

2021 | ANNUAL REPORT

DC Office of the Ombudsman for Public Education



EXECUTIVE SUMMARY

The Office of the Ombudsman for Public Education (the “Office”) continued to serve families and students with quality and care throughout the 2020-21 School Year (SY 2020-21). Due to the pandemic, the Office experienced an overall decrease in contacts and cases. Although the Office experienced a decline in cases, we observed that many of the families we supported had multifaceted concerns. Given the complex nature of the cases, the work performed to reach resolution was more extensive than before the pandemic.

Families’ most frequent concerns involved Communication and Engagement, Special Education, and Academic Progress. The data for Communication and Engagement, as well as Special Education, is consistent with previous annual trends. The frequency of Academic Progress concerns, however, is unique to SY 2020-21. The increase in Academic Progress concerns demonstrates that the challenges during virtual learning impacted a wide range of students. Virtual learning provided an opportunity for families to observe their students learn in a formal, academic setting. In some cases, these struggles were caused by the limitations that learning through a computer can present. In other cases, these struggles existed prior to the pandemic and worsened during the pandemic. We usually receive many cases involving Bullying and Student Safety. This was not our experience in SY 2020-21. We believe that the decline in Bullying and Student Safety was directly due to students no longer having physical proximity to one another that could result in the physical escalation of conflicts.

Like previous years, many of the families who contacted us were families of students with disabilities (slightly less than 50%). We were surprised that the percentage of students with disabilities served was not higher because Individualized Education Programs (IEPs) were inconsistently implemented during virtual instruction.

The Office supported families residing in Wards 5, 7, and 8 more than other wards. In addition to tracking the ward where families reside, we also track the ward of the school involved in the issue. We worked with schools in Wards 6, 7, and 8 more frequently than schools in other wards.

Recommendations

The Office is charged with making policy recommendations before the State Board of Education. In this report, we proffer three recommendations to advance public education:

1. Create comprehensive virtual school options for students as an alternative to traditional school models;
2. Enhance training for attendance point of contact, develop systems for sharing the status of Child and Family Services Agency referrals with upper-level school staff, and provide systemic interventions to reduce gaps in the truancy referral process; and
3. Ensure that the District of Columbia Public School’s (DCPS) self-contained classroom re-alignment allows families to participate in the lottery equitably.

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LETTER FROM THE OFFICE OF THE OMBUDSMAN FOR PUBLIC EDUCATION

October 1, 2021

To: District of Columbia State Board of Education

When virtual learning was mandated in March 2019, no one knew how long it would last. I recall my feelings of fear of co-teaching my children at home while also maintaining full-time employment. Looking back over the past eighteen months, I am amazed that my family and I survived. Like other families, however, survival does not mean unscathed. Many families continue to suffer due to the pandemic—death, unemployment, as well as food and housing instability plague some of our most vulnerable residents.

Although schools returned to in-person learning in August 2021, we must also remember that the pandemic is not over. Mutations and positive cases are rising throughout the country in rates that parallel (if not exceed) virus conditions that kept school buildings closed for most of last school year. Many people, especially families, have been bracing for the next significant disruption. For some families, the in-person learning mandate has caused more anxiety and fear than the stress of virtual learning. Many feel dreadful about what lies ahead.

This time has taught me that nothing is certain. None of us could have predicted how the last year would unfold. Recovery will take extensive collaboration, resources, and an unwavering commitment to equitably educating children.

Historic failures to protect vulnerable populations exacerbated pre-existing disparities. As leaders in public education, there is a great responsibility to ensure that recovery efforts do more than retain the status quo. We must do better and more to achieve educational equity. The Office of the Ombudsman will continue to fulfill our responsibilities with the devotion and commitment that families deserve, and in the process, make quality public education truly accessible to all.

Warmly,

A handwritten signature in black ink that reads "Serena M. Hayes". The signature is written in a cursive style with a large initial 'S'.

Serena M. Hayes



ABOUT

Our Team

FULL-TIME STAFF

SERENA M. HAYES

Ombudsman

RYVELL D. FITZPATRICK

Assistant Ombudsman

CRYSTAL WILLIAMS

Assistant Ombudsman

STEPHANIE ARIAS, *Program Associate*

FELLOWS AND INTERNS:

Stephen Mogar, Keegan Cary, Dante Taylor, Antoinette Iroko, Korey Foster

WHAT IS AN OMBUDSMAN?

The word “ombudsman” is derived from a Swedish word meaning “entrusted person” or “grievance representative.” The word has come to denote a trusted agent who looks after the interests of a group. In the United States, numerous public ombudsman offices have been created—through legislative, executive, or judicial authorization—as independent agencies that monitor the delivery of services for specific populations. There are a growing number of jurisdictions with an independent Ombudsman Office for K-12 public education.

The Office of the Ombudsman for Public Education is an independent, impartial office that helps parents and students resolve school complaints individually and collectively, transforming problems into solutions that compel systemic progress for all public education in D.C. As established by law, the Ombudsman’s mission is to be a “single office” that coordinates “transparency and accountability” by helping D.C.’s families navigate the five education agencies that govern and operate the public schools in D.C. The D.C. Public Education Reform Amendment Act (PERAA) laid out responsibilities for the Office of the Ombudsman that includes reaching out to parents and residents; serving as a vehicle for communication; receiving complaints and concerns, determining the validity of complaints and concerns, and developing a response; identifying systemic concerns using a database; making recommendations based on observed patterns; and issuing annual reports.

OUR MISSION

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 interests.

OUR VISION

The vision of the Office of the Ombudsman for Public Education 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 PROCESS

Once a stakeholder² contacts the office, the following steps occur:

1. Screening – Verify that the complaint is within the Office’s jurisdiction;
2. Intake – Ask the stakeholders a series of questions that are recorded in our database;
3. Investigation/Examination – Contact the other stakeholders, i.e., school or Local Education Agency (LEA), involved to acquire supplemental information;
4. Research – When the Office does not already have an answer to a question, conduct research;
5. Conflict Resolution and Solutions – The Office might offer the stakeholder(s) any of the options that follow: information (including referrals), coaching, shuttled diplomacy, attending or facilitating a meeting, mediation;
6. Close Case – After achieving resolution, the case is closed. A resolution can be reached at any point throughout the process. ■

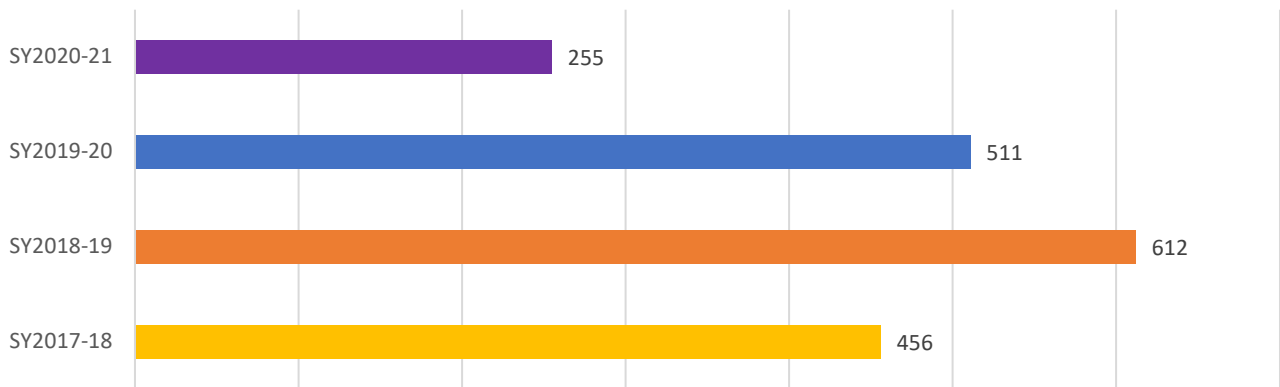
DATA

The Office of the Ombudsman (the “Office”) amalgamates and analyzes its case management data. This process reveals trends and common areas of concern within our public education systems. In SY 2020-21, the Office experienced a decline in call volume and cases. We received 475 contacts and managed 225 cases. Compared to SY 2019-20, the Office’s call volume decreased by approximately forty percent (40%).

