

DC Office of the
Ombudsman
for Public Education



Fiscal Year 2017 Performance Oversight Responses

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Program Operations and Community Engagement

Q1. What were the major accomplishments of the Office of the Ombudsman for Public Education in FY17 and to date in FY18?

2017

- It has been our goal to ensure we are providing relevant, accurate, and timely intervention services to the District's public school families, students, and parents at the highest level of customer service and attentiveness to the needs of our customers. Accordingly, we prioritized our service delivery by engaging in a relentless focus on excellent customer service: Shifted from returning calls within two business days to live answering, resulting in a 23% increase in total calls and 68% of total calls answered as live.
- Improved internal processes through creation of supplemental training on live calling, quality intake, case actions documentation, case prioritization, case resolution entry, and issue spotting.
- We utilized the services of the Harvard Law School Negotiation and Mediation Clinic to develop a special education dispute resolution system in order to improve the DC special education dispute resolution ecosystem: resulting in a 34% increase in the number of meetings facilitated and mediated.
- Hired an empathetic and talented team: Hired two assistant ombudsmen with specialized expertise, resulting in a decreased utilization of the waitlist from 15% to less than .5% of total cases, and more than doubled the percent of total cases handled by experienced full-time staff from 42% to 86%.
- Improved data tracking: Data tracking now includes the average lifespan of a case, type of successful resolutions, and type of contributing factors impacting a case.
- Improved focus on our neediest students and families: Implemented prioritizing procedure that increased the percentage of non-priority cases closed within 1 week, resulting in increased time spent on most complex cases for some of our most vulnerable students and families.
- Expanded our data collection resulting in 1) marked improvement of internal processes, increase in number and sophistication of data points; 2) requests for technical assistance and advice requested by local education stakeholders and 3) development of increasingly sophisticated, well-written annual reports.
- Meetings with DBH and serves on the DBH Advisory Council.
- Requested to provide expertise in advisory capacity: participated in a number of stakeholder conversations regarding enrollment and policy gaps in the lottery system with MySchoolDC and other groups.

- Invited to selective conversations around equitable family engagement practices and ways to promote more equitable practices that included DCPS, DME, and other partners.
- Invited to serve on the DC Superior Court's Education Subcommittee.
- Served as a panelist at the American Bar Association conference Dispute Resolution section on equity and education ombudsman practices and the International Ombudsman Association in FY17.
- Invited to present on our special education dispute resolution system at the Center for Appropriate Dispute Resolution conference in Portland, Oregon in October 2017.

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.

We do not have any particular legislative or statutory requirements that prevent us from doing our job. We thank the Committee on Education for passing the statutory changes, which will enable us to more fully fulfill our mission as an office to serve the needs of students and families. As we know, independence and autonomy are key aspects of a viable Ombudsman office.

Operational and logistical barriers

We continue to have concerns around the available administrative support. As an agency, with three offices housed within the SBOE, there is a need for additional operations support in the areas of procurement, human resources, and budget. There are complex laws and regulations governing procurement, human resources, and budget and I believe it would be in the best interest of the agency and helpful to the Office of the Ombudsman, to make sure that the agency has functions that rival that of other DC Government agencies. With a focus on efficiency, our Ombudsman office would benefit from requests for supplies and other needs to be achieved in a more timely manner and to lift some of the administrative burden that we currently bear in the effort to focus on direct services and intervention to students and families.

The Office of the Ombudsman and the larger agency, the State Board of Education, need a data analyst position. We currently conduct our data analysis in-house, and given our small capacity, we are unable to fully analyze our data in a way that can best help us streamline and improve our processes, better respond to trends and related issues, and follow up on data requests. A shared data analyst would better enable us to identify areas of alignment for increased collaboration on overlapping education issues and policy areas. It would also allow staff from all offices within the agency to better focus on conducting deeper dives on the policy analysis.

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

The **mission** of the Office of the Ombudsman for Public Education is to ensure that all public school students in the District of Columbia have equal access to a high-quality education. We aim to remove the barriers that stand in the way of students' progress. We **envision** an educational system where all schools treat all parents, students, and families as valued partners and where all District students graduate from high school prepared for success in adulthood.

Our office's **goals** include:

- Responding to concerns in a timely, caring, and productive manner;
- Acting as an “early warning system” for emerging issues;
- 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; and
- Improving communication between parents and schools, on both the individual and systemic levels.

The primary **services** we provide are:

- Providing information about school resources and policies to parents and students;
- Conflict resolution services for issues that impact individual students;
- Making strategic recommendations to improve educational outcomes for all students; and
- 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; or
- Intervening in school personnel decisions.

