this, we have still seen a modest increase in the number of Spanish speaking families we serve. Our office will continue to monitor how these changes impact the number of Spanish speaking families we serve as we explore making additional efforts in working with ELL families.

Q11. Are the Office of the Ombudsman's information technology needs met? If not, what areas need attention (i.e. computer support, internet and phone functionality, etc.)?

The Office of the Ombudsman's basic information technology needs are met. We do sometimes experience challenges with limited IT staff dedicated to our office building. As an agency and an office, we sometimes rely on our staff to assist with IT needs.

Additionally, we are continuously looking for ways to improve our database system. As discussed above, in FY19, we worked with a consultant to restructure aspects of the database system and increase functionality. We are still considering purchasing a new, comprehensive database system. We are searching for systems that allow us to track calls and voicemails directly in the system where our cases are also stored. This would reduce time spent managing and updating our system. Also, the possibility for errors in logging and tracking information would be minimized.

Q12. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY18 or FY19 to date, and provide the parties' names, the amount of the settlement, and if related to litigation, the case name and a brief description of the case. If unrelated to litigation, please describe the underlying issue or reason for the settlement (e.g. administrative complaint, etc.).

N/A

Q13. Please describe the agency's procedures for investigating allegations of sexual harassment or misconduct committed by or against its employees. List and describe any

allegations received by the agency in FY18 and FY19, to date, whether or not those allegations were resolved.

N/A

Q14. Please list the administrative complaints or grievances that the agency received in FY18 and FY19, to date, broken down by source. Please describe the process utilized to respond to any complaints and grievances received and any changes to agency policies or procedures that have resulted from complaints or grievances received. For any complaints or grievances that were resolved in FY18 or FY19 to date, describe the resolution.

There is a grievance procedure outlined in the SBOE Staff Handbook.

Performance Plan

Q15. Provide the Ombudsman's performance plan/strategic plan for FY18. Did the Office of the Ombudsman for Public Education meet the objectives set forth in the plan? Provide a narrative description of what actions the office undertook to meet the key performance indicators including an explanation as to why any indicators were not met.

In FY18, the Office of the Ombudsman's performance plan/strategic plan focused on five distinct areas that are as follows: (1) increase case management capacity, (2) relationship building with LEAs, (3) increase families' awareness of the Office's existence, (4) increase data sharing, and (5) continue efforts to improve educational outcomes by effecting systemic change. Each of these goals are discussed below:

Goal #1, Capacity Building

In the past year we sought to increase the overall capacity of the office. Our main objectives were to streamline case management and build the office's external profile.

Our plans for streamlining case management included:

- Examining the current trends in cases received;
- Assessing the types of cases that are best able to handle effectively;
- Strengthening its partnerships, particularly with referring agencies such as the Office of Human Rights, the Department of Human Services, and the Department of Behavioral Health;
- Better understanding which agency is best able to process the various types of complaints;
- Continue to look for strategies to become more efficient.

Our plans for building our external profile included:

- Increasing partnerships with community led conflict resolution organizations as a referral source for complaints that may not have a direct impact on a student's access to quality education reexamining its use of conflict coaching and

- Setting criteria to determine when coaching may be utilized prior (or as an alternative) to mediation.

This year the office was able to increase its efficiency with case management. We have implemented two primary strategies. The first strategy that we implemented was to assign casework by topic area rather than random selection. Currently, we have one ombudsman who focuses on Bullying and Student Safety, as well as Discipline complaints. Another ombudsman focuses exclusively on Special Education and Disability complaints. And, our Program Associate handles Communication and Engagement, as well as General complaints. General complaints may include concerns with obtaining academic records, resource needs, medical health and wellness, truancy/attendance, and academic progress. This change has allowed each ombudsman to develop an area of expertise, develop a network within the school systems within their area of expertise, ensure that proposed solutions are sound and consistent with best practices, more easily identify case trends, and identify and resolve data collection challenges within our internal database system, and provide a framework for beginning KPI identification and evaluation of our work.

The other strategy that has made case management more efficient is the addition of a screening tool within our QuickBase data system. In FY18 we used two separate systems—a spreadsheet was used to log contacts to the office and QuickBase was used for cases. In FY19, we were able to combine the functionality of the spreadsheet into a screening tool within QuickBase. The alteration has significantly reduced the time it takes to move a contact from a screening to conduct an intake.

