



To: Councilmember David Grosso  
From: Serena Hayes, Ombudsman for Public Education  
Date: May 22, 2020  
RE: FY21 Budget Oversight Responses

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1. What are the agency's performance goals and targeted outcomes for FY21? How will the proposed FY21 budget serve to achieve those goals?

The Office's performance goals for FY21 consist of the same overarching goals from the current fiscal year—capacity building, relationship building with LEAs, increasing families' awareness about the office, increasing data sharing, and improving education outcomes by effecting systemic change. While the goals themselves remain constant, the COVID-19 pandemic has required us to shift the strategies used to achieve these goals. In each of these areas, we assess what worked effectively the previous year. Then we consider what did not work, the reasons it did not work, and the ways the plan can be altered to improve outcomes. As the public education systems throughout the District—and across the globe—shift, the Office remains agile to pivot as necessary to best meet the needs of the District's families and other education stakeholders.

Goal #1, Capacity Building. Developing strategies to improve case management efficiency while providing families, students, parents, and schools with the highest level of care and attentiveness remains a priority. The Office continues to measure its case management efficiency by tracking 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 contributing factors that impact a case. Prior to distance learning, we improved our case management efficiency by assigning an assistant ombudsman to specific case categories. One assistant ombudsman focused on special education cases. The other assistant ombudsman focused on bullying, student safety, and discipline. This allowed each assistant ombudsman to deepen their knowledge base in their focus areas resulting in a more efficient and informed office. Our increased efficiency allowed us to identify and examine patterns of practice and policy gaps more quickly.

Since distance learning was instituted, we also experienced a shift in complaints. Families no longer contact our office concerning bullying and student safety matters. Instead, most of our cases are related to special education during distance learning. We also receive complaints about communication and engagement with teachers, concerns about academic progress, concerns about retention and promotion, and transcript requests. In response to this shift, both assistant ombudsmen are assigned special education complaints. The program associate continues to manage cases related to all other topics.

Our database is also essential for effective case management, and hence, capacity building. We make gradual changes to the database system to increase efficiency and expect that this process will continue into FY21. A fundamental part of our case management process is to log case activities. The process of tracking case records is extensive and time consuming. In some cases, it takes longer to log the activity than it did to perform the activity itself. And yet, the importance of tracking case activity cannot be overstated. Tracking case activity allows any staff member to access the progress of every open case. Tracking case activity also allows any staff member to quickly assist a family if the ombudsman assigned to the case is unavailable. With such a small office, it is critical that everyone has access to current case information. In FY20, we are exploring the possibility of obtaining email and QuickBase integration software. System integration would significantly decrease the amount of time spent logging email communications, and consequently, staff would have more time to directly engage with families and schools. The cost of the integration software would become an annual expenditure.

Goal #2, Relationship Building with LEAs and Education Stakeholders. Continuing to nurture positive, trusting relationships with LEAs is essential now more than ever. In FY21 we intend to continue developing deeper relationships with LEAs. Our method is to emphasize the neutrality of our office in the case management process and assure LEAs that we are here to support LEAs and families. We will continue to regularly engage offices within DCPS—Office of Integrity, Specialized Instruction, Policy, and the CARE team. Additionally, in FY21 we intend to continue developing relationships with PCSB through collaboration in case management, as appropriate. We are also supporting PCSB’s work in presenting a webinar for special education coordinators to better support families during distance learning, as well as through the recovery period.

Special education has always been a critical issue in public education and for our office. As distance learning continues and the reopen plan takes shape, we anticipate that LEAs will need more help than ever to serve students with special needs. LEAs are already being encouraged to create regression mitigation plans for special education students. Like individualized education program meetings, we anticipate that some regression mitigation plan meetings will be contentious. Our office is preparing to conduct more facilitations and mediations at the request of families, individual schools, and LEAs. Relatedly, many education stakeholders predict an explosion of special education complaints. In preparation, we are in on-going conversations with the Office of the State Superintendent of Education to coordinate efforts along the complaint continuum.