Our **operational guidelines** are based to a large extent on our authorizing statute. Additionally, we currently follow these more detailed operational guidelines: It is our goal to offer responsive customer service, individualized attention and high quality conflict resolution services. We 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 DC public school students. Moreover, we will take direct action and will regularly share our progress with the complainants toward obtaining a favorable outcome.

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 of the parties involved, 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; and
- Regularly monitoring efforts to address problems until results for the student are achieved.

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 Ombuds staff does not listen to judge or to decide who is right or wrong. The Ombuds 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 Ombuds can assist by giving voice to the concern and/or creating an awareness of the issue among appropriate decision-makers in the organization.

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

There are five major aspects of case management process in the Ombudsman's office. We are including, in the addenda, a complete copy of our operational guidelines. However, we will share some of the principles here. The five areas are intake, case assignment, casework, referral, 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 or not the Ombudsman's office can directly intervene on the issue.
- The Office prioritizes cases that are determined to negatively impact a student's ability to fully access their education, which includes issues relating to enrollment, special education, and student discipline. More detail can be found on Page 5 of our attached manual. We prioritize cases under the following circumstances:

Topic Priorities

- Special education
- Student discipline
- Truancy
- Student Safety/Abuse (includes sexual harassment)
- Enrollment
- Academic Progress
- Communication issues between school and parent
- Discrimination

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 our process:

- A student was expelled from a charter school even though the infraction was determined to be a manifestation of her disability. The parent made a request to have an attorney present in a second meeting to dispute the expulsion, but the school replied that they could not change the time. We intervened by explaining to the school their obligations to the student under the Individuals with Disabilities Education Act, which states that a child who exhibits behavior determined to be a manifestation of their disability cannot be removed from school due to the behavior infraction in question, secured an attorney for the parent, and made sure that the child was enrolled the next day.
- A student was suspended from his out-of-boundary school and sent to CHOICE Academy for 90 days for suspected drug use, and then, he was not allowed to return once he served his suspension. His parents were not very active in the child's life, and so the child was left to advocate for himself. He had been out of school for about 3 months after he served

his suspension. We communicated to the principal that the child had a right to return to his out-of-boundary school and we had to intervene in order to ensure that the student was able to return back to his school.

- A mother had trouble enrolling her children in school because she did not have enrollment paperwork proving her residency due to her homelessness. The school registrar erroneously told the parent that she could not enroll without documentation, even though McKinney Vento allows a child to enroll without traditional documentation.
- A child was afraid of going back to school because teachers yelled at her. She only spoke Spanish and so could not understand the instructions her teachers told her, and her teachers, thinking she was simply obstinate, grew angry with the child. This caused the child to experience anxiety and miss several days of school. We prioritize cases that present a state of urgency based on the needs of the most vulnerable families.

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.

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 intake call, 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. In December 2016, we met with PCSB to discuss special education issues and agreed to meet with PCSB on a quarterly basis in which they would share their trends and we would share our data/trends. We do post these quarterly reports publicly on our website and continue to look for opportunities to engage and share our trends with other stakeholders. We met with DCPS in June of 2016 and will meet again with them to discuss issues such as special and student discipline issues on February 3, 2017. On a more 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.

Q5. Does the Ombudsman have the resources necessary to execute her duties? If not, describe the areas in which resources are lacking. How have the additional funding and FTEs allocated by the Committee in FY17 and FY18 helped to address these challenges?

Within our Ombudsman office, our needs are more substantially met by the additional funding and FTEs allocated by the Committee in FY17 and FY18. It has been critical to have the independent budgets, which allow us some autonomy to make decisions regarding our programmatic needs. It has been important to have a full-time Program Associate who has recently helped me with speaking with national experts regarding school discipline issues, handling intakes, analyzing our internal case data, and assisting with portions of the annual report, etc. The way our office is structured, due to the support of the Committee on Education, we have two full-time staff members devoted to casework, two fellows who provide some support in case work and also assist with answering the phone live as much as possible. Collectively, the four Ombudsman staff members provide support with outreach, policy development, discussions, etc. At times, we still have a waiting list, such as at the present time. This in part is due to the fact that some of our cases take longer-such as special education cases which have an average life span of 3 months.

I do believe that having a data analyst would be very important to the entire agency, and certainly to the Office of the Ombudsman for Public Education. We devote a significant amount of staff time to the production of the quarterly reports and the annual report and it would be helpful to have some support in these areas. In addition, we believe that a data analyst within the agency would allow our agency to better synthesize the available data provided by OSSE and other agencies and improve our ability to make policy recommendations. We may be the only education agency without a devoted data analyst as part of its staff.