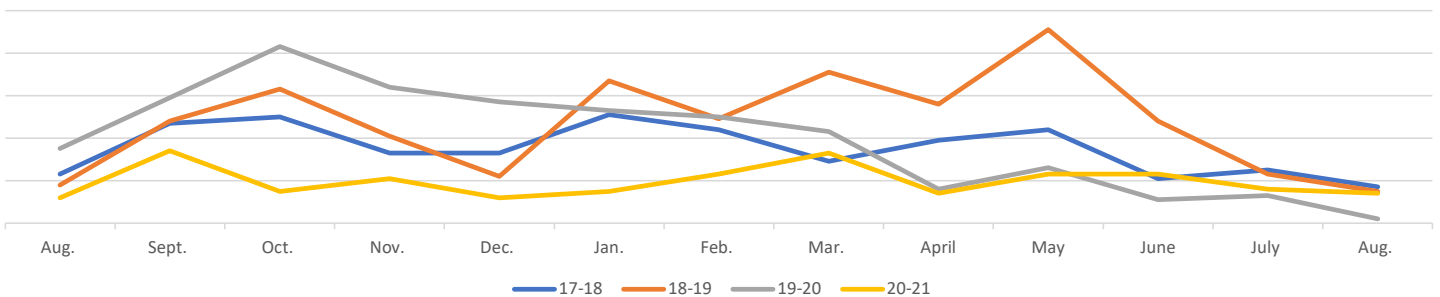
Except for the decline in contacts, the month-to-month patterns are consistent with the previous years data. October/November and May/June were the months that deviated from prior patterns. The Office received fewer contacts in October and May. In November and June, however, the Office received an increase in contacts. August was the only month throughout the school year where the contact volume was greater than or equal to prior years. We believe that the increase in volume was because families were preparing to return to in-person learning.

Finally, the Office’s conversion rate was fifty percent (50%), which is standard.

Cases: Year to Year Comparison



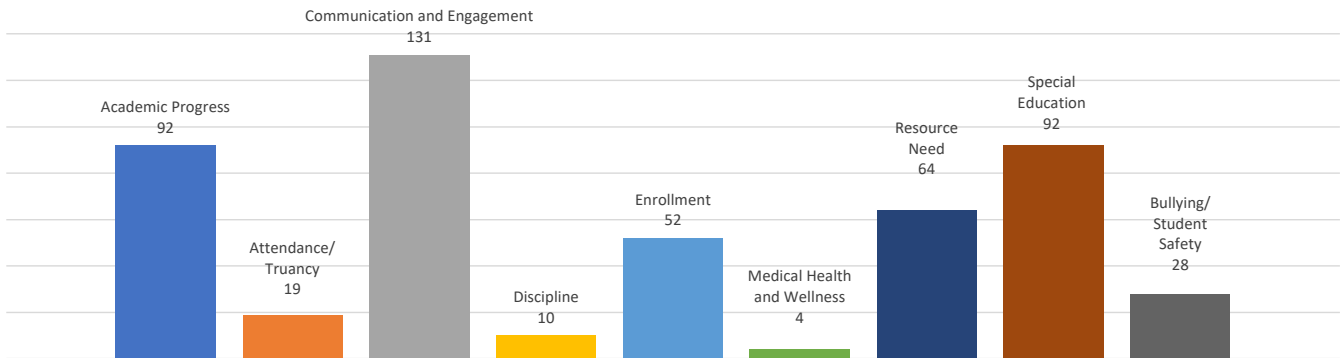
Cases by Month



CASES BY TOPIC

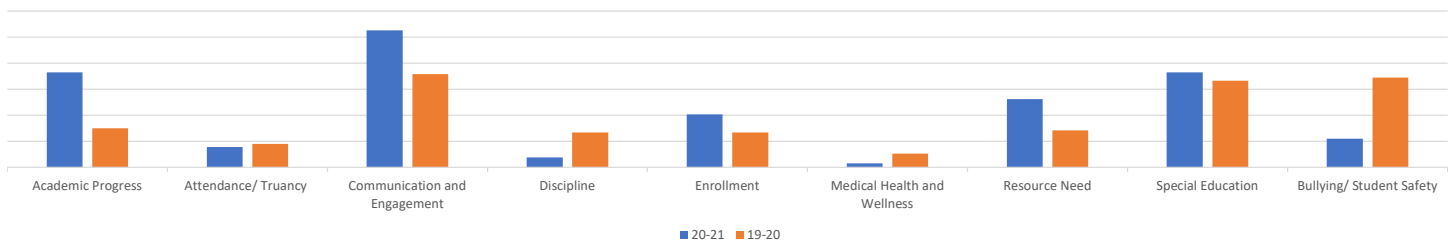
During the intake process, the relevant topics for each case are identified. When a family’s concern implicates multiple topics, we identify each relevant topic. In SY 2019-20 and SY 2018-19, the most common topics were Bullying and Student Safety, Communication and Engagement, and Special Education. In SY 2020-21, there was a shift in the dominant topics. While Communication and Engagement, and Special Education remained frequent areas of concern, families expressed increased concern with Academic Progress and Resource Need. Bullying and Student Safety cases were minimal, most likely because of virtual learning. Discipline cases were also lower than usual.

Topics



The *Topic Percentage by School Year* graph below compares the percentage of case topics in SY 2019-20 with SY 2020-21. Each bar represents the percentage of cases related to each topic identified. The chart shows that each topic percentage increased, even though the number of overall cases decreased. This is because more cases than usual implicated at least three topics. While we had fewer cases in SY 2020-21, the cases we managed were multi-layered.

Topic Percentage by School Year

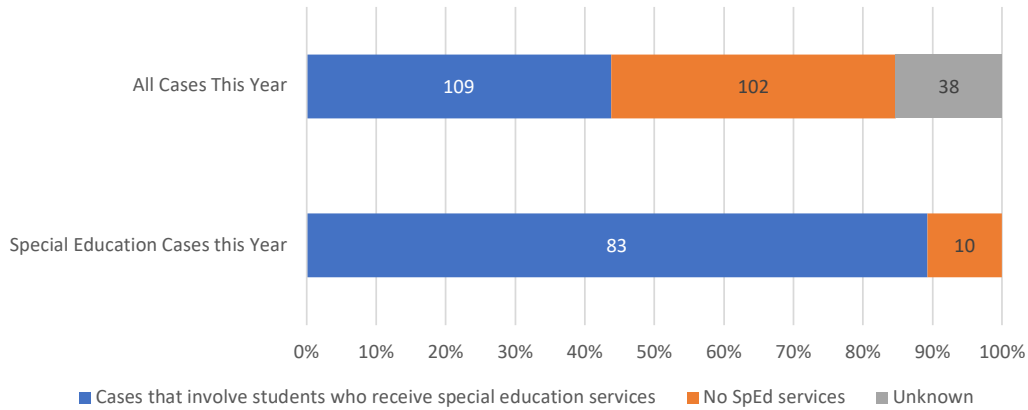


SPECIAL EDUCATION DATA

Ninety-three of the cases we managed involved concerns with special education. As the office conducts intake, we capture where the families’ concern arises. In SY 2020-21, the office revised the intake form to indicate when families’ inquired about the special education eligibility process before they had a conversation with their student’s school. For example, Ms. Green contacted our office to express her concerns with her child’s academic progress. She suspected that her child might need an evaluation for special education services. Ms. Green had not yet contacted the school to express her concerns. We coached Ms. Green through communicating her concerns and making a request for evaluation directly

with the school. These types of inquiries suggest that families felt disconnected from, and perhaps also distrustful of, schools before and during virtual learning.

