


District of Columbia
Office of the Ombudsman for Public Education

Ombudsman for Public Education
Joyanna Smith



ANNUAL REPORT
2014



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Office of the Ombudsman for Public Education

Annual Report 2014

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September 17, 2014

To: District of Columbia State Board of Education

Letter from the Ombudsman for Public Education



We are so excited to have completed our inaugural school year in the re-established Office of the Ombudsman for Public Education. The Office of the Ombudsman for Public Education was re-established in order to provide parents, students, and families with support in all areas that affect student learning. We are problem solvers. We help parents resolve disputes within DCPS¹ and public charter schools for any issue that affects student learning. Some of these areas include bullying, special education, school discipline, truancy, transportation, and academic progress. We are here to help students, parents, and families outside of the judicial system in a way that will reduce the number of litigants, balance inequities in power distribution, and help parents and families to achieve resolution much faster than the judicial system will allow. Moreover, we serve as an early warning system for public schools because we are able to alert them to recurring problems and identify opportunities to resolve problems quickly before they become systemic issues.

As Education Ombudsmen, we do not conduct formal investigations, but rather resolve issues through informal and formal conflict resolution practices. We offer confidential services as confidentiality is essential to gaining the trust of families and encouraging openness both from the complainant and the public school system. This openness by all parties also enables the Ombudsmen to gather information and evaluate the facts based on the fullest understanding.

Our role as Education Ombudsmen may take different forms, including taking time to listen, identifying issues, assessing how problems affect student learning, coaching parents through challenging conversations, intervening in a school-related conflict that has not reached resolution through previous attempts, or facilitating a neutral and safe place for schools and families to collaboratively reach resolution.

We are so honored to have already worked with so many families. We believe that students benefit and that student achievement is improved when there is a collaborative relationship between families, students, and schools. Parents and families should be equal partners in making decisions that affect students in DC's public schools. Family engagement is critical to a student's success in the classroom and parent involvement is not a peripheral activity or a box on a checklist. Instead, meaningful parent involvement seeks to engage parents in the day-to-day endeavor of educating children. Moreover, we believe parents and families should be equipped with the knowledge and resources that will allow them to make informed decisions to ensure high levels of learning for their students.

Warmly,

A handwritten signature in black ink that reads "Joyanna Smith". The signature is fluid and cursive.

Joyanna Smith

Ombudsman for Public Education

¹District of Columbia Public Schools



Executive Summary

ROLE OF THE OMBUDSMAN

The Office of the Ombudsman for Public Education is an independent and neutral office that helps parents and students resolve complaints regarding public schools in DC. After a several year hiatus, the office reopened its doors on February 26, 2014.

ACCOMPLISHMENTS IN THE FIRST YEAR

Between March 2014 and August 2014, the Office of the Ombudsman for Public Education received 150 complaints and concerns. Operating with just one staff member for most of that time, the Ombudsman was able to resolve 94% of those complaints. Some of the Ombudsman's successes included:

- Retrieving credits in order to help students graduate with a high school diploma;
- Returning students back to school after they had been wrongly forced out of school;
- Preventing bullying by negotiating classroom reassignment within a school; and

- Equipping parents with tools for self-advocacy in the special education process.

OVERVIEW OF COMPLAINTS RECEIVED

More than two-thirds of complaints came from parents of DCPS students. Just over a fourth of complaints came from parents of students in DC public charter schools.

Nearly half of the complaints came from families living in Wards 7 and 8, though the office did receive complaints from all wards.

The most common subject of complaints was special education (22%), followed closely by student discipline (20%). Other common complaint topics were administrative (20%), bullying (9%), and safety (7%).

A disproportionate number of the discipline complaints received by the office involved students in special education and African-American students.

RECOMMENDATIONS FOR IMPROVING DC'S PUBLIC EDUCATION SYSTEMS

- Welcome parents as partners: Parents need to know that school staff welcome their participation in their children's education and value their opinions.
- Transparent sharing of information: Parents need full information about school policies, especially regarding the special education and discipline processes. DC schools should also regularly report comprehensive discipline data to the public.
- Increase parent advocate training: Expand parent training, empowerment and advocacy. The Office of the Ombudsman will recommend to the Office of the Student Advocate to work with non-profits, advocacy groups, and schools to create a cadre of trained parent advocates who will offer an accessible support network to parents with special education students.