Our fellows assist with intakes, case management, and special projects. For FY17, we made an intentional decision to 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. Thus, the

office received approximately 700 calls to our office and accepted 380 cases. We do use a waiting list for more complex requests for assistance, and provide coaching when possible to families, when possible, referred as many cases as possible rather than taking their case or letting families sit on the waitlist.

Finally, in FY18, we eagerly anticipate the addition of a business analyst who will provide operations support to the entire agency on basic human resources functions, provide us monthly budget updates, fulfill procurement needs, and other operations responsibilities. Since the State Board attained autonomy from OSSE in 2012, and added the Office of the Ombudsman for Public Education and the Office of the Student Advocate, we have grown from being a fledgling agency to a fully viable agency and need operational supports to support our important work. While the Executive Director has assumed many of these responsibilities, it appears to be too much and takes away the amount of time that his position can devote to more important matters, such as education policy and the support of the State Board's initiative. Our requests from the Office of the Ombudsman are also severely delayed because we don't have the appropriate level of operations support within the agency.

Q6. Describe the Office of the Ombudsman's stakeholder engagement and outreach efforts for FY17 and to date in FY18.

Stakeholder Outreach

Our office has engaged in targeted stakeholder engagement locally and nationally. The Ombudsman serves as the Education Co-Chair of the United States Ombudsman Association. Due to the office's recent work, the Ombudsman was invited to serve as a panelist to discuss how to establish ombudsman programs in the American Bar Association Dispute Resolution Conference and the International Ombudsman Association conferences in April 2017. In October, the office presented the special education dispute resolution system, jointly developed in partnership with the Harvard Law School Dispute Resolution Law Clinic, at the CADRE conference in Oregon. I initially partnered with the Harvard Law School Mediation and Negotiation Clinic to provide free program evaluation and this semester and during this process, the Harvard University Law. In December and January of FY18, our office reached out to and spoke with discipline experts and practitioners across the country, in order to help elevate the discussion around issues surrounding school discipline in light of the hearing on the Student Fair Access to School Act of 2017. The purpose of this program evaluation was to determine our strengths and weaknesses and also identify opportunities for ideas about how we can improve our work to reach as many families as possible. We continue to be invited to speak at sister agencies and offices regarding our work and services, including the Department of Behavioral Health. In October and February, the Ombudsman presented at the Office of the Student Advocate's Special Education Panel Discussion. The Office also participated in the Juvenile Court Education Work Group, the Special Education secondary transition meetings, and the Council of the District of Columbia Committee on Education Discipline Workgroup.

We continue to participate in bilingual fairs and other outreach opportunities, including the Parents Amplifying Voices in Education Ward 8 Back to School Barbecue, the Office of the State Superintendent of Education English Learners' Back to School Fair, and the Deputy Mayor

for Education's MySchoolDC EdFEST.

We have also worked to expand our outreach beyond parent events in order to engage our stakeholders in other ways. For example, the Ombudsman presented, on two occasions in FY18 to school based family engagement staff members from DCPS and charter schools in a PAVE sponsored Family and Community Engagement Professional Learning Community. In these presentations, we discussed best practices we have learned and engaged in to help resolve issues for families, best practices that we recommend to schools to help families get the answers they need at the school-level, and ways to engage families in a way that respects their perspective and means of communicating it. We also, for the first time, engaged in marketing based outreach through targeted advertisements of our services in high-volume train stations in Wards 5, 7, and 8, in order to further engage our higher-need and lower-resourced families in these areas.

Q7. Regarding complaints to the Office of the Ombudsman, provide the Committee with the following information for FY18:

- a. Number of complaints received and completed: 380 complaints
- b. Number of complaints examined and resolved informally: 289 complaints
- c. Number of complaints examined and resolved formally: 71 cases (19 percent)
- d. Complaints dismissed: 9 cases (2 percent)
- e. Number of complaints pending: 5 cases were pending as of August 15, 2017
- f. Number of recommendations made: 60 cases (16 percent)

Q8. Describe the Office of the Ombudsman's process for prioritizing, waitlisting, 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 response. An example of an issue that is time sensitive and requires a sense of urgency from our staff, is expulsion. Typically, these are charter school students and we are trying to ensure that the school has met its obligation of following its applicable discipline policy and due process requirements under federal law. In this example, we also assist families with trying to figure out other available school options for the student, should the student actually be expelled.

The nature of the issue that needs to be addressed is whether the case is compelling and significant to the overall quality of the student's current or immediate school experience.

Our offices 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.