Special Education Services: Special Education Cases



Some families expressed concerns about evaluation delays. These families wanted timely communication from schools after requesting an evaluation, as exemplified in the case below:

Last school year, Ms. Johnson made an initial request for a special education evaluation for Emily, her daughter. The school responded several weeks after Ms. Johnson’s initial request and committed to collecting data to determine if Emily needed an evaluation. Communication from the school stalled for several months. Ms. Johnson followed up with the school for an update and learned that her request for an evaluation was denied. The school reasoned that Emily was not sufficiently behind her peers to warrant an evaluation.

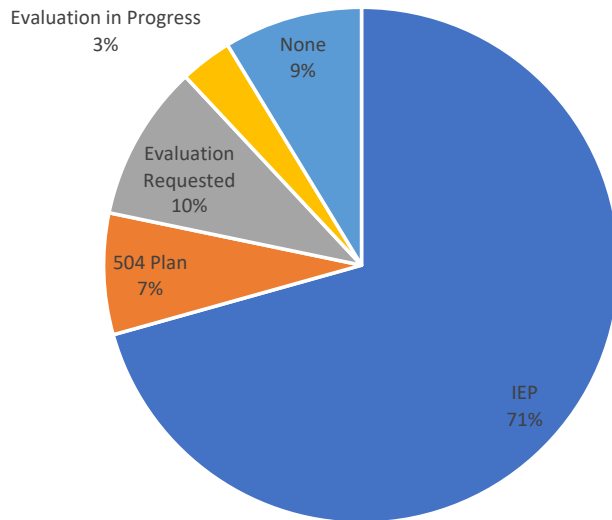
Unbeknownst to the school, Emily had received an evaluation by her pediatrician and was diagnosed with Autism Spectrum Disorder. After sharing the diagnosis with the school, the school (once again) said that it needed to collect additional data to determine evaluation eligibility. Three months later, the school informed Ms. Johnson that the school would proceed with an evaluation. After Ms. Johnson contacted our Office, we ensured that the school followed the required special education eligibility timeline and developed an IEP.

Although some families expressed concerns about student eligibility delays, most special education concerns involved individualized education program (IEP) implementation. This trend has been consistent for the last two years.

During distance learning, families frequently expressed that IEPs were not implemented with fidelity. Families’ concerns included questions about the relationship between individualized distance learning plans (IDLPs), IEPs, and reduced related service hours; concerns that special education teachers supporting instruction in general education classrooms did not differentiate learning or help ensure that virtual lessons were accessible to students with disabilities; and concerns about dedicated aides, including requests from families who had a dedicated aide in person but were told that LEA could not afford to provide dedicated aides to all students who needed them in a virtual setting. Families also expressed that they were overwhelmed by the increased responsibility to implement their student’s IEP at home without training and professional experience. In addition, families whose students received related services during distance learning raised concerns about the effectiveness of services delivered in a virtual posture. This was particularly common for the delivery of occupational therapy. Virtual settings limited the support that therapists could provide because of the inability to have physical contact with students. For example, therapists could not place their hand on top of the student’s hand in a virtual environment as the student practiced proper pencil-holding posture. As a result, families were skeptical about the

effectiveness of virtual therapy. However, in many instances, the Office's intervention increased families' confidence in delivering treatment (and other related services) through a virtual posture.

Special Education Services: SpEd Cases



Typically, about fifty percent of our cases involve students who receive special education services. This year, that decreased to about forty-two percent of our cases. Given that we experienced a proportionately broader range in case topics than usual, we deduced that the proportionate decrease in serving students with disabilities was likely caused by the overall increase in students struggling to access learning. Ultimately, most students we worked with experienced challenges with distance learning. Those challenges were nearly identical, regardless of whether the student had a diagnosed disability.

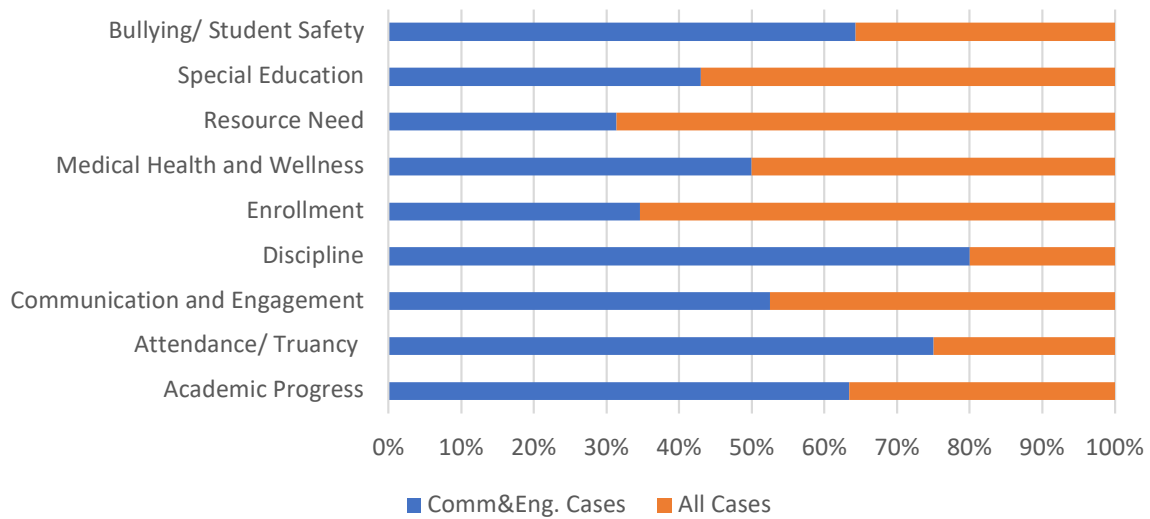
COMMUNICATION AND ENGAGEMENT

Communication and Engagement concerns were common during distance learning. Communication and Engagement concerns were identified in over fifty percent (50%) of cases. However, only eight cases noted Communication and Engagement as the only issue. An example of one such case is where the caretaker complained that the school had not distributed students' class schedules. In this case, we contacted the school, and it consequently emailed the schedules.

The *Communication and Engagement Topics* graph shows the overlap between communication concerns with topics. Here, we analyzed the types of cases that are further complicated by communication challenges.

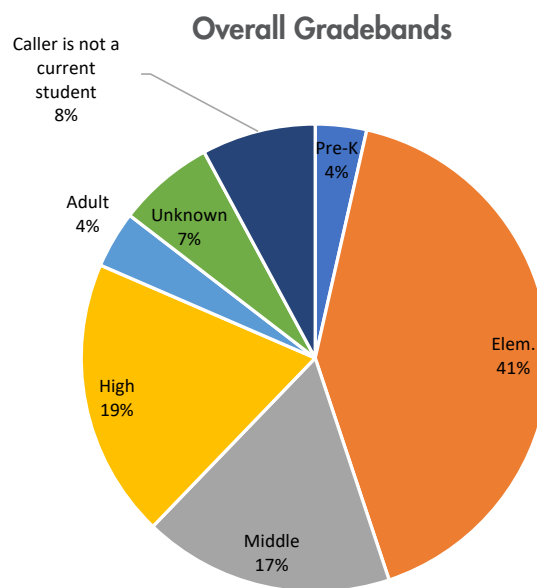
We noticed that Communication and Engagement concerns often accompanied Discipline, as well as Bullying and Student Safety cases. Communication and Engagement issues also accompanied about two-thirds of our Academic Progress cases and roughly three-quarters of our Attendance/Truancy cases. We were surprised to discover that Communication and Engagement did not proportionately overlap with Special Education concerns.