Section I

The Office of Ombudsman for Public Education

STAFF Joyanna Smith, Ombudsman for Public Education
Elizabeth Tossell, Associate Ombudsman for Public Education
Holland Rainey, Fellow
Jason Amirhadji, Fellow



Our office is now staffed with seasoned professionals who have demonstrated expertise in public education, special education law, conflict resolution, and family involvement. We have worked to expand our staff capacity, and as of August 25, 2014, have added an Associate Ombudsman and two fellows who were recruited in order to meet the growing demand for our services.

LEGISLATIVE HISTORY OF THE OFFICE OF THE OMBUDSMAN

The Office of the Ombudsman for Public Education was first established in the “District of Columbia Public Education Reform Amendment Act of 2007.” This Act, “PERAA”² established the Office of the Ombudsman for Public Education so that parents and residents would have a place to express concerns and seek results. In 2009, due to changes in funding, the Office of the Ombudsman was defunded.

In 2012, the Council of the District of Columbia recognized the continuing great need and strong community desire for such an entity, and re-established the Ombudsman’s office within the State Board of Education under the “State Board of Education Personnel Authority Amendment Act of 2012.”³ The new mandate declared that “the Ombudsman shall serve as an independent entity responsible for receiving concerns and mediating complaints from parents and students concerning public education and to provide outreach to parents, students and teachers to further this purpose.” With the appointment of the current Ombudsman for Public Education, Joyanna Smith, the office formally reopened its doors to District of Columbia families on February 26, 2014.

WHAT IS AN OMBUDSMAN?

“Ombudsman” is derived from a Swedish word meaning an “entrusted person” or “grievance representative.” The word has come to denote a trusted commissioner or agent who looks after the interests or legal affairs of a particular group. In the United States, numerous public ombudsman offices have been created—through

² A17-0038.

³ A19-0651.

legislative, executive, or judicial authorization—as independent agencies that monitor the delivery of services for certain populations such as children, the elderly, incarcerated adults, university students, and government workers.

OUR UNIQUE OPPORTUNITY AS THE OFFICE OF THE OMBUDSMAN FOR PUBLIC EDUCATION IN THE DISTRICT OF COLUMBIA

Nationally, just a handful of states offer educational ombudsman services, and frequently those are not fully independent but operate under the auspices of a local school district. There are few states which offer an education ombudsman office whose services are truly autonomous, operating solely as a neutral agent for the benefit of the education community. As we succeed in reducing the level of conflict and litigation by increasing the level of trust and transparency among educational stakeholders, our goal is that our burgeoning office in the nation’s capital will ultimately become a model to be followed.

OUR MISSION

The Office of the Ombudsman for Public Education’s mission is to provide equal access to education for all students within District of Columbia public schools and to support student engagement and achievement.

OUR VISION

We envision an educational system where all parents, families, educators and students are fully engaged in the public school systems and are empowered to make informed decisions that improve student achievement.

OUR GOALS

- **Respond to concerns** in a timely, caring, and productive manner.
- **Contribute creative policy solutions** by identifying and sharing trends.
- **Act as a source of detection and early warning** for emerging issues.
- **Recommend suggestions for systemic change** to prevent recurring problems and improve existing processes.
- **Reduce the need for administrative hearings and litigation** by facilitating appropriate and timely resolution of education related conflicts.
- **Facilitate replicable processes** for encouraging communication between parents and schools.

ADVOCACY

We serve as a neutral party and do not advocate for any particular individual or entity. We are here to ensure fairness of process and equitable outcomes for students and families within the District of Columbia.

SERVICES

Our primary functions are as follows:

1. Conflict resolution services for issues that impact individual students;
2. Strategic recommendations to improve educational outcomes for all students;
3. Collaboration with families and stakeholders to address systemic issues such as bullying and harassment, educational opportunity gaps and over-representation in school discipline;



4. Information to families about the educational opportunities and resources in DC.

We provide our free and confidential services in person, through an online form, email, and the telephone. Our online form is available at www.sboe.dc.gov/Ombudsman.

The Ombudsman will facilitate and/or mediate conversations between parents and school officials and will guide all parties toward resolution of problems, with a primary focus on what is best for the student. As part of our process, we research applicable education laws, policies, and best practices. We also interview all of the parties involved, which may include teachers, principals, other school staff members, and witnesses to the situation in question. Furthermore, we review student records in order to have an informed perspective on the issue at hand. The Office will respond to all complaints in a timely manner, listen carefully to the concerns presented, and will work with all parties to resolve complaints efficiently and effectively.

As an example of our approach, if a party has reached out to the Office about a long-term suspension or expulsion, the Ombudsman may 1) identify the applicable discipline policy, 2) review the facts to determine whether the school system is following the appropriate process based on the policy, 3) ensure the long-term suspension did not violate any specific law, 4) explain school processes to the parent and families, and 5) figure out the most expedient way of getting the student back in school.