In FY19, prior to the departure of Suzanne Greenfield of the Youth Bullying Prevention Program, we routinely referred cases to the Office of Human Rights. Since Ms. Greenfield's departure, we no longer refer cases to OHR. We have connected with the Department of Behavioral Health to explore partnering and collaboration. Finally, the Office of the Student Advocate also experienced a leadership change at the end of FY19. While OSA and the Office of the Ombudsman have historically collaborated on many projects and casework, the leadership in both offices are looking for ways to collaborate even more effectively.

Goal #2, Relationship Building with LEAs

Another goal was to build strong and healthy relationships with LEAs, the DC State Board of Education, District of Columbia Public Schools, as well as the DC Public Charter School Board.

Our plans for engaging with LEAs included:

- Engaging with LEAs proactively, rather than after a complaint has been made against them, developing resources, such as worksheets to help LEAs have difficult conversations with families around high-conflict topics;
- Providing examples of case scenarios representing various matters that the Office handles and when it would be appropriate for LEAs to contact the Office to make a complaint;
- Encouraging LEAs to proactively request technical support when they notice patterns in the complaints brought to their attention;
- Providing a list of external resources for LEAs;

- Providing conflict management trainings for teachers, administrators, and staff that gives educators tools to better manage conflicts within their schools;
- Partnering with other conflict resolution organizations to provide this direct service;
- Providing a framework for LEAs to have transparent conversations about equity challenges in education with families and encourage collaboration by developing mechanisms to receive input from families before implementing major policies that impact equity;
- Engaging with LEAs and holding listening sessions periodically throughout the year to hear general complaints and grievances from LEAs, and to explore issues when enough laws and policies are already in place but are not being consistently followed.

The Office of the Ombudsman worked incredibly hard on relationship building with LEAs in FY19 and presently. However, the plan and ideas for how the relationship building goal would be achieved was impossible to achieve due to office capacity constraints. With only four full-time staff members and an ever-growing caseload, the Ombudsman Office lacked the time to provide on-site technical assistance to LEAs. As such we will no longer provide this on the ground assistance but focus our efforts in other areas. However, we continue to make a daily effort to reinforce our neutrality messaging and sharing with schools that we are a resource for them, as well as parents. This messaging is included in our initial emails to schools, in our encouragement of families to communicate openly with schools (with our support), and our messaging to schools that the level of involvement that we provide is most often predicated by what the family believes they need, rather than us dictating it for them. Finally, we also message that when schools hear from us unexpectedly that does not mean that they have done anything wrong. We do not assume that parents are right and that schools are wrong, nor do we assume that schools are right, and parents are wrong. We work to center conversations on the interest of the child.

Additionally, the idea of providing case scenarios representing various issues that the office handles and when it would be appropriate for LEAs to contact the office to make a complaint also did not occur in FY19. Instead, the office presented at the Public Charter School Board Summit sharing case examples and messaging that we are not against school, but we are resource for schools and families alike. This year, we continue to see schools reaching out to our office directly and referring families to our office. We have also received requests from schools to review their policy and obtain suggestions for policy revisions.

We performed conflict management training at one school. We received rave reviews about the training, and requests for additional trainings were made. Unfortunately, our office did not have the capacity to meet the school's request—training for all its teachers and staff.

Again, the equity conversations also have not occurred in FY19 and at this time, we do not have plans to independently conduct these conversations in FY20. However, where there are opportunities to collaborate with other organizations and non-profits and participate in the work that they are spearheading, the Office is willing to serve as a participant. As far as equity work within our office, our goal is to integrate conversations about equity, race, diversity and inclusion, within our casework. Provide more recommendations to schools directly within our case management, rather than largely expanding programming in this area.

Goal #3, Increase Families' Awareness of the Office

We also planned to increase awareness about the Office's existence and use for families throughout the city.

Our plans for increasing family awareness included:

- Partnering with well-established organizations and agencies that already have the trust of their communities, such as the above-mentioned agencies, parent serving organizations (such as Parents Amplifying Voices in Education, parent teacher associations, family support collaboratives, organizations that work with families who do not speak English as a first language, and organizations serving families dealing with or at risk of homelessness);
- Connecting with families, explaining the Office's function and inquire about additional ways the Office can support families, hearing accounts of barriers that families face while navigating our school system, discovering the barriers that may prevent families from bringing grievances to the Office;
- Collaborating with the Office of the Student Advocate to create toolkits and worksheets for families instructing them about how to have collaborative conversations with school administrators.