In the case of waitlist, the Office of the Ombudsman will make a determination regarding the parent's ability to effectively advocate for their own student's need in deciding whether or not 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 particular case. In addition, if the facts, situation, or urgency of a case changes as a result of direct intervention or other influences, and the situation no longer meets the criteria established internally, an Ombuds 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 client is in need of formal administrative adjudication. A referral is made by contacting the appropriate authority, if known, requesting the assistance of the office, and connecting the client and the referral organization. The referral agency will, with the client's permission, receive the client's contact information, brief 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 AJE, CLC, DC Citywide Youth Bullying Prevention Office, the DC Department of Behavioral Health, Department of Health and Human Services, and DC CFSA. Due to our resource constraints, we have had to refer more cases that we would normally directly intervene in, and have been unable to consistently follow up on referrals to make sure the family's issues were resolved through the referral. It is our hope that the addition of staff will allow us to provide better follow up. With additional staffing support in the latter half of 2017, we intend to prioritize following up on referrals so that we better understand the outcomes that come out of our referrals.

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 and in many respects we have set the standard for how to have an effective Education Ombudsman office.

We have been successful in raising awareness regarding the trends that our office observes by participating in truancy hearings, student discipline roundtables and hearings, the special education roundtable and participation in policy workgroups. Also, we make recommendations to solve problems and when we can, prevent them from reoccurring. In our most recent annual report that we issued in late November 2017, we provided recommendations regarding race and equity, special education, and school discipline. Implementing our recommendations will require action by, OSSE, the LEAs, and individual schools. Other District agencies, such as the Metropolitan Police Department, the State Board of Education and other entities often play a role in guiding the implementation of the recommendations. We have met with various education leaders to discuss our recommendations and will continue that dialogue in order to determine the viability of our recommendations. Our collaborative efforts continue to gain traction with some education stakeholders in the consideration of our systemic recommendations.

We continue to receive an increasing number of requests from schools to provide mediation support, help with their internal policies, and coaching to their staff because of our relationship-building efforts with schools. Thus, we know that we have demonstrated value in the education landscape in DC.

Section IV: 2017 Annual Recommendations

Special Education

- We have observed that RTI is not implemented consistently across LEAs, which creates institutional barriers to special education services that are available to our most vulnerable populations. Thus, the District should promulgate legislation that defines how the RTI process is implemented across LEAs, to include: Child Find, General Education, and Parental Requests for Evaluation.
- We have observed schools retain students suspected of having disabilities without receiving an evaluation to determine eligibility. This means that students are assessed on standards that they may not be able to physically address. The District should develop a

procedure for determining whether and if students suspected of having a disability should be retained and a process for appeal.

- The District should develop accountability and reporting requirements to ensure students are not retained as a result of a failure to implement Child Find or honor a request for evaluation.
- We have observed LEAs apply overly stringent and inconsistent criteria for determining eligibility, limiting providers' ability to provide services for struggling students. Thus, the District should define "adverse impact on educational performance" eligibility criteria that applies to all LEAs.
- The definitions should utilize current best practices and peer-reviewed research and include both academic and non-academic factors of suspected disability to reflect the effects of poverty and trauma on cognitive functioning and brain development.

Discipline

- Create regulations around discipline that establish a minimum threshold for when and how to discipline children. In last year's annual report, we recommended that OSSE should publish state-level regulations that provide a basic floor of due process protections. In June 2014, OSSE released its report, "Reducing Out-of-School Suspensions and Expulsions in the District of Columbia Public and Public Charter Schools." Though OSSE has put forth several recommendations for supporting students with discipline problems, recent data on suspensions collected by our office suggest that these recommendations are not far reaching enough to reduce exclusionary discipline. It is clear that mandated action is necessary to ensure that LEAs are held accountable for the number of times that they suspend their students. We recommend establishing a maximum percentage of suspensions that schools cannot surpass, weighted by the percent of an LEA's student body that belongs in one or more sub-subgroups that have historically been disproportionately impacted. Councilmember Grosso's office has included language in which schools cannot suspend students in Grades K-8 with narrow exceptions provided.
- Require set-asides in funding for schools that have demonstrated disproportionality in disciplinary practices. These schools will be required to devote a minimum percentage of staff to restorative justice and trauma informed training and professional development.
- To complement this legislation and prevent disincentives for reporting of exclusionary discipline, Council should also require that OSSE implement mandatory, randomized audits, which would include cross-referencing in-seat attendance, absence, and discipline records to track use of unofficial, undocumented discipline practices, such as counseling out. To help increase transparency in this area, Council should legislate consequences for repeat offenders who violate their own discipline policies.
- Provide funding, accountability, and other incentives to encourage the development of positive school climates. Schools lack resources and supports to appropriately support students with disabilities and other at-risk factors, and choose exclusionary discipline

practices as a short-term solution to difficult issues. Providing additional funding for positive school climate practices will help support individual LEAs while providing incentives for other LEAs to change their practices.