Communication and Engagement Topics



CASES BY GRADE BAND

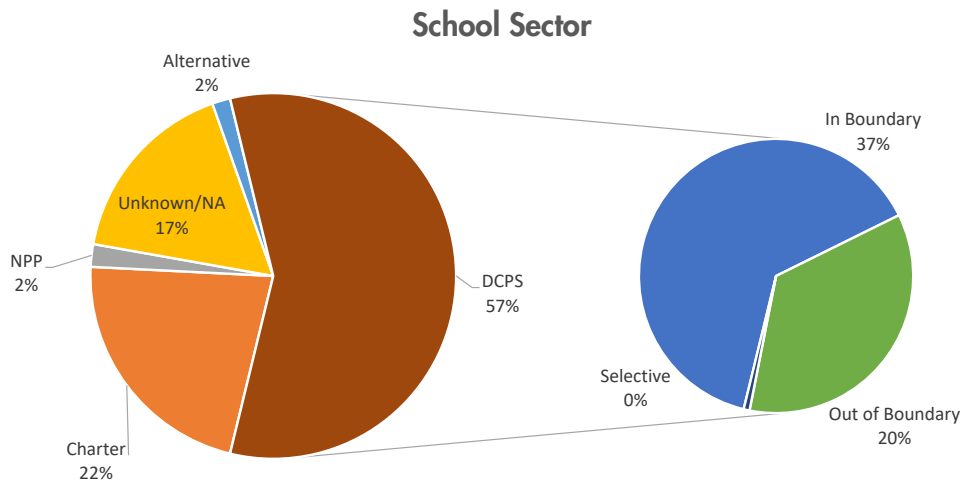
Forty-one percent (41%) of our cases involved elementary school students, seventeen percent (17%) involved middle school students, and nineteen percent (19%) involved high school students. The percentage of cases involving middle school students significantly decreased from last year's twenty-eight percent. There was an increase in the percentage of adult student cases and pre-K student cases. This year, we also experienced an increase in the number of cases that do not involve a current student. These cases are often from former students requesting transcripts.



CASES BY SECTOR

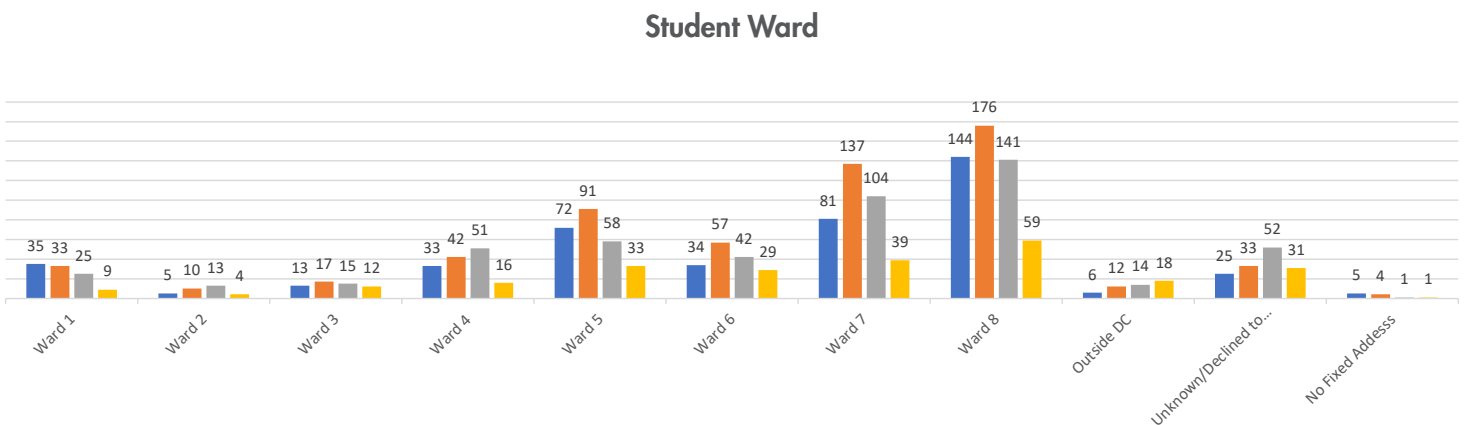
The office managed cases across sectors (both public schools and public charter schools). Typically, about two-thirds of our cases involve traditional public schools and about a quarter of our cases involve public charter schools. This year, however, only fifty-seven (57%) percent of our cases involved a DCPS school, and twenty-two (22%) involved a public charter school. In SY 2020-21, there was an increase in cases where the sector is either unknown or not applicable. This was, in part, attributed to the rise in cases that do not involve a current student. If we remove the “unknowns”, then the sector representation percentages this year would be normalized – with DCPS representing two-thirds of our cases and public charter schools accounting for one-third of our cases.

Earlier we explained the general topic areas of the cases the office handled. However, topics slightly differ when separated by sector. For example, cases involving Communication and Engagement also involve a disproportionately high number of public charter schools.



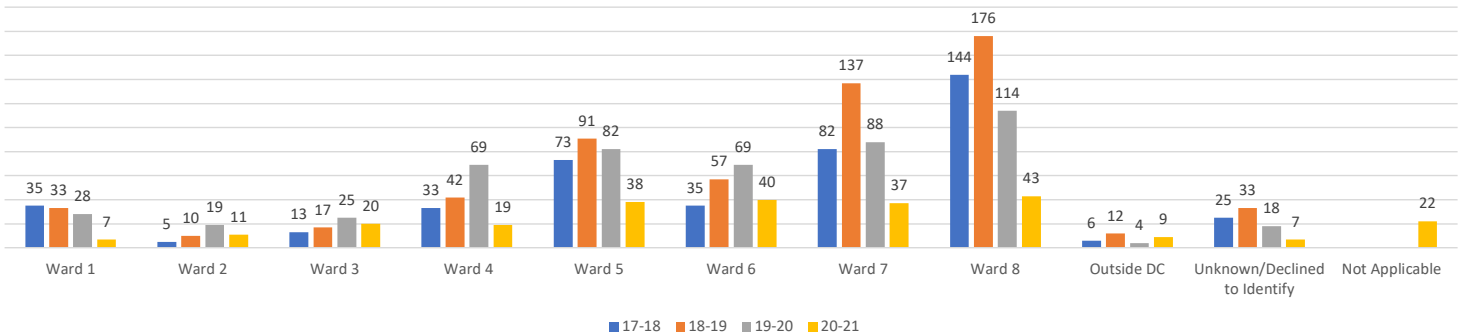
STUDENT WARD AND SCHOOL WARD

In SY 2020-21, we opened cases for stakeholders in all eight wards. Most families were residents of Wards 5, 7, and 8. This data is typical given that most families in the District reside within these three wards.



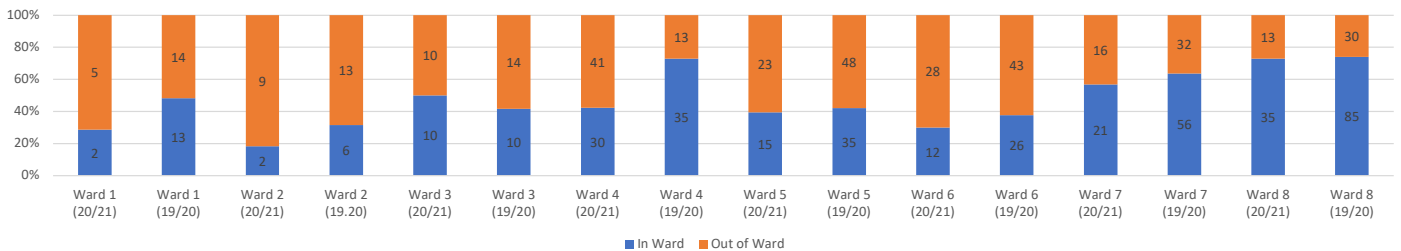
Ideally, this year's numbers would be about half of the numbers from last year because we handled about half of the total cases from last year. However, we see that the number of residents from Ward 3 remained practically unchanged from last year. Cases involving residents in Wards 2, 4, 7, and 8 experienced a disproportionate decrease the previous year.

School Ward



We also opened cases that involved schools in all eight wards. Most of our cases involved schools in Wards 6, 7, and 8.