Once again, limited staff capacity as a result of the increased demand for the office's services has impeded our ability to conduct outreach and engagement to the extent desired. Given that reality, we have shifted our plan to focus primarily on strategies that yield higher results without direct, physical connection. Our office is in on-going conversations with the Office of the Student Advocate to create toolkits and worksheets for families about response to intervention, 504 plans, and IDEA continuum. The office attends major events, tabling at PAVE parent summits and EdFest.

Goal #4, Increase Data Sharing

Our office had an additional goal to increase data sharing from the Office to LEAs and families in a meaningful way.

Our plans for increasing data sharing included:

- Providing monthly email newsletters reporting the activities from the previous month, a summary of what the Office has been working on, the number of calls received, the number of cases resolved, and information about upcoming activities;
- Working to determine how to present useful and meaningful data to families so that they can see their individual issues in the data.

This is a growth opportunity for the office. Last year, the office maintained accurate, up-to-date data records that were posted on our website quarterly. We also met with interested councilmembers, developed specific reports for their wards, as well as provided information pertaining to the education landscape in the city. Councilmembers reported that these meetings were informative. We believe that they seemed to value the work. Additionally, we have

received requests from councilmembers to discuss our database regarding specific pending legislation and offer insight from cases that we have worked on.

We have also learned a few lessons with this effort. Firstly, there may not be a uniform set of data that everyone will find valuable. Secondly, it is easier to search for trends when there is a specific question or issue needing analysis. Thirdly, the overall data value is more likely to occur for specific issues, rather than general highlights. Given these lessons learned, we started tracking complaint trends across topic areas monthly. Thereafter, we intend to disseminate information about trends to stakeholders. We are looking to serve as the informer/reporter to agencies and organizations. We are not seeking to serve as the direct provider for developing tools and resources.

Goal #5, Improving Educational Outcomes by Effecting Systemic Change

Lastly, the Office intended to follow-up on the 2016-17 and 2017-18 annual reports regarding the next steps.

Our plans included:

- Exploring the previous policy initiatives;
- Examining where we are currently;
- Outlining next steps efforts to coordinate efforts amongst stakeholders.

The office used its 2019 annual report to make narrowly tailored recommendations concentrating on special education issues. Those three recommendations are discussed above in our response to question 9.

Q16. Provide the agency's performance plan/strategic plan for FY20. What steps has the Office of the Ombudsman for Public Education taken in FY19 and to date in FY20 to meet the objectives set forth in the plan?

The strategic plan for FY20 consists of the same overarching goals from FY19—capacity building, relationship building with LEAs, increase families' awareness about the office, increase data sharing, and improving education outcomes by effecting systemic change. In each of these areas, the objective is to assess what worked effectively the year before. Then we consider what did not work well, the reasons it did not work well, and how the plan can be altered. Much of that process, including our objectives for FY20 are discussed in our response to question 15. Nonetheless, there are additional objectives within the overarching goals that can be described further.

Goal #1, Capacity Building

- Strengthening its partnerships, particularly with referring agencies such as the Office of Human Rights, the Department of Human Services, the Department of Behavioral Health, and the Deputy Mayor of Education;
- Increase quality control mechanisms and adherence to our case management process;
- Track KPI in special education/disability cases; develop KPI in bullying and student safety cases;

- Look for additional strategies to increase efficiency.

Goal #2, Relationship Building with LEAs

- Continue to emphasize neutrality of our office in the case management process and assure LEAs that we are here to support them, as well as families;
- Resume regular meetings with DCPS;
- Begin regular meetings with PCSB, in addition to our collaborative case management efforts;
- Continue developing relationships with school administrators;
- Look for opportunities to highlight what schools and LEAs are doing well.

Goal #3, Increase Families Awareness of the Office

- Examine demographic data to determine which groups are underrepresented;
- Identify partnerships that would help us to reach the underrepresented demographic;
- Develop budget-friendly strategies that require little one-to-one communication but would reach the target demographic. For example, creating a short video and asking the Mayor's Office of Latino Affairs to distribute the video to its contacts.

Goal #4, Increase Meaningful Data Sharing

- Continue to share data with stakeholders;
- Identify and share trends with LEAs and "high flyer" schools;
- Continue to share data trends with policymakers and legislators upon request;
- Create a newsletter that disseminates relevant data to parents, as well as tips for resolving common concerns;
- Inform the Office of the Student Advocate of areas where informational resources and trainings may be useful for parents.