- Create mechanisms to ensure students receive the appropriate instruction during periods of suspension. Many parents have shared that their students are not receiving their classroom work and homework during periods of suspension. The proposed legislation requires the affected school provide quality instruction by, “a certified teacher with grade and class appropriate material,” so when a student rejoins class they have not fallen behind academically. We are supportive of such language in the proposed legislation.
- Revise the Pre-K Student Discipline Amendment Act of 2015 and expand the reach to ban suspensions of some of our youngest students. Students at a young age should not be suspended for engaging in behaviors that are developmentally appropriate. Houston Public Schools has banned formal and informal suspensions for K-2 students. The 2017-18 Houston Public Schools policy also provides several supportive practices for students who are suspended or as alternatives to suspension, including substance abuse classes and community intervention for first time drug or alcohol use, and access to enrichment programming while in an alternative setting. Similarly, Minneapolis Public Schools banned suspensions for PreK-1 students for non-violent behaviors. Further, the State of Illinois has enacted laws requiring that districts first use non-exclusionary alternatives before resorting to suspensions. The law also bans zero tolerance policies and requires school districts limit the use of long-term suspensions. Thus, by limiting the scope in which exclusionary discipline can be used, large urban school districts have moved towards limiting the impact of exclusionary discipline. We are supportive of Chairman Grosso's legislation that seeks to change the culture around suspensions by further restricting its use in all D.C. public schools.

We do provide annual recommendations to LEAs and other education agencies developed from the trends observed in our casework and our engagement in the larger policy discussions across the DC. Such recommendations are not mandatory for LEAs to follow, however, we believe it does help to provide some concrete recommendations from the perspective of an outside entity. It is important for us to channel the student and parent voice in the overall education conversations, so that LEAs understand, beyond the student and parent surveys, how families truly experience their school or LEA. We are hopeful that our recommendations stimulate conversation about systemic policy changes that are needed across both education sectors. We should note that while we have formal conversations with LEAs, we also have many more informal conversations with LEAs about some of their practices. We have provided data to specific LEAs regarding trends that we are seeing regarding special education practices, school discipline, or other practices that we believe should be improved.

Q10. Does the Office of the Ombudsman for Public Education comply with the Language Access Act?

In FY17, we translated our brochures into six languages: French, Korean, Amharic, Spanish, Chinese, and Vietnamese. We still continue to use the Language Access line for translation during intake and during the course of our casework with ELL families.

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

We are still in need of someone to support us in improving our Quickbase database system. Although there are staff at OCTO that have Quickbase experience, they do not have experience with managing case management systems, and mistakes have been made in our case management system. Additionally, many of our needs require prompt response, which OCTO is not set up to provide. This means that we are expending limited time learning how to make changes to Quickbase, and we are also using outdated processes that are time consuming and difficult to upkeep. Additionally, we have out of date applications that pose security risks, such as Microsoft 2010 for PC, and Microsoft 2011 for Mac. Microsoft has discontinued support of these applications. Working with this old software also creates productivity problems as these old applications hinder our computer's functioning and processing. Our productivity is also hindered by slow and intermittent internet due to our use of an old server, and it is our understanding that this server is not being used by other agencies. We continue to sporadically experience power disruptions because we are on the same circuit as another office.

We hope to soon have a Memorandum of Understanding with DCHR, as the State Board has communicated that DCHR will not work with our agency until that is signed.

We still track calls manually by Google spreadsheet, a time consuming process. We do not have the internal knowledge necessary to create a system within Quickbase to automatically sync our messages and voicemails to Quickbase, which means that with our small capacity we are reliant on ourselves for tracking all calls, which opens us up to error.

We are also currently sharing a copier machine with the SBOE office, which is located on a different floor. We are hopeful to have the funds to purchase a copier to be shared with the Office of the Student Advocate (since we share office space) in FY18.

Q12. Please list all settlements entered into by the agency or by the District on behalf of the agency in FY17 or FY18, 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 FY17 and FY18, to date, whether or not those allegations were resolved.

N/A

Q14. Please list the administrative complaints or grievances that the agency received in FY17 and FY18, 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 FY17 or FY18 to date, describe the resolution.

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

Performance Plan for FY17

Q15. Provide the Ombudsman’s performance plan for FY17. Did the Office of the Ombudsman for Public Education meet the objectives set forth in the FY17 performance 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.

Accountability

Goal #1: It has been our goal to ensure that we are providing relevant, accurate, and timely intervention services to the District’s public school families, students, and parents at the highest level of customer service and attentiveness to the needs of our customers.