Student Ward by School Ward (Yearly Comparison)

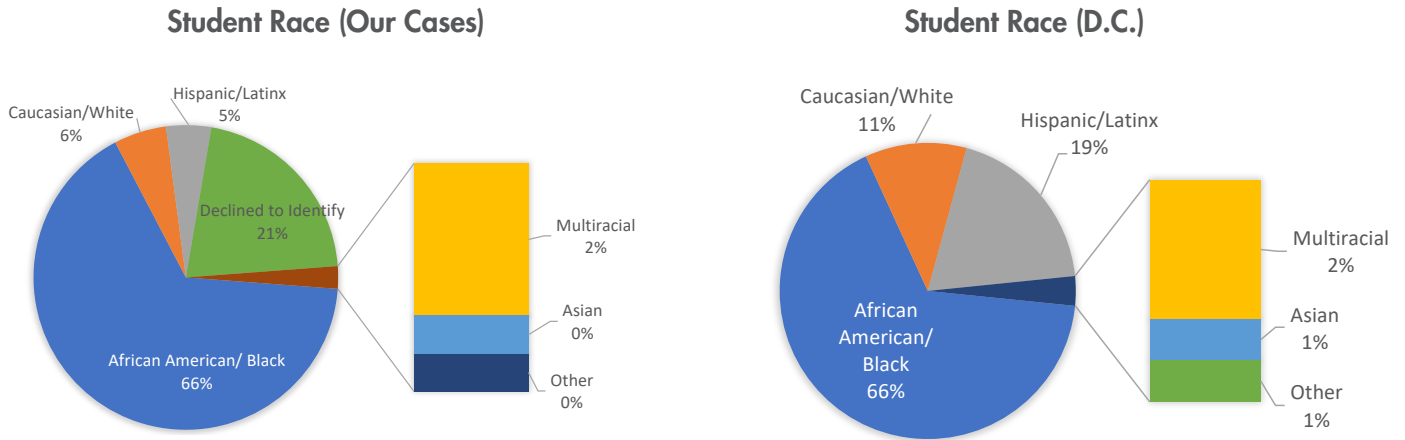


We examined if students living outside of their school ward experienced more challenges than their peers who attended schools in their ward. Each column above represents a school ward; the blue represents students who live within the ward; and the orange represents the number of students residing outside the ward.

There was an increase in concerns raised from out-of-ward families enrolled in Ward 4 schools. Wards 5, 7, and 8 remained the same as the previous school year.

CASES BY STUDENT RACE

Consistent with previous annual reports, our casework involved a majority of African American/Black students, 66%, which is expected given that 70% of students in D.C. identify as African-American. Note: We do not require callers to identify their race. Twenty-one (21%) percent of parents declined to identify their student's race.

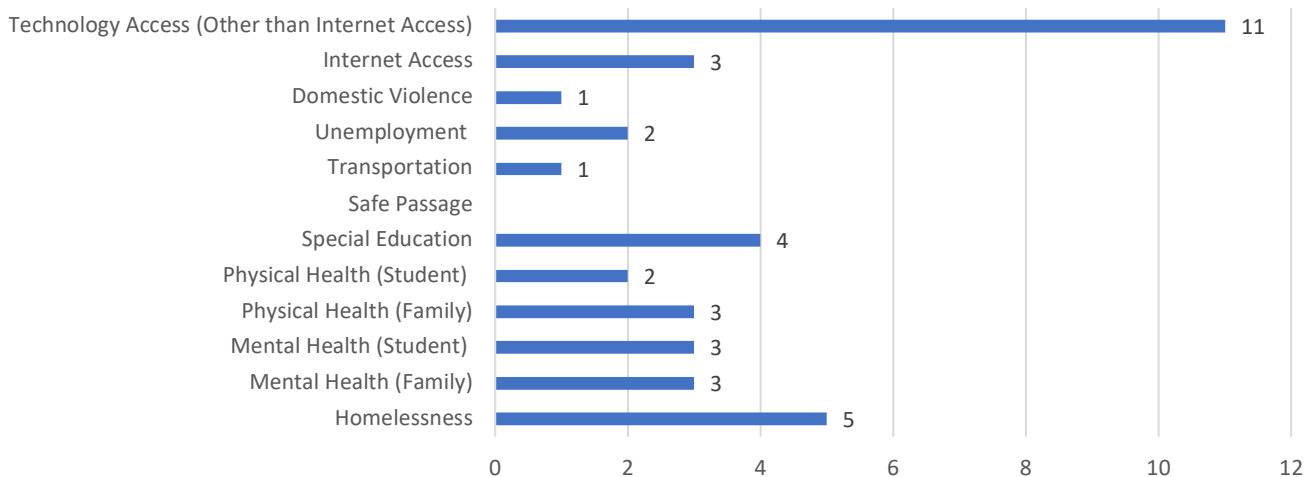


ATTEND MEDIATIONS

The Office continued its partnership with the Office of the Attorney General (OAG) to provide mediation services as an intervention for families of students experiencing attendance challenges. The goal of ATTEND mediations is to identify barriers preventing consistent school attendance, to connect families with resources that would remove the identified obstacles, and to develop plans for successful attendance.

We conducted twenty-one (21) ATTEND mediations. Over half of the families identified access to technology as the primary barrier. About a quarter of the families identified housing insecurity as a critical barrier. During mediation, families frequently explained that the stress of living through a pandemic was a barrier to school attendance. Although, this data point is not captured within the graph below. ■

ATTEND Barriers



RECOMMENDATIONS

RECOMMENDATION: DEVELOP COMPREHENSIVE VIRTUAL SCHOOLS AS AN ALTERNATIVE TO TRADITIONAL SCHOOL MODELS.

Hardships create fertile ground for creativity and innovation. The swift shift to distance learning because of the pandemic created hardships for families and schools alike. How school systems change to incorporate the lessons learned will demonstrate whether education leaders embraced the opportunity presented.

As students prepare to return to in-person learning, numerous families have expressed the desire for school systems to offer virtual instruction. Virtual learning presented new challenges and was not an ideal learning environment for many children. However, those promoting the resumption of virtual learning believe that the safety risks of in-person learning outweigh the inadequacies of virtual learning.

District leaders allowed only a narrow exemption from in-person learning at the start of the new year. The exemption applied only to students who were certified by their physician as being physically or mentally impaired such that virtual learning was required.³ Living in a household with an immunocompromised individual would not necessarily exempt a student from in-person learning. For example, our office worked with a multi-generational household seeking a medical exemption from in-person learning. Every adult member of the household was immunocompromised, including an adult who was battling cancer. The student did not have any health challenges warranting an exemption for in-person learning. Under the policy, the student would not qualify for the medical exemption despite the risk to the household.

In a city with sixty-nine local education agencies, there are few options for virtual instruction for families concerned about their student or

household health because of medical conditions.⁴ At the time of writing this report, there are three local education agencies—all public charter—that provide an option for virtual instruction for students.⁵

There are reasons that existed long before the pandemic that substantiate developing permanent, comprehensive virtual schools in the District. Three populations of students that our office served prior to the pandemic would benefit from high-quality virtual instruction— (1) students who have experienced severe bullying and exposure to violence in school; (2) students experiencing a medical condition that would qualify for participation in the Home and Hospital Instruction Program and students who are medically fragile; and (3) students who are in care of the District.

BULLYING AND SAFETY. Before the pandemic, our office routinely assisted students who reported bullying in school. It was also common for caregivers to become triggered when their students reported bullying. In many instances, the student and their caregiver connected the trauma of the perceived bullying to their trauma of losing a family member to gun violence. As we sat in those meetings with the student, family, and school staff, the narrative often went like this,

“When my grandson was bullied, all the fears that I had after his father was killed returned. I am afraid to send my grandson back to school. I cannot lose him too. I’m not sending him back to school. I need to pick up work packets for him and return them weekly. It is not safe for him here.”

Their fear of physical harm was so great that they wanted to keep their student at home. The options of those families are limited to homeschool. However, many of the families requesting work packets in lieu of in-

person school attendance felt ill-equipped to homeschool. In these situations, our office and the school often explained that completing work packets could not be used to measure attendance. We collaborated to develop safety plans to keep the students as safe as possible within the school building, and while the student traveled to and from school. Offering more options of comprehensive virtual schools would provide an alternative for students victimized by violence within the school system. For those families, returning to in-person learning creates a safety risk that should not be ignored.