Goal #5, Improving Educational Outcomes by Effecting Systemic Change

- Continue to make systemic recommendations in our annual report;
- Continue to meet with stakeholders regarding the recommendations from FY19's annual report; and
- Write and share recommendations concerning policy gaps with LEAs, OSSE, DME throughout the year.

The office wants every resident of the District of Columbia to know the office exists. And, yet, we know that presently, the office has already exceeded its saturation rate. Without additional staff, the office will scale back its marketing efforts. Instead, we will focus on serving the callers we already have well.

Interagency Collaboration

Q17. What efforts have been made to improve the Office of the Ombudsman for Public Education's functions in FY18 and FY19 to date? Describe efforts to collaborate with boards and agencies to engage in District education initiatives and include in your response specifically any partnerships or collaborations with the following:

- a. Office of the State Superintendent of Education;
- b. Office of the Deputy Mayor for Education;
- c. DC Public Schools;
- d. DC Public Charter Schools;
- e. DC Public Charter School Board;
- f. Office of Human Rights' Citywide Youth Bullying Prevention Program;
- g. DC Public Libraries.

The Office of the Ombudsman has improved our functionality over the past year by trying to create new partnerships and collaborations while simultaneously streamlining the services that we offer to families. We have begun referring cases to the Office of the Student Advocate immediately at the time of the initial call. This has allowed us to focus our attention on cases that require greater assistance over time while making sure that all callers receive assistance as quickly as possible. We have a similar relationship with the Office of Human Rights and we regularly refer cases back and forth based on the needs of the caller.

This year, we have been intentional about deepening and expanding our relationships with agencies such as DCPS, PCSB, DBH, and CFSA in the District in order to positively impact educational outcomes. We have resumed regular monthly meetings with representatives from DCPS to discuss possible areas of collaboration and to share information and data. We are similarly working to resume regular meetings with staff from the PCSB. Despite not yet having these regular meetings, we have begun actively sharing information and working with PCSB staff on issues involving charter school families; this includes referrals for families in need of assistance that can only be provided by one agency or the other. We have referred and accepted cases from both PCSB and DCPS which have led to a number of actions, including a number of meetings that we have facilitated at DCPS's or a charter's request.

We began facilitating meetings at the request of schools two years ago and the number of requests that we have received for this service has continued to grow. This past year and in the current school year to date, we have facilitated meetings at the request of school leaders in both traditional and charter public schools. We have also come in at the request of LEAs as well. Some of the concerns that we have helped to resolve in these meetings have included IEP disputes, concerns about discrimination, student safety, and school to parent communication and expectation issues. By coming in and facilitating meetings as an outside party, we are able to reassure both schools and families that the process is fair, that everyone is acting with good will, and that everyone's concerns will be heard and addressed in the process.

We had begun looking for greater opportunities to work with both OSSE and the DME as well but due to the departure of the former ombudsman during the year, those initiatives did not progress as planned.

This past year we were also able to utilize the alternative dispute resolution system that was designed for our office by the Harvard Mediation and Negotiation Clinic more broadly and in a greater number of cases. We have expanded use of the system beyond just special education related matters to also include facilitated meetings regarding discrimination, discipline and other topics. We have also been able to share the resources that were created as part of this system

with school staff who have requested additional tools to help them facilitate meetings on their own.

Q18. Describe the Office of the Ombudsman for Public Education's relationship with the State Board of Education and any improvements that can be made.

The relationship between the State Board of Education and the Office of the Ombudsman for Public Education continues to improve. The administrative functions that the agency provides to our office concerning supplies, equipment, and other purchases have improved. While there are always areas for improvement, we are committed to working collaboratively as an agency. We present quarterly reports to the member of the State Board of Education. We also attend events hosted by board members, if appropriate.

Q19. Describe the Office of the Ombudsman for Public Education's relationship with the Office of the Student Advocate and any improvements that can be made.

The Office of the Ombudsman for Public Education has a collaborative relationship with the Office of the Student Advocate. We currently work together on some cases and are able to quickly refer cases to one another when necessary. We are working to continue strengthening systems that allow our staffs to work together and share information more seamlessly. We believe that both offices seek to assist families as quickly and appropriately as possible and having shared systems of communication will help us to do that more effectively.