One of the ways that we meet this goal is that we strive to ensure we are knowledgeable about the most recent education policies, and local and federal laws. We believe we provide timely intervention services to families by tracking how the average life of a case within our office, tracking successful resolutions that have worked for cases that have repeatedly been presented to our office, and tracking the particular contributing factors that impact a case. We know that not all inquiries and complaints require a formal or lengthy involvement by the Ombuds, and in these cases, information, referral, limited research, consultation, or counseling may be provided to the caller. Through the collection of data regarding the types of complaints we receive and how they are resolved, the Ombudsman’s office identifies trends and recommends improvements to the public education system.

- We would like to work closely with the Office of the Student Advocate to ensure that families are receiving parent advocacy opportunities and training.
 - In FY17, the Office of the Student Advocate has largely focused on parent advocacy opportunities and training. The Office of the Ombudsman for Public Education joins such events, as appropriate.
- We have developed a robust fellowship program in order to ensure that we are able to expand our outreach to more families and to provide assistance in a more expedient manner.
 - We continue to hire fellows and currently have the funding in FY18 to pay fellows a competitive stipend of \$3,000 per semester. In order to provide meaningful learning opportunities to graduate level students in education policy and conflict resolution while training them to meet the needs of our families, a consistent funding source is imperative. We would like to raise the stipend, if possible, to \$4,000 per fellow, per semester in order to be competitive with other graduate student fellowships. For some context, we consistently receive approximately 700 calls per school year, even though,

in SY 16-17, we only accepted just over half of the calls as cases. As a result, we have to screen and prioritize the calls that come into our office because during busy times of the year, we are unable to meet the needs of all families who contact our office. Because we are committed to offering quality services to our families, we work to fully support our families by attending applicable school meetings, conducting mediations, and performing applicable research, as needed. We believe that staff members should work on 15-20 cases at a time and we have reduced the fellows' caseload to no more than 5 cases at a time. Moreover, we know that our fellowship provides meaningful opportunities to fellows because we have had a number of fellows ask to return to our office for an additional semester.

- We continue to refine our data points for collection on student, parent, and school demographics to better inform our strategies for outreach, education, and also to better inform our education stakeholders of some of the challenges within the DC educational systems.
 - It would be interesting to consider the addition of a data analyst for the State Board of Education that would also be tasked with supporting our office with data analysis and reporting. We devote a significant amount of staff time to the production of the quarterly reports and the annual report and it would be helpful to have some support in these areas. In addition, we believe that a data analyst within the agency would allow our agency to better synthesize the available data provided by OSSE and other agencies and improve our ability to make policy recommendations. We may be the only education agency without a devoted data analyst as part of its staff.
 - We provide the State Board of Education with quarterly reports and our reports are provided on our website.

Outreach

Goal#2: Build relationships with education stakeholders and community professionals in order to ensure that there is a more coordinated approach in serving underserved, underrepresented, and vulnerable populations.

- We have a working relationship with multiple District Government agencies, Child & Family Services Agency (CFSA) and the Department of Behavioral Health (DBH) as a way to expand to professionals serving youth in juvenile justice and child welfare systems.
 - We continue to collaborate with the DBH and CFSA. In FY17, I have had regular meetings with the Ombudsmen of DBH and CFSA and we often refer to cases to each other.
 - The Ombudsman is part of the DBH Advisory Council in which she is tasked with advising the DBH Ombudsman on ways to create an effective ombudsman office.

- In addition, the Ombudsman’s Office has received referrals from the Office of the Deputy Mayor for Education, Children’s Law Center, Advocates for Justice and Education, and OSSE/MySchoolDC.

Parent Empowerment

Goal#3: Improve the capacity of parents, families, and guardians to navigate through education processes and to become better informed of options that allow them to become better self-advocates.

In FY18, we have participated in Special Education Workshop Series that provides a “know your rights presentation regarding the special education process in schools and includes one-on-one mini sessions with DCPS, Advocates for Justice and Education, DC Special Education Cooperative, Office of the State Superintendent of Education (Office of Dispute Resolution), Disability Rights DC at University Legal Services, and the Children’s Law Center. Thus, far these sessions have been offered in Ward 3 and Ward 8 with additional sessions to occur in other wards in DC. These sessions have been hosted by the Office of the Student Advocate and State Board members.

- Improve access to families of diverse populations by providing materials on the website and brochures in translated languages regarding student rights and responsibilities.
 - In prior years, we translated a limited number of brochures into Spanish and also translated the voicemail message on our intake line into Spanish. In FY17, we translated all of our brochures into Vietnamese, Korean, French, Amharic, and Chinese. We are currently in the process of printing all of our brochures in the six languages mentioned above.