MEDICAL HEALTH AND WELLNESS. Both traditional public and public charter schools offer options to students experiencing medical challenges. Two programs assist students with medical needs: the Home and Hospital Instruction Program (HHIP) and medically fragile classrooms.⁶ The HHIP allows students experiencing a medical emergency that prevents them from attending school in-person for more than three weeks to continue instruction away from school.⁷ Qualifying students are assigned an instructor until the student physically returns to school.⁸ The HHIP is often treated as a solution to target education interruption by a temporary physical limitation. However, DCPS determined that HHIP is a restrictive environment, even more restrictive than a full-time, self-contained classroom or a separate school.⁹

Pre-pandemic, our office regularly received concerns from families about the HHIP. Most of the concerns were from families who believed that their students met the criteria for the program but were nonetheless denied educational supports. Through managing casework, we have experienced that the HHIP can be difficult to obtain. In one case for example, Ms. Jackson, the mother of a high school sophomore, Theresa, came to our office for help. Theresa suffered from mental health issues and spent nearly half the school year receiving treatment. Ms. Jackson applied for the HHIP, but Theresa did not qualify.¹⁰ Offering more virtual school options would potentially help students like Theresa who have difficulty attending school in-person but are ineligible for HHIP.

Students with severe medical needs might need a medically fragile classroom. Medically fragile classrooms are equipped to provide a sterilized learning environment.¹¹ However,

some families believe that medically fragile classrooms are insufficient to protect their medically fragile student. In one instance, the Moore family, relocated to D.C. and were in the enrollment process. Their son John's out-of-state Individualized Education Program stated that John could not attend school in-person due to his significant physical disabilities. However, in the District, John was placed in a medically fragile classroom. The Moore's were frustrated and worried about sending John to school in-person. To remedy the situation, the Moore's applied to the HHIP. However, John was ineligible because the LEA believed the school could sufficiently meet John's needs through placement in a medically fragile classroom. Offering more virtual school options would potentially help families like the Moore's, who believe in-person learning is not medically suitable for their students.

Our analysis is not a critique of the way the LEAs handled these situations. Instead, we describe these examples to highlight situations when students would have benefited from a virtual school option. For instance, Theresa could have received treatment for her mental disabilities and attended public school. Likewise, John could have received virtual instruction at home and still received physical and occupational therapy through public school systems.

STUDENTS IN CARE OF THE DISTRICT. Offering comprehensive virtual school options has the potential to benefit students in care of the District. Children in care of the District often experience barriers accessing their right to public education. For various reasons—incarceration, placement in foster care—these students are often placed in schools located outside of the District.¹² Students in care of the District who attend District schools still face challenges. They often attend multiple District public schools throughout their education career.¹³

There is also an overrepresentation of the students in care of the District with a diagnosable disability. These students are entitled to receive special education services up to the age of twenty-two.¹⁵ The educational challenges faced by students in care of the District are extensive:

“Many students experience difficulty earning high school credit within four years because detention, commitment, incarceration, or placement in foster care

can interrupt their education and cause them to fall behind in their coursework.... Students may also be placed in courses that do not count towards a DCPS high school diploma or that the student has already taken. While students can earn partial credits at Maya Angelou Academy at New Beginnings, DCPS and public charter schools do not accept partial credits when they return home. Therefore, they must retake an entire class . . . upon returning to D.C.”¹⁶

This report highlights additional challenges students in care of the District face as they attempt to earn high school diplomas. The challenges noted include, (1) the inability to transfer credits from one school to another or being moved in the middle of course completion but the sending school failing to award course credit for work completed; (2) failure of the home school to forward educational records to the new school; (3) the new school’s failure to place the student in the appropriate classes because they do not have the educational records; and (4) the inability of schools to allow students to “continue coursework from their home school or earn full or partial credit.”¹⁷

We have worked with parents whose students were in challenging situations. Ms. Smith, for example, contacted our office because she was unsure if her student was on-track to graduate. Ms. Smith’s son, Jordan, attended numerous high schools in the District. While in high school, Jordan was detained and enrolled in the detention center’s high school. After Jordan was released, he was enrolled in a traditional public school. Ms. Smith explained to our office that in the previous semester, she was told in an IEP meeting that Jordan was on track to graduate in SY 2020-21. Later, the school retracted and stated that Jordan was not on track to graduate that year. Ms. Smith was confused by the contradictory information and reached out to our office for help.

We attended two meetings with the school and Ms. Smith for the sole purpose of reviewing Jordan’s transcripts to explain why he was no longer on track to graduate. Jordan had numerous transcripts from the various schools that he attended. The transcripts needed meticulous review to assess whether the courses Jordan completed satisfied the District’s graduation requirements. In both meetings, no school representative provided any information



about whether Jordon was on track for graduation. It took three months and multiple meetings for Ms. Smith to receive clarity about Jordon's graduation status. Students and families feel discouraged when local education agencies (LEAs) fail to fulfill their responsibility to timely notify students of graduation status.

Offering more comprehensive virtual school options has the potential to reduce these problems. Students in care of the District could participate in the same virtual instruction that other District students would be eligible to receive. Virtual school options would allow students in care of the District to remain enrolled at their home school even when students are relocated. Virtual instruction would eliminate the frustration students experience after learning that they must retake courses that they had nearly completed while in care of the District.

CONCLUSION. Creating virtual school options for long-term use requires forethought. Virtual learning as the primary modality of educational instruction was largely unimaginable before COVID-19 in the District. However, we have learned that virtual learning can help meet a range of student needs and help resolve challenges with public education. LEAs must ensure that virtual schools provide an equally high-quality program as in-person schools, when developing virtual schools.

First, it is necessary to consider what criteria are necessary for a student to be a candidate for virtual learning and what supports are required for students to access virtual instruction successfully. Second, LEAs must consider developing teaching models that support long-term virtual learning. Ideally, teaching models would be explicitly designed for virtual instruction, rather than in-person instruction through a computer screen. Third, LEAs must also consider what characteristics a teacher needs to be a successful virtual instructor. Finally, LEAs must prepare evaluation tools to measure the successes and failures of a virtual school or classroom. The public health crisis necessitated the shift to virtual instruction in response to the pandemic. However, for long-term virtual learning options to effectively meet students' needs, they must be planned and thoughtful. Comprehensive virtual schools would expand opportunities for students whose circumstances do not fit neatly in more traditional, in-person school models to reach their full potential.

**RECOMMENDATION:
ENHANCED TRAINING FOR ATTENDANCE
POINT OF CONTACTS, DEVELOP SYSTEMS
FOR SHARING THE STATUS OF CHILD AND
FAMILY SERVICES AGENCY REFERRALS WITH
UPPER-LEVEL SCHOOL STAFF, AND PROVIDE
SYSTEMIC INTERVENTIONS TO REDUCE
SYSTEMIC GAPS IN TRUANCY REFERRALS**

After the violence on South Capitol Street in 2010, the District of Columbia had a renewed focus on truancy prevention. To prevent incidents of violence, the D.C. Council enacted truancy legislation, both placing the responsibility of ensuring school attendance on caregivers and increasing school-based interventions within public school systems.¹⁸ LEAs must report families to the Child and Family Services Agency (CFSA) when a student accrues ten unexcused absences in one school year. Prior to submitting a CFSA referral, however, LEAs are responsible for providing intervention supports to aid families in reducing barriers that impede school attendance.²⁰

Each school in the District designates an attendance point-of-contact who reports school attendance.²¹ Schools must also designate a staff member responsible for improving student attendance, including monitoring attendance interventions.²² Prior to a student accumulating twenty unexcused absences, school staff have benchmarks to trigger specific communications and actions.²³ Students between the ages of five and thirteen who have ten cumulative full-day absences and all attendance interventions have been implemented are referred to CFSA for chronic truancy.²⁴ Students between the ages of fourteen and seventeen having fifteen cumulative full-day absences are referred to the Court Social Services Division and the Office of the Attorney General.²⁵

Our office has worked with families who have experienced challenges with the implementation of attendance policies. We have observed instances when the designated attendance coordinator fails to meet with families to discuss the student's attendance records. When we have reviewed Student Support Plans, there have been times when the notes only indicate that the attendance designee was unable to reach the parent but with very little information about what efforts the designee made to do so. Incomplete Student Support Plans may create challenges when a referral is made to CFSA.