Goal #3, Increase Families’ Awareness of the Office. Prior to distance learning, our targeted outcome was for our demographic data to reflect the city’s diversity. The city’s response to distance learning has not necessarily changed this target outcome. However, we have realized that we have more work to do in the area of family awareness and outreach. The office has experienced a decrease in the number complaints received. Similarly situated education grievance offices have also reported a decline in contacts.

Nonetheless, we want to ensure that families are aware of our office, if they desire our assistance. Much of the office’s marketing resources were invested in Metro advertisements.

With social distancing measures keeping most families off Metro, the ads are no longer effective. Since distance learning began, we shifted our energy to increase our social media presence. We also began disseminating monthly newsletters to families. This is discussed more in Goal #4.

Goal #4, Increase Meaningful Data Sharing. One of the office's values is the data collected through case management. We share data through our annual report, as well as our mid-year report. We engage with stakeholders, such as DC Councilmembers, OSSE, SBOE, DCPS, PCSB, the OSA, DBH, and others to share data trends. We intend to continue these efforts in FY2021.

We continue to regularly share data with DCPS's grievance teams—the Office of Integrity and DCPS CARE—as well as PCBS's complaint resolution staff. We have realized the need to heighten our engagement and data sharing with organizations such as Advocates for Justice in Education (AJE), Children's Law Center, DC Case, and the Special Education Co-op so that we all have the opportunity to share what each of our organizations hear from families, identify common trends, and develop a common thread through our family support work that is aligned not duplicative.

In response to distance learning, we prioritized publishing a family-focused newsletter. The newsletter is an idea that we had prior to COVID-19, but we were too saturated with casework to implement it. We distribute monthly newsletters to families. While we are still refining the newsletter template, the goal to eventually use data trends to highlight issues for families and provide suggestions for troubleshooting common concerns.

Goal #5, Improving Educational Outcomes by Effecting Systemic Change. A statutory requirement of the office is to make education policy recommendations. With the onset of distance learning, there have been numerous policy conversations about what distance learning should require, as well as what long-term considerations are necessary for students to continue learning while also ensuring that students remain safe. Our office has and continues to participate in those policy conversations.

As the city prepares for the recovery phase, our office's focus will be on increasing parent awareness about evolving policies. We want parents to feel connected and informed. Of course, we will also continue to provide input on contemplated policies where our case management data is relevant. Currently and likely into FY21, we are reviewing policy recommendations from last year's annual report. We are identifying the ways COVID-19 impacts those recommendations and considering what recommendations remain critical.

It is important to note that the policy recommendations made by the office are not restricted to top-level policymakers. Through our case work, we regularly make policy recommendations at the LEA level. Our process is to attempt to address issues at the lowest level first. Where we are unable to make progress, we may address an issue at the next highest level.

2. Will the proposed FY21 budget allow the Office of the Ombudsman for Public Education to meet all of its statutory mandates?

The proposed FY21 budget does not allow the office to meet all statutory mandates. Since the office's re-establishment, the office has chronically been understaffed. Prior to the economic crisis, we intended to request an additional FTE. Given the budget constraints, we formally withdrew that request.

The internal systems we have implemented over the last year will allow us to serve families efficiently and effectively for now. The office will monitor increases in call volume that directly related to COVID-19. Should the office experience a surge, the office will communicate with the Mayor's team and EOM to discuss possible solutions, including federal funding for temporary positions. As the city enters the recovery period, we will need to consider crisis planning for all internal and external education related grievance offices. Even with additional staff, the Office of the Ombudsman does not have the infrastructure to support a surge in call volume.