Improving Educational Outcomes by effecting Systemic Change

Goal 4: The Office of the Ombudsman for Public Education is committed to identifying and recommending strategies to improve educational outcomes for all students. Therefore, the Office of the Ombudsman is committed to building relationships and to work collaboratively with stakeholders to identify systemic barriers that impact educational outcomes for students.

- Participate in DC State Board of Education policy committees to ensure more seamless transition between understanding policy objectives and goals of the State Board and providing meaningful data and recommendations to the State Board to help inform their policy work.
 - We continue to look for opportunities to find mutual points of collaboration with the State Board of Education. In FY17, we did participate in two SBOE selection committees for the ESSA and Graduation Requirements Taskforce.

- In addition, we believe our data and recommendations are helpful to the Board's policy agenda and to help them broaden their reach beyond their specific jurisdiction to additional issues that impact children attending DC public schools. For example, we recently presented before the State Board of Education in order to provide an overview of the Student Fair Access to School Act of 2017.
- We provide quarterly reports to the State Board and in the last few reports, we have identified the following issues:
 - **School Placement:** DCPS was unable to provide specialized instruction at a student's neighborhood school. DCPS then bused the student across town. The student now arrives to school late. This student has a learning disability but he was still required to receive services far outside his neighborhood. Our office would like to explore whether services should be delivered at students' neighborhood schools when more restrictive educational placements are not necessary.
 - **Oral Requests:** Our office would like to explore the possibility of strengthening the protections in DC's special education laws regarding oral requests for evaluation. There are a number of families who have complained that they have made oral requests for evaluation and that schools have ignored such requests.
 - **Response To Intervention:** Our office shared concerns about how the Response to Intervention (RTI) process is used and how it impacts the length of time it takes to conduct an evaluation. Some LEAs require 6-8 weeks of observation before determining whether an evaluation can occur. This causes a tension between the schools' duty to comply with Child-Find and compliance with other procedural requirements. Additionally, classroom teachers are being asked to implement serious interventions to address a student's difficulties in the classroom before a referral is allowed to proceed to evaluation.
- **Provide quarterly data reports and any identified trends to education stakeholders in order to continue conversation about areas that require systemic change.**
 - In prior years, we provided information from our quarterly reports in our DCPS meetings. We have recently communicated with DCPS Central Office about discussing our annual report and the trends discussed in the report. We are anticipating having such a meeting within the next month or so.

Q16. Provide the Ombudsman's performance plan for FY18. What steps has the office taken in FY17 and to date in FY18 to meet the objectives set forth in the performance plan?

Accountability

Goal #1: It has been our goal to ensure that we are providing relevant, accurate, and timely intervention services to the District's public school families, students, and parents at the highest level of customer service and attentiveness to the needs of our customers.

One of the ways that we meet this goal is that we strive to ensure we are knowledgeable about the most recent education policies, and local and federal laws. We believe we provide timely intervention services to families by tracking how the average life of a case within our office, tracking successful resolutions that have worked for cases that have repeatedly been presented to our office, and tracking the particular contributing factors that impact a case. We know that not all inquiries and complaints require a formal or lengthy involvement by the Ombuds, and in these cases, information, referral, limited research, consultation, or counseling may be provided to the caller. Through the collection of data regarding the types of complaints we receive and how they are resolved, the Ombudsman's office identifies trends and recommends improvements to the public education system.

- We would like to work closely with the Office of the Student Advocate to ensure that we are partnering to provide parent advocacy opportunities and training.
 - We will continue to join parent-training opportunities with the Office of the Student Advocate, as appropriate. In FY18, we have participated in two special education "Know Your Rights" events in Wards 3 and 8. The next event will be held in Ward 6.
- We have developed a robust fellowship program in order to ensure that we are able to expand our outreach to more families and to provide assistance in a more expedient manner.
 - We continue to hire fellows and currently have the funding in FY18 to pay fellows a competitive stipend of \$3,000 per semester. In order to provide meaningful learning opportunities to graduate level students in education policy and conflict resolution while training them to meet the needs of our families, a consistent funding source is imperative. In addition, we hoping to increase the stipend by \$1,000 per fellow per semester in order to remain competitive with other fellowships. For some context, we consistently receive approximately 700 or more calls per year, even though we only accept half of the incoming calls as cases. We have also transitioned in FY17 to answer the phone, as much as possible, in real time. Families have responded well to this change and we've been able to capture more urgent case as a result of this change. As a result, we have to screen and prioritize the calls that come into our office during busy times of the year. Because we are committed to offering quality services to our families, we work to fully support our families by attending applicable school meetings, conducting mediations, and performing applicable research, as needed. We have created a model in which staff members work on 15-20 cases at a time and we have reduced the fellows' caseload to no more than 5 cases at a time.
- We continue to refine our data points for collection on student, parent, and school demographics to better inform our strategies for outreach, education, and also to better

inform our education stakeholders of some of the challenges within the DC educational systems.