CFSA is not required to investigate a truancy referral when a school has failed to complete the intervention process. When CFSA receives a truancy referral, it responds in one of four ways:

1. The report is denied and returned to the reporter with recommendations to complete the intervention and outreach process and resubmit if required;
2. The report is screened-out because the report contained no information expressing concerns about the student falling behind, alternatively, the report was filed in the third or fourth term of the school year;
3. The report is accepted for service provision. For CFSA to accept a report for service provision, the reporter must have included the exhaustive efforts to intervene, and “there is an identified need for further support that CFSA is either positioned to provide or for which a referral can be made”; and
4. The report is accepted for an investigation of educational neglect that occurs “when a student has missed an excessive amount of school as a direct result of action or inaction by the parent or caregiver.”²⁶

In each of CFSA’s response tracks, the reporter is notified about the status of the report.²⁷ If the attendance point of contact is not the principal, then the principal does not receive notice from CFSA.²⁸ It is unclear how local education agencies respond to notifications of denied reports. From our experience, school principals seem unaware of the results of CFSA filings. Once the school receives notice that a report was denied, there are no next steps outlined within attendance policies. Attendance point of contacts are not redirected to exhaust interventions and resubmit the information, if necessary. Nor is there a reporting structure within schools to notify school teams of the status of a filed report.

The systemic gaps within the attendance and truancy reporting systems allow students to fall through the cracks. For example, we handled a case involving a student who was expelled. The student’s family was notified of the expulsion but failed to enroll the student at the newly assigned school. As a result, the student remained unenrolled for an entire school year. Due to the student’s unenrollment and failure to reenroll, he went an entire year without academic instruction,

special education services, and the mental health supports he desperately needed. After a horrific tragedy occurred, the family contacted our office. Through our investigation, we learned that multiple referrals to CFSA were made over the last several years, but none of the referrals met the threshold for an investigation.

Although no one can know for certain, the tragedy experienced by this family might have been avoided had there been sufficient information to warrant a CFSA investigation. Alternatively, if the school system had been aware that its referral to CFSA was inadequate to prompt an investigation, another intervention could have been attempted. Unfortunately, the tragedy that the family experienced cannot be undone, but we can ensure that this does not occur to other students and families.

We do not have all the answers to truancy problems. However, we believe that there is an opportunity to improve attendance intervention systems at the school level. Training should be provided to each attendance point of contact to improve attendance intervention systems. The training should include the general attendance laws and guidelines and provide information about CFSA response tracks. Additionally, schools should develop procedures for sharing the number of the CFSA reports filed and the status of the reports with upper-level school administrators. This would create an accountability structure within the school and, hopefully, improve the quality of attendance interventions provided at the school level so that fewer students are lost in our public school systems.

Ensuring that school systems are exhausting attendance interventions will not eliminate chronic truancy. As a city, we also need to invest in addressing chronic truancy by providing systemic solutions. Parents and caregivers of students experiencing chronic truancy often report inadequate transportation and conflicts between their work schedules and childcare as explanations for their students’ poor attendance.²⁹ Families with multiple children at multiple schools or daycares usually report challenges relying on public transportation. Transporting children to locations in the opposite direction of each other, requires multiple buses that are often overcrowded. For these families, Metro Kids

Ride Free cards are insufficient to eliminate the transportation barrier to attendance. Buses can be late, and over-crowded buses do not stop to onboard new passengers. District schools generally have the same start time. Families have a narrow window of time to drop off their student(s). There is no one available at schools to watch students unenrolled in before care, who are dropped off before students are allowed to enter the school building. Since many families cannot get their students to school early because of limited before care services, at least one of their children is significantly late for school daily. For these families, Metro Kids Ride Free cards are insufficient to eliminate the transportation barrier to attendance.

Caregivers who work evening or early morning shifts and have no one to take their children to school in the mornings or pick their children up in the afternoon expressed the need for more and better childcare options. These caregivers felt as though they must choose between maintaining employment and taking their children to school. To address these systemic issues, we should explore options such as universal childcare that would provide before and aftercare for all children attending public schools. Free aftercare programs in the District are not available to everyone who needs childcare. There is more demand for childcare than there are seats available.³⁰ If we do not resolve the transportation and childcare issues systemically, then chronic truancy will continue.

**RECOMMENDATION:
ENSURE THAT DCPS'S SELF-CONTAINED
CLASSROOM RE-ALIGNMENT ALLOWS
FAMILIES TO PARTICIPATE IN THE LOTTERY
EQUITABLY**

Parents of students in specialized classrooms have historically had limited access to school choice.³¹ Location of Service is a process for identifying and assigning schools within an LEA to implement a student's IEP.³² Typically, around May of each school year, caregivers of students with a self-contained classroom designated in their IEP receive school location of service assignments for the following school year. Location of service determinations are usually final, but requests for a different placement have been granted in some cases.

The lottery is also technically an option for families seeking an alternative placement. Before SY 2021-22, caregivers wanting to participate in the lottery often felt uninformed about the quality of self-contained classrooms. Caregivers also expressed feeling uninformed about where specialized classrooms would be located each school year because no official information was published. Finally, due to the limited seats available within self-contained classrooms, even if a student was successfully matched to a school with a self-contained classroom, they may not have seats available in that classroom, leaving caregivers feeling that the lottery process was fruitless. Changes within DCPS addresses some of these concerns.

In SY 2021-22, DCPS re-aligned self-contained classrooms to address school placement problems systematically.³³ The re-alignment allows students in self-contained programs to be served in geographically aligned feeder schools. In this model, the number of programs is dependent on students' needs. Some programs will be in multiple schools, and some schools may have no programs. This program allows for DCPS to establish predictable feeder patterns for students with disabilities in their boundaries. The effect is that special education students can be served closer to home. Some of the highlighted benefits that the new feeder program provides are as follows:

1. Predictability with school assignment;
2. Siblings can now stay within the same school;
3. Allows for increased staff training and the opportunity to develop a specialty; and
4. Ensures that a child with a disability is educated in the school that he or she would attend if nondisabled.³⁴

While the newly introduced realignment provides a level of predictability for families, it does not adequately address families' desire for school choice. Moreover, as DCPS expands its self-contained programs, it is also limiting geographic integration. To address this disparity, we recommend that:

1. The DCPS's self-contained classroom re-alignment strategy create mechanisms for school choice, including providing the number spaces available in self-contained classrooms, and increasing the seats held for students in self-contained classrooms;

2. Notify families about the re-alignment in writing before the lottery;
3. Ensure that IEP teams discuss feeder patterns and placement options during IEP meetings;
4. Encourage families who do not want their student to attend the in-boundary school to apply to the lottery; and
5. Assist in navigating the lottery. ■

REFLECTIONS AND LOOKING AHEAD

REFLECTIONS. Since the Office of the Ombudsman for Public Education was re-established in 2014,³⁵ we have proffered numerous recommendations to reduce barriers that prevent the city from obtaining educational equity. These recommendations have influenced policy decisions and improved student access to public education.

The office's advocacy was vital in creating the Fair Access to Student School Act (the Act).³⁶ The Act changed discipline policies across all DC public and public charter schools. Significantly, the Act restricts the number of consecutive and cumulative days that any student can receive out-of-school suspensions within a school year. We have since served families protected by this Act—families whose students would have otherwise been repeatedly suspended without being connected to educational resources.