While we are committed to resolving cases as quickly as possible, we are more focused on finding the resolution that is best for the student. We will keep cases open as we work tirelessly to address and resolve issues presented to our office.

SERVICES INCOMPATIBLE WITH OUR MISSION:

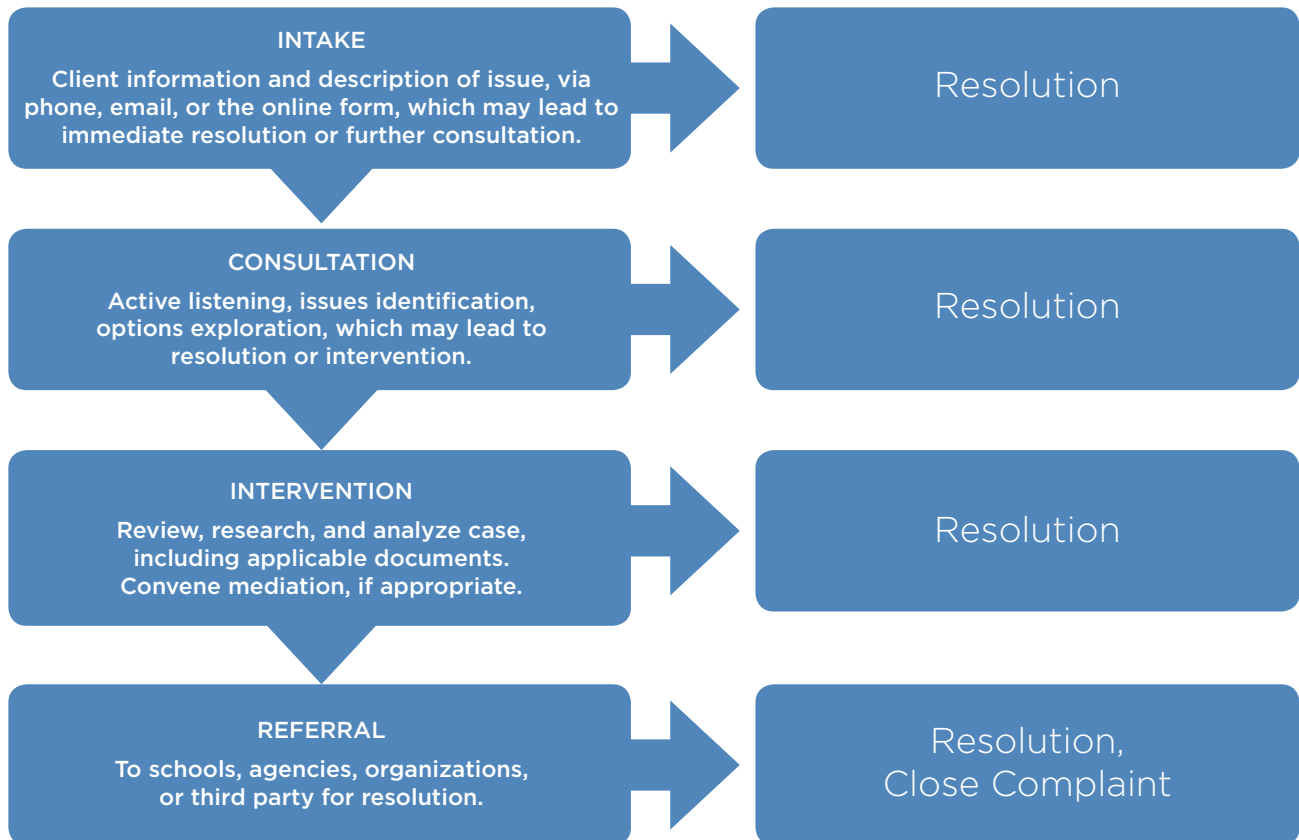
Because of the informal, neutral, confidential, and independent positioning of an ombudsman office, Education Ombudsmen do not undertake the following roles or activities:

- Participate in formal investigations or play any role in a formal judicial proceeding.
- Serve in any other organizational role that would compromise the neutrality of the ombudsman role.
- Make binding decisions or mandate policies. We cannot force a school or a Local Education Agency (LEA) to take a specific action. Instead, we will recommend a course of action based on discussions between various parties involved and assist with reaching a resolution that is focused on the best interests of the student.
- Provide legal advice or legal services.
- Intervene in school personnel decisions. We have no authority to hire or fire anyone based on the merits of a complaint.

OUR CASE PROCESS - HOW WE GET RESULTS

The Ombudsman’s case management process⁴ has four (4) steps, though some may repeat:

- 1) Intake 2) Consultation 3) Intervention 4) Resolution.