There were some significant reductions in the proposed FY21 budget to the office's non-personnel funding. The proposed budget decreases the office's NPS funding by half. The office will be unable to hire professional services to support some of our statutory obligations. Some of the projects that we would typically contract, we will now have to perform in-house. The additional workload will be difficult to manage, especially because we had already exceeded our saturation rate. But we will manage by using creative strategies and possibly scaling-back external facing projects to focus on case management. Again, we understand the budget crisis, so we are not asking for additional funds.

3. Provide a narrative description on programmatic initiatives for the Office of the Ombudsman for Public Education for FY21.

As you know, the Office of the Ombudsman was created to support families and students. As programmatic initiatives are developed, the office must remain cognizant of evolving needs of families and schools during recovery planning. We are doing our best to predict education-related needs and create initiatives that address those needs. However, limited financial resources, as well as staffing limitations, may limit our ability to develop any initiative beyond case management and policy recommendations.

Programmatic Initiative No. 1: Regression Mitigation Facilitation and Mediation. Schools are being asked to create regression mitigation plans for students, including students who receive special education services. As discussed in detail below, the office has begun offering our support to schools and families who might benefit from having a neutral-third party facilitator or mediator.

Programmatic Initiative No. 2: Family Circles. Families are searching for a vehicle to connect and share their experiences with distance learning. In response, the office partnered with School Talk to facilitate a community circle for families with differently abled children. Families were able to come together and discuss the highs and lows of distance learning while building a supportive network. In the post-event poll, families expressed the desire to continue holding

community circles throughout the 2020-21 school year. If we have the capacity, we intend to continue holding circles monthly.

The office has additional programmatic initiatives for the current fiscal year. In particular, the office conducted a survey of special education families that we worked with throughout the previous two years. The office is still processing data results and will share the findings with stakeholders when the report is complete. This initiative is unlikely to continue into FY21.

The office is exploring different partnerships to continue providing supports to parents and students during distance learning and beyond. While no one knows how long distance learning will last, the impact and residual effect on students, and what public education looks like, will no doubt be long-lasting. We are prepared to continue shifting as needed to best meet families where they are.

4. Provide an update on any change in FTEs in the proposed FY21 budget. Please identify each position and the source of funding for the position.

The proposed FY21 budget provides the Office of the Ombudsman for Public Education with one additional FTE. The FTE position enables the office to hire a third fellow for a portion of the calendar year. As I understand it, the position already existed within the agency. The position and associated funds shifted from SBOE to the Ombudsman's office.

5. Does the proposed FY21 budget allow for the Office of the Ombudsman for Public Education to provide an adequate level of service required to manage, examine, and investigate anticipated complaints? Does the proposed FY21 budget allow for the Office of the Ombudsman for Public Education to meet legislative, statutory, or regulatory requirements?

Prior to COVID-19, the budget did not allow the office to provide an adequate level of service. However, since distance learning, the office has experienced a decrease in call volume. In some of our proactive conversations with families, they have explained that they are waiting for the school year to end. Families may be hopeful that distance learning will end and, consequently, the challenges experienced will resolve once school re-opens next fall. As decisions are made about the structure of public education in the fall, we anticipate at least a return, if not an increase, to pre-distance learning volume. If we receive requests for assistance at the same rate as we experienced prior to distance learning, we will be unable to assist families at the same conversion rate.

We anticipate a surge in special education cases. First, schools are being instructed to develop learning regression mitigation plans for special education students. This means that every student with an IEP will be asked to schedule a meeting and develop plans to best support the student in whatever the education structure is in SY2020-21. As schools meet with families to develop regression mitigation plans some families will not be content with the plan developed.

Like IEP meetings where the IEP team meetings to discuss the development of an IEP or an annual review, families and schools will likely request support from our office to attend contentious regression mitigation plan meetings. We also expect that a percentage of families will request compensatory education services as a result of regression that their student experienced during distance learning. It is likely that some regression mitigation plans are not going to be enough or may not adequately address student learning loss.

Also, from what we have observed, LEAs are not making case-by-case determinations for evaluating students suspected of having a disability. This means that schools will experience a backlog of cases where schools are out of compliance with federal regulations. This also means that new requests for evaluations will be delayed as schools are catching up on stagnant requests from this current school year.

Finally, it is unlikely that students who were in tier-three response to intervention programs received the same level of intervention instruction during distance learning. We are concerned that these students may have fallen even further behind their peers. There may be an increase in families requesting special education evaluations particularly for this group. We do not anticipate a shortage of complaints.

Taking all these factors into account, we believe that the need and demand for our office will at least return to pre-COVID demand, if not increase. We understand the economic shortfall that the city is experiencing. Therefore, we are not requesting a third assistant ombudsman. The decision to refrain from advocating for a third ombudsman was not made lightly, as it does not reflect the true needs of the office. However, our office is willing to sacrifice for the sake of our city.

6. Describe any other programmatic expansions, initiatives or anticipated reductions for FY20 and FY21. Provide a breakdown by program and provide a detailed description, including FY20 and FY21 spending plans, the target population to be served, and the name and title of the Office of the Ombudsman for Public Education employee responsible for the initiative.

The office has no planned expansion or new initiatives in FY21. If the Mayor's proposed budget is adopted, the office will largely sustain its services without reductions at the current call volume rate. However, should the office experience a surge in call volume or return to pre-COVID volume, we will have to consider implementing a waitlist and/or case prioritization process. Also, we might have to consider discontinuing ATTEND mediations conducted in partnership with OAG and DCPS. At this point, the office is unaware if this program will resume in FY21.

## **Homicide Reduction**

1. Please describe three initiatives, programs, or projects currently underway within your agency directed at preventing homicide in the District of Columbia. If you currently do not have any initiatives, programs, or projects currently underway directed at homicide prevention, please describe three ways in which your agency could play a role in reducing homicides in the District of Columbia.
  - a. Please describe the resources currently allocated to these initiatives, program, or projects, and describe what additional resources you would need to improve the efficacy or scale of these efforts. (Or resources you would need to implement the ideas detailed in response to the above question.)

The Office of the Ombudsman works to resolve conflicts between schools and families. The goal is always to reduce barriers for students in accessing public education. Our hope is that keeping children engaged in school will improve employment outcomes and reduce the school-to-prison pipeline. We hope that homicide reduction is a by-product of our work. Research supports that many incarcerated individuals have special needs that were either never diagnosed or never addressed. Our office routinely works to support students' access to special education services and evaluations. Additionally, we have worked with the Public Defender Services, OSSE, and DCPS to continue improving educational outcomes for justice-involved youth. Finally, "student safety and bullying" was our highest case category before distance learning. As we managed those cases, we took a holistic approach. We engaged with families, social workers, teachers, and school administrators to gain a well-rounded perspective about the student. We worked to connect families with mental health services available at schools and within their community. In many cases, when the student was present at a meeting, we provided social and emotional support for the student. Social and emotional skills are embedded in our process. Finally, prior to distance learning, our office supported OAG's work with attendance mediations.

2. Please describe how your agency works (or would work) collaboratively with other DC agencies toward the goal of reducing homicides.
  - a. Please also describe how your agency engages (or would engage) non-governmental organizations and the community at large on the issue of homicide prevention.

Our office collaborates with numerous agencies and non-governmental organizations on the initiatives we already participate in. We are always happy to collaborate with any DC agency, NGO, and the community at-large. I could imagine partnering with School Talk on the restorative practices in school discipline work that they do. However, our ability to expand is limited given our small staff.

3. Please describe how you currently measure (or would measure) the efficacy of the aforementioned initiatives, programs, or projects. Additionally, if three metrics related to homicide prevention were added to your Key Performance Indicators (KPIs), what should those metrics be?

KPIs for measuring the efficacy of these initiatives might include student grades before and after engagement, pre- and post-attendance rate, frequency of attending mental health services,

reduced behavior complaints. For students with IEPs, another KPI could be the rate of progress in an academic year.