- It would be important to consider the addition of a data analyst for the State Board of Education that would also be tasked with supporting our office on data analysis and reporting. We devote a significant amount of staff time to the production of the quarterly reports and the annual report and it would be helpful to have some support in these areas. We provide the State Board of Education with quarterly reports and in the past, we have shared our data reports with DCPS and our reports are posted on our website.

Outreach

Goal#2: Build relationships with education stakeholders and community professionals in order to ensure that there is a more coordinated approach in serving underserved, underrepresented, and vulnerable populations.

- We have expanded our outreach to District Government agencies such as Child & Family Services Agency (CFSA) and Department of Behavioral Health (DBH) in order to expand to professionals serving youth in juvenile justice and child welfare systems.
 - We continue to collaborate with the DBH and CFSA. In FY17, I have had regular meetings with the Ombudsmen of DBH and CFSA and we often refer to cases to each other.
 - The Ombudsman is also part of the DBH Advisory Council in which she is tasked with advising the DBH Ombudsman on ways to create an effective ombudsman office.

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In FY 18, we have participated in Special Education Workshop Series that provides a “know your rights” presentation regarding the special education process in schools and one-on-one mini sessions with Advocates for Justice and Education, DC Special Education Cooperative, Office of the State Superintendent of Education, Disability Rights DC at University Legal Services, and the Children’s Law Center. Thus, far these sessions have been offered in Ward 3 and Ward 8 with additional sessions that occur in other wards in DC.

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- Participate in DC State Board of Education policy committees to ensure more seamless transition between understanding policy objectives and goals of the State Board and providing meaningful data and recommendations to the State Board to help inform their policy work.
 - We continue to look for opportunities to find mutual points of collaboration with the State Board of Education. We believe our data and recommendations are helpful to the Board’s policy agenda. Recently, we presented before the State Board of Education in order to provide an overview of the school discipline legislation.

Interagency Collaboration

Q17. What efforts have been made to improve the Office of the Ombudsman for Public Education’s functions in FY17 and FY18 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; and
- g. DC Public Libraries.

The Ombudsman’s Office has improved our functionality by adopting an “activist” Classical Ombudsman model. By “activist,” we believe it is our responsibility to adopt a proactive posture to the systemic inequities that plague our most vulnerable families. We address issues that are brought to our attention by providing direct intervention; we also act on our own initiative by engaging in efforts to address these same issues on the systemic level. Our office thus serves as a mechanism for parents, students, and families to have a real voice in addressing systemic

inequities that are causing our children, particularly children of color, to fail.

To further carry out our mission, we have been intentional in deepening and expanding our relationships with agencies such as DCPS, PCSB, DBH, CFSA in the District in order to positively impact educational outcomes. The Ombudsman regularly participates in the DBH Advisory Council meetings. We have also agreed to have quarterly meetings with PCSB in order to share relevant data; discuss major and recurring issues at Charter LEAs; and devise strategies to improve the efficiency in handling shared complaints, however, these meetings have not yet occurred. The Ombudsman will engage in additional efforts with PCSB to try to schedule these meetings, as they would be helpful to both education agencies. In addition, we do post our quarterly reports on our Ombudsman website for the public and for agencies to view.

In FY17, the Ombudsman served as a moderator for an OSSE agency panel as part of the LEA Institute entitled “It Takes a City.” The agency representatives from the Department of Human Services, Department of Parks and Recreation, Metropolitan Police Department, and the Department of Health. The Ombudsman also served as a moderator for the 4th annual District of Columbia Parent and Family Engagement Summit: Passport to Excellence, to be hosted by the Office of the State Superintendent of Education (OSSE) in September 2017.

We are in the process of scheduling a meeting with DCPS to discuss our annual report that covered School-Year 2016-17. We have participated in DME initiatives such as the Every Day Counts Taskforce. Moreover, we have a collaborative partnership with the Citywide Youth Bullying Prevention Program at the DC Office of Human Rights. In addition, in FY18, we have accepted an invitation extended by the DC Department of Human Resources, TANF Employment Program to join a network meeting with service providers to share information about our services. We appreciate the opportunity to think about different ways to share our services especially with agencies that serve some of our most vulnerable populations who may need our services.

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.

There has been an improved relationship with the State Board of Education and the Office of the Ombudsman for Public Education. The only area worth noting is that we continue to refine the administrative functions that the overall agency provides to our office.

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. The Office of the Ombudsman works with the Office of the Student Advocate on initiatives such as the special education series mentioned above which are designed to empower parents to advocate on behalf of their children.