STAKEHOLDER ENGAGEMENT AND OUTREACH EFFORTS

We have met with and/or presented before a number of organizations, community groups, and District Government agencies, including:

- Advocates for Justice and Education
- Annual DC Parent Teacher Association Convention
- Back-to-School Giveaway with the OCASE Foundation
- Center for Court Excellence
- Children’s Law Center
- Counsel for Child Abuse and Neglect (CCAN)
- District of Columbia Public Schools
- Flamboyant Foundation and Parent Leadership Training Institute
- Hillcrest Civic Association Group
- Office of the State Superintendent of Education
- District of Columbia Public Charter School Board
- Ward 2 Education Network
- Ward 5 Council on Education
- Ward 7 Education Council
- Watkins Elementary School

The Office of the Ombudsman has also been featured in the Washington Post, Greater Greater Education Blog, and two radio shows—the DC Politics Hour with Eugene Dewitt Kinlow and WPGC 95.5.

⁴ This chart is an adaption from the Washington State Office of the Ombudsman’s “Ombudsman Resource Manual,” Jan. 6, 2011, p.9.

Section II

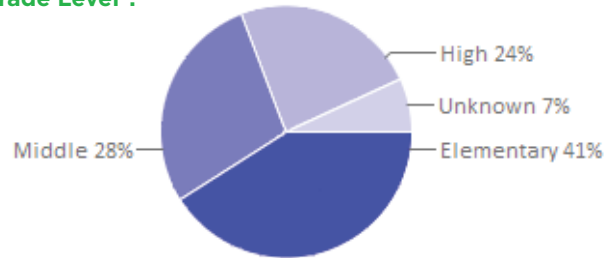
2014 Ombudsman's Office Data

WHO WE SERVE

In nearly six months from March 2014 to mid-August 2014, the majority of calls to our office came from parents (71%) of DCPS students. Another 26% came from parents of DC public charter school students. Most parents (41%) learned about our office through the Office of the Ombudsman website. Additionally, 9% were referred by DC City Councilmembers' offices, and 22% were referred through DC Government agencies. To ensure that all community members are aware of the Ombudsman's office, we will continue establishing strategic partnerships with non-profits and advocacy groups within the District of Columbia.

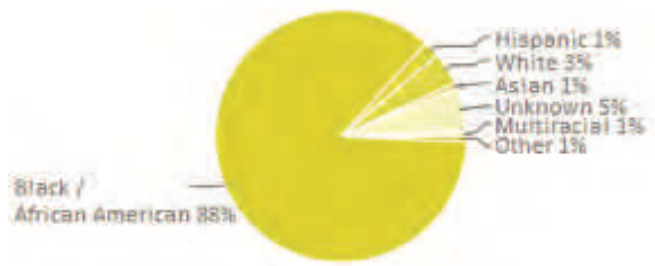
Of all calls placed to the Ombudsman's office, nearly 45% of the students and families that contacted our office lived in Wards 7 and 8. We find that these wards tend to be areas with the highest need for our services. In 2011, Ward 8 reportedly had "the highest unemployment rate in any area that had a labor force of comparable size."⁵ Wards 7 and 8 are both predominantly African-American: in the 2010 census, 94.9% of Ward 7 residents and 93.5% of Ward 8 identified as black or African-American.⁶ Almost three quarters of all teenagers living in Wards 7 and 8 live in single female headed households.⁷ Nearly half of all births to teenage mothers in the District were in Wards 7 and 8.⁸ Areas of high distress often require additional resources. Aligned with that need, our office is heavily utilized by parents and students in Wards 7 and 8.

Grade Level*:

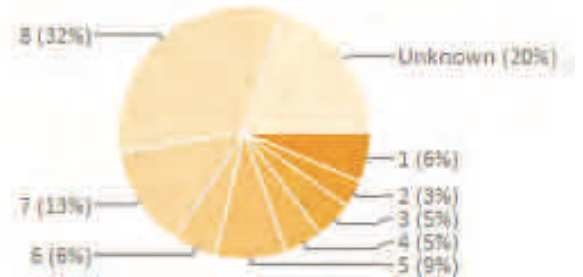


*Grade levels: Preschool-4th Grade=Elementary School; 5th-8th=Middle School; 9th-12th=High School.

Student's Race/Ethnicity:



Wards Represented:



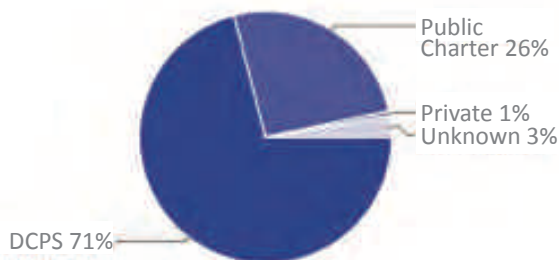
⁵ Timothy R. Homan, "Unemployment Rate in Washington's Ward 8 is Highest in U.S.," Bloomberg News, Mar. 30, 2011, available at <http://www.bloomberg.com/news/2011-03-30/unemployment-rate-in-washington-s-ward-8-is-highest-in-u-s.html>.

⁶ DC Metropolitan Police Department, "Demographic and Housing Profiles 2010 by Ward," available at <http://mpdc.dc.gov/sites/default/files/dc/sites/op/publication/attachments/Demographic%2520and%2520Housing%2520Profiles%25202010%2520by%2520Ward.pdf>.

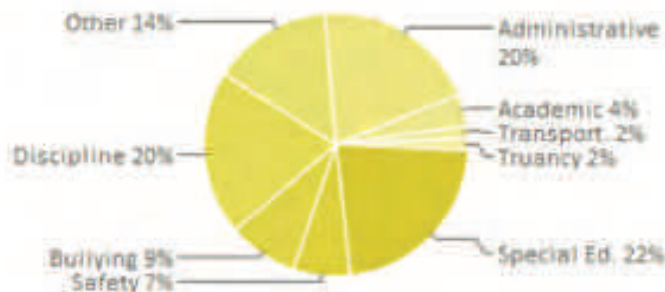
⁷ Jennifer Comey, Eshauna Smith & Peter A. Tatian, "On the Road to Adulthood: A Databook about Teenagers and Young Adults in the District, 2009," Urban Institute and DC Alliance of Youth Advocates, p. 13, available at http://www.urban.org/uploadedpdf/411896_road_to_adulthood.pdf.

⁸ Jennifer Comey, Eshauna Smith & Peter A. Tatian, "On the Road to Adulthood: A Databook about Teenagers and Young Adults in the District, 2009," Urban Institute and DC Alliance of Youth Advocates, p. 48, available at http://www.urban.org/uploadedpdf/411896_road_to_adulthood.pdf.

Type of School:

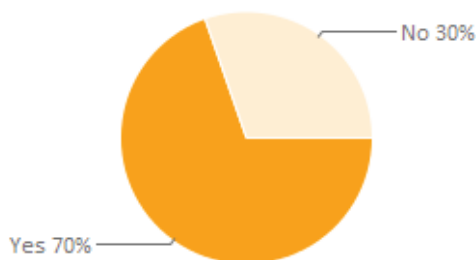


Complaint Issues



Almost one-third of the calls involved students who were currently out of school, whether because of formal discipline, informal discipline, safety concerns, or other reasons.

IS THE STUDENT ATTENDING SCHOOL AT THE TIME OF THE CALL?



Complaints from families of students with disabilities comprise the largest share of calls we have received (22%), with discipline matters a close second (20%). Some categories were identified to address a singular issue, like bullying and safety, but we found that those students, too, frequently had overlapping special needs. When adjusted for these factors, we find that more than half of our work (59%) addresses disability and discipline challenges experienced by students and their families. Although our data is preliminary due to a short term of operation since

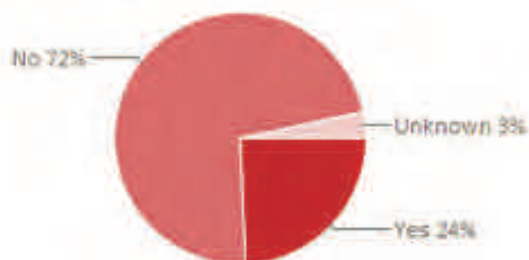


the re-establishment of the office, we have found our data mirrors both national and local trends.

DOES THE STUDENT HAVE A DISABILITY?



DOES THE STUDENT HAVE AN IEP?



Section III

Observations in Special Education and School Discipline



A. SPECIAL EDUCATION CHALLENGES

Very few parents send their child off to their first day of school anticipating that their child will fall behind and struggle with an educational disability, yet there were 11,043 students in DC special education for the 2013-14 school year.⁹

Most parents are initially unaware of “routine” childhood behaviors that may be symptomatic of disabilities. It is only after their child has had a pattern of disciplinary actions or educational failure that parents typically become aware of the special education system. At that point, navigating the administrative processes can be overwhelming to parents. It is critical that parents quickly receive the information they need to advocate for their children, as unaddressed disabilities are often devastating to a student’s educational progress.

Parents report that the special education process often feels like an intricate maze. There are dozens of acronyms to master, dense documents to read, and sometimes multiple DC Government agencies are involved. Feeling

⁹ District of Columbia State Advisory Panel on Special Education, “2013-2014 Annual Report,” Jul. 1, 2014, p. 6, available at <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/SAPAnnualReport2013-2014.pdf>.

overwhelmed by the opaque process, parents often decide to retain special education attorneys or advocates. But there are not enough attorneys in DC who represent low-income parents on a pro bono or contingency basis. Although groups such as the Children’s Law Center (“CLC”) and Advocates for Justice and Education (“AJE”) offer attorney assistance to certain qualifying populations, representation is not guaranteed nor are there sufficient resources to meet the needs of parents. Furthermore, many of the problems parents face do not require formal legal action. In those cases, parents are better served by an office that can provide them with information, facilitate their communication with schools, and offer mediation.

As stated earlier, since March 2014, 22% of the calls to the Office of the Ombudsman were related to special education. It is our observation that most special education complaints, both formal and informal, arise out of frustration at the lack of timely, informational guidance through a complex process full of procedures defined by both federal and local law. Parents have complained to our office that they need timely resolution and are often disappointed by the time it takes to achieve resolution through due process hearings.¹⁰ Moreover, special education policies are often not transparent and leave the resolution to a disinterested hearing officer through an adversarial process. By then, it is too late for many students to regain the education they have missed awaiting due process to correct or ratify educational placements made by DCPS and public charter schools. Thus, we propose that disputes concerning the provision of special education services be addressed by a collaborative process between students, families, and schools prior to due process complaints being filed.

The District of Columbia State Advisory Panel (SAP) on Special Education observed in 2010 that “the District’s special education system continues to be challenged by the lack of understanding of parental and student rights, and system knowledge not just by parents but by providers and school staff as well.”¹¹ Their recommendations included the need for a systemic effort to “develop more dynamic methods of communication, outreach and training...with a special focus on parental rights, support and system-wide understanding...as well

¹⁰ Due process hearings typically take 75 days from the filing of the complaint to the issuance of the hearing officer’s decision. 34 C.F.R. § 300.515.

¹¹ District of Columbia State Advisory Panel on Special Education, “2009-2010 Annual Report,” Jul. 1, 2010, p. 31, available at <http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/State%20Advisory%20Panel%20on%20Special%20Education%202009%20-%202010%20Annual%20Report%207%20%2010%20FINAL.pdf>.

as in-person communication and trainings.”¹² Consistent with SAP’s observations, we have found that parents need education and assistance during the eligibility process and then consistently through the initial IEP and annual follow-up process. Many complaints originate from a fracture in communication between schools and parents as well as the lack of incentive for schools to ensure that parents fully understand the special education process.

In 2010-2011, SAP observed that, “[although] OSSE has created workgroups on the two key issues of Secondary Transition and Least Restrictive Environment (LRE)... parent involvement in these initiatives continues to be minimal, and the area of parent and community outreach continues to be a challenge and concern.”¹³ The SAP further observed that “the various arms of communication and coordination are too scattered and sporadic to make a long lasting impact” and “too many parents still do not trust DC special education.”¹⁴ Several years after these reports, within the Office of the Ombudsman, we regularly observe that there is still a lack of information sharing and coordination between parents, school systems, DC government agencies, and advocacy groups. Thus, we recommend targeting these critical issues anew in the 2014-2015 school year.

By assisting parents much earlier in the special-education process—at every grade level—we can reduce frustration and advance the mutual goal of educating children in the most timely and efficient manner.

B. DISCIPLINE CHALLENGES

1. DISCIPLINE IN DC

Suspension is a fact of life for too many DC students. In the 2011-2012 school year, more than 13% of all students in the city were suspended at least once according to a public, citywide data analysis by the Every Student, Every Day Coalition.¹⁵ African-American students received a

¹² Id.

¹³ District of Columbia State Advisory Panel on Special Education, “2010-2011 Annual Report,” Jul. 1, 2011, p. 19, available at http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/State%20Advisory%20Panel%20on%20Special%20Education%202010%20-%202011%20Annual%20Report%207.01.2011%20FINAL_0.pdf.

¹⁴ District of Columbia State Advisory Panel on Special Education, “2010-2011 Annual Report,” Jul. 1, 2011, p. 19, available at http://osse.dc.gov/sites/default/files/dc/sites/osse/publication/attachments/State%20Advisory%20Panel%20on%20Special%20Education%202010%20-%202011%20Annual%20Report%207.01.2011%20FINAL_0.pdf.

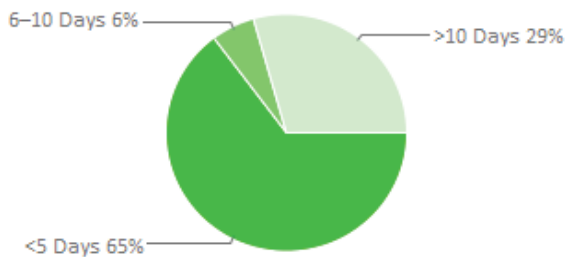
¹⁵ The Every Student Every Day Coalition, “District Discipline: The Overuse of School Suspension and Expulsion in the District of Columbia,” p. 1, available at http://d3n8a8pro7v7hmx.cloudfront.net/dclj/pages/64/attachments/original/1371689930/District_Discipline_Report.pdf?1371689930.

disproportionate share of suspensions: in school year 2012-2013, 16% of African-American students were suspended at least once, as compared to only 1% of white students.¹⁶ Students in special education also received a disproportionate share of suspensions, with a suspension rate of 23%.¹⁷

Many of the parents who call our office with concerns about out-of-school suspensions have children who either have been identified as having a disability or are awaiting evaluation. It also appears that most of the calls we received regarding suspension involved African-American students, as 88% of the total calls to our office were from African-American families.

These disproportionalities mirror national trends. The Department of Education’s Civil Rights Data Collection shows that African-American students without disabilities are more than three times as likely as their white peers to be expelled or suspended. Nationally, students with disabilities are more than twice as likely to receive an out-of-school suspension (13%) as students without disabilities (6%).” U.S. Secretary of Education Arne Duncan has stated that “as many as 95 percent of out-of-school suspensions are for nonviolent misbehavior—like being disruptive, acting disrespectfully, tardiness, profanity, and dress code violations.”¹⁸ Often, these are the undiagnosed symptoms of disabilities.

IF THE STUDENT HAS BEEN SUSPENDED, FOR HOW MANY DAYS?



From the limited data available to us, it appears that while public charter school students do not often receive suspensions that exceed five (5) days, they are more

¹⁶ DC Public Schools, Office of the State Superintendent of Education & Public Charter School Board, “District of Columbia School Equity Reports 2013,” p. 2, available at http://issuu.com/pcsb/docs/dc_equity_reports_part_one.

¹⁷ DC Public Schools, Office of the State Superintendent of Education & Public Charter School Board, “District of Columbia School Equity Reports 2013,” p. 2, available at http://issuu.com/pcsb/docs/dc_equity_reports_part_one.

¹⁸ U.S. Department of Education Office for Civil Rights, “Date Snapshot: School Discipline,” Mar. 2014, p. 1, available at <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.

likely than DCPS students to receive expulsions. Rather than imposing expulsions, DCPS more typically imposes long-term suspensions. We had numerous cases where DCPS imposed long-term suspensions exceeding 11 days, and a few cases where students received suspensions exceeding 60 days. These trends seem to have been fairly consistent over the past several years: in 2012-2013, public charter schools expelled 186 students, whereas DCPS expelled only one student that year.¹⁹ Similarly, last school year, public charter schools expelled 139 students, but gave long-term suspensions (over 10 days) to only approximately 70 students.²⁰ While there has been a significant drop in expulsions within charter schools, last year’s data still suggests the need for additional resources for earlier interventions when students begin to exhibit behavior problems.

In the cases presented to our office in order to avoid out-of-school time, a number of students who were suspended were out of school for multiple days and sometimes weeks and even months. We found that the top three reasons for students being out of school were:

1. Misunderstanding about whether the student could return back to school, as some students were permitted to return back to school while due process procedures were being carried out, but parents did not understand the disciplinary process and understandably kept the students out of school, with the belief that they couldn’t return. In addition, parents complained that DCPS schools did not provide the findings from the Office of Administrative Hearings to them;
2. Designation of many cases as “emergency” cases for DCPS schools under Chapter 25, which allows for suspension to be imposed before the student receives due process;²¹ and
3. Disconnect between schools and parents about how to enroll their children at CHOICE Academy.

In the District, there are few options for students excluded from school because of misbehavior. Most charter schools do not provide an alternative educational setting for students who are suspended or expelled. DCPS moves suspended and expelled students to CHOICE Academy.

¹⁹ Emma Brown, “Fewer Expulsions in DC Public Charter Schools in 2012-2013 Year,” Washington Post, Oct. 15, 2013, available at http://www.washingtonpost.com/local/education/fewer-expulsions-in-dc-public-charter-schools-in-2012-13-year/2013/10/15/5212a95a-35c3-11e3-80c6-7e6dd8d22d8f_story.html.

²⁰ Public Charter School Board, “SY2013-14 DC Public Charter School Discipline and Attendance Briefing,” Sept. 4, 2014.

²¹ 5 DCMR § B2504.4 allows DCPS to suspend a student before going through the discipline process if the student is “contributing to an emergency situation in the school.”

Our office has documented a number of concerns about CHOICE Academy:

- CHOICE Academy and the transferring school did not communicate to confirm that students were actually attending CHOICE Academy.
- Parents complained that CHOICE Academy did not provide a safe setting for their children, did not offer rehabilitative services, and did not appear to be giving actual instruction within the classroom their children were attending. One parent described it as a “holding cell” where students go until they can return to their original school.

Moreover, some parents within both public school sectors expressed difficulty and requested the assistance of The Office of the Ombudsman to obtain homework packets for their children while they were serving a suspension. Other parents expressed the desire to ensure that classwork and homework that was assigned during the suspension period actually resembled the work being assigned within the classroom and then expressed frustration when they found that homework packets were not graded upon the student’s return.

It is imperative that schools provide—at least—homework packets and online access to work in a timely manner so that children do not suffer a loss of learning while they are suspended from school. Children who have received out-of-school discipline are already at high risk for failure to graduate²²; making it difficult for them to make up their schoolwork only compounds this risk.

2. BEST PRACTICES

Even when well-intentioned and used as a last resort, long-term suspensions and expulsions have far-reaching negative effects. One national report demonstrates links to criminal involvement, unemployment, and increased reliance on social programs.²³ The American Academy of Pediatrics calls for out-of-school suspensions to be limited to the most egregious circumstances in part because “children growing up in homes near or below the poverty line are more likely to be expelled.”²⁴ Schools with high

suspension rates also score lower on state accountability tests even when adjusting for demographic differences.²⁵ We also know that there are grave consequences for students who receive out-of-school suspensions who are also doubly represented as both a student with disabilities and a member of a minority group.

Approaches that have proved effective in schools around the country include having teachers focus on relationship building to better understand the causes of student misbehavior, modifying data collection practices to focus on the causes of behavior problems rather than disciplinary outcomes, and implementing a measured and predictable pattern of escalating response that offers students multiple opportunities to correct their behavior.²⁶

Education Secretary Duncan articulated three guiding principles to address the problem of exclusionary discipline:

1. Schools and districts should be intentional about developing positive school climates to prevent misbehavior and target student support in a way that helps to address the underlying causes of the behavior such as trauma, substance abuse and mental health issues.
2. Schools and districts should develop “appropriate and consistent” expectations regarding behavior and the consequences in response to misbehavior.
3. School leaders and educators should strive to ensure fairness and equity for all students. Through the use of data, school leaders should monitor and evaluate the impact of their discipline policies on all students and subgroups.²⁷

As an education community, we need to assess the value that removing a child from a classroom offers. As we review long-term suspensions, we need to ask whether they actually change students’ behavior. As Ombudsmen, we will always strive to support families, students, and schools in keeping children in the classroom and on an uninterrupted learning trajectory.

²² See, e.g., Fran Pokorski, “Speaking Out: The Consequences of Suspensions,” National Association of Elementary School Principals, Dec. 2010, available at <http://www.naesp.org/sites/default/files/Pokorski.pdf>.

²³ Team Child, “The Road to Re-Engagement: Providing an Education to Long-Term Suspended and Expelled Youth,” available at http://www.teamchild.org/docs/uploads/The_Road_to_Re-Engagement_Policy_Paper.pdf.

²⁴ American Academy of Pediatrics, Committee on School Health, “Out-of-School Suspension and Expulsion,” available at <http://pediatrics.aappublications.org/content/112/5/1206.full>.

²⁵ National School Boards Association, “Addressing the Out of School Suspension Crisis: A Policy Guide for School Board Members,” Apr. 2013, p. 2, available at <http://www.broward.k12.fl.us/talentdevelopment/news/hottopics/3NSBA-Out-Of-School-Suspension-School-Board-Policy-Guide.pdf>

²⁶ See, e.g., Advocates for Children and Youth, “Effective School Discipline for Maryland: A Shared Approach to Keeping Children in School and Learning,” Jan. 2014, available at <https://acy.org/wp-content/uploads/2014/01/EffectiveSchoolDisciplineinMarylandBriefFinal.pdf> (describing successful approaches used in Anne Arundel County, MD and Walla Walla, WA).