The office's recommendation for a citywide Response to Intervention (RTI) framework is another example of success.³⁷ Through our advocacy, DCPS committed to revamping its existing RTI process to include many of our recommended components. Conversations about RTI and multi-tiered systems of support helped to lay the foundation for recovery efforts as students returned to in-person learning. Guidance from OSSE encourages local education agencies to implement multi-tiered systems of supports (MTSS) as a critical component of assessing students' needs and addressing learning loss.

Lastly, our office recommended that 504 plans transfer with students transitioning to new schools.³⁸ We observed that families were often unaware that their child's 504 Plan did not move from one local education agency to another. Students who had 504 Plans at their previous school frequently went a full term at their new school without receiving accommodations.

Although this recommendation has not been fully adopted, collaborative conversations between education leaders about this dilemma led to progress. As a result, some schools provided notice to families within their summer correspondence, explaining that 504 plans do not transfer with students. This notice also informed parents to proactively connect with the new school's 504 Coordinator before the start of the new school year.

Additionally, OSSE published a list of special education points of contact for all District schools on its Special Education Resource Hub.³⁹ Information like this helps bridge the communication gap between families and schools. This experience demonstrated for our office that informing education decision-makers about the challenges that families experience can lead to improvements, even if the resolution is not exactly as we proposed.

LOOKING AHEAD. The pandemic has profoundly impacted public education. The pandemic shifted school instruction to virtual platforms, challenged the ability of schools to appropriately provide special education services, further marginalized English language learners and their families by failing to consistently translate school communications in multiple languages, and caused students to leave the District's public education systems. Much of the damage (the extent of learning loss and emotional well-being of children) has not been fully uncovered. Although schools have opened for in-person learning, the pandemic has not ended. Students and families are still experiencing challenges that limit their ability to access public education.

As our office looks toward the future, we will remain agile to meet students and families where they are. While we are proud of our contributions to the improvement of public education, our work is unfinished. We will remain rooted in our

service to families and students by ensuring that they receive the public education they need and deserve. In addition to our direct support of families and students, we will review previous policy recommendations. We will assess which policy recommendations are most pressing and resume advocacy efforts for those matters through our review process. Finally, as we prepare once again for an unpredictable school year, we will remember to shine our light, to spread hope in difficult situations, and empower families as they advocate for their students' educational needs. ■

Appendix I

WORK SUMMARY FOR THE SCHOOL YEAR 2020-2021

Contacts received: 497

Cases handled: 282

Cases pending as of August 15, 2021: 23

Cases examined and resolved informally: 179

Cases examined and handled through a formal process: 33

Cases dismissed as unfounded: 1

Cases where recommendations were made: 124



Appendix II

DEFINITION OF TOPICS

ACADEMIC PROGRESS

Issues involving student grades, credits, transcripts, and curriculum that impact learning and/or appropriate matriculation.

ENROLLMENT

Issues preventing students from properly registering for school.

COMMUNICATION AND ENGAGEMENT

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 and staff behavior fall into this category.

SPECIAL EDUCATION / DISABILITY

Issues preventing a student from accessing their education due to a student's diagnosed or suspected disability.

RESOURCE NEED

Issues related to a lack of goods, services, or information that impacts student learning or ability to attend school regularly.

STUDENT SAFETY/ BULLYING

Issues in which a student feels harassed or targeted for negative actions by another member of the school community. This includes the legal definition, a family member's impressions, and sexual assault. Concerns about negative interactions between students fall into this category.

DISCIPLINE

Issues regarding a student who has been temporarily or permanently placed out of school due to a behavior or disciplinary infraction, including but not limited to formal suspensions and expulsions.

ATTENDANCE

Issues related to a student's regular and timely presence in school that impact learning, appropriate matriculation, and/or student welfare.

MEDICAL / HEALTH AND WELLNESS

Issues impacting learning or attendance for students with physical or mental welfare concerns, not caused by a disability.

Endnotes

- ¹ District of Columbia Public Schools (DCPS), Public Charter School Board (PCSB), Deputy Mayor of Education (DME), Office of the State Superintendent of Education (OSSE), and the D.C. State Board of Education (SBOE).
- ² “Stakeholder” is used rather than “families” because we also receive contacts from schools and LEAs.
- ³ “Home and Hospital Instruction.” *Home and Hospital Instruction*, DCPS, <https://dcps.dc.gov/service/home-and-hospital-instruction>.
- ⁴ “Charter Sector Facts and Figures.” *Charter Sector Facts and Figures | DC PCSB*, DCPCSB, 7 Jan. 2020, <https://dcpcsb.org/about-us/charter-sector-facts-and-figures>.
- ⁵ “DC PCSB July 2021 Special Board Meeting.” DC PCSB, <https://youtu.be/zgyg4MzdWLs>. Accessed 30 Aug. 2021.
- ⁶ “Home and Hospital Instruction.” *Home and Hospital Instruction*, DCPS, <https://dcps.dc.gov/service/home-and-hospital-instruction>.
- ⁷ Ibid.
- ⁸ Ibid.
- ⁹ “Academic Programs and Inclusion.” *Academic Programs and Inclusion*, DCPS, <https://dcps.dc.gov/page/academic-programs-and-inclusion>.
- ¹⁰ The LEA’s position was that the student’s absences were due to school avoidance and not an underlying disability or health condition.
- ¹¹ Delete nurses and cite to med fragile classroom
- ¹² pp. 8-13, 10. *Students in the Care of the District of Columbia: Working Group Recommendations*. found at https://dme.dc.gov/sites/default/files/dc/sites/dme/page_content/attachments/SCDC%20Working%20Group%20Recommendations.pdf
- ¹³ Ibid., 5.
- ¹⁴ Ibid., 14.
- ¹⁵ Ibid., 5.
- ¹⁶ Ibid., 14.
- ¹⁷ Ibid., 25.
- ¹⁸ 5-A DCMR §2103 (2016)
- ¹⁹ Ibid.
- ²⁰ Ibid.
- ²¹ Ibid.
- ²² Ibid.
- ²³ Ibid.
- ²⁴ Ibid.
- ²⁵ Ibid.
- ²⁶ GOVERNMENT OF THE DISTRICT OF COLUMBIA Child and Family Services Agency, 2020, *School Year 2020-21 Operating Procedures for Local Education Agencies (LEAs), DC Public Schools (DCPS), DC Public Charter Schools (DCPCS), DC Private Schools and DC Child and Family Services Agency (CFSA) in Response to Student Attendance Concerns*, https://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/CFSA_SY2020-21%20Attendance%20Reporting%20Procedures_Final.pdf. Accessed 30 Aug. 2021.
- ²⁷ Ibid.
- ²⁸ Ibid.
- ²⁹ Office of the Ombudsman for Public Education, 2020, *Annual Report 2020*, <https://sboe.dc.gov/sites/default/files/dc/sites/sboe/DCO%202020%20Annual%20Report%20%282%29%20%281%29.pdf>. Accessed 30 Aug. 2021.
- ³⁰ <https://dcps.dc.gov/afterschool>
- ³¹ McKittrick, Lanya McKittrick, et al. 2019, *Special Education and School Choice in Washington, D.C.*, https://www.crpe.org/sites/default/files/final_dc_brief_2019.pdf. Accessed 30 Aug. 2021.
- ³² D.C. Law 20-195 § 102, 61 DCR 12411 (2015)
- ³³ Division of Specialized Instruction. 2021, *Self-Contained Programs Realignment Plan*.
- ³⁴ Ibid.
- ³⁵ D.C. Law §38-1802.04 (2013)
- ³⁶ D.C. Law 22-157 (2018)
- ³⁷ Response to Intervention (RTI) is a systematic, multi-tiered teaching approach that allows teachers to differentiate learning instruction.
- ³⁸ Ibid.
- ³⁹ *Data Liaison Assignment*, Office of the State Superintendent of Education, <https://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/CIO%20Liaison%20Assignment%2012.9.20.pdf>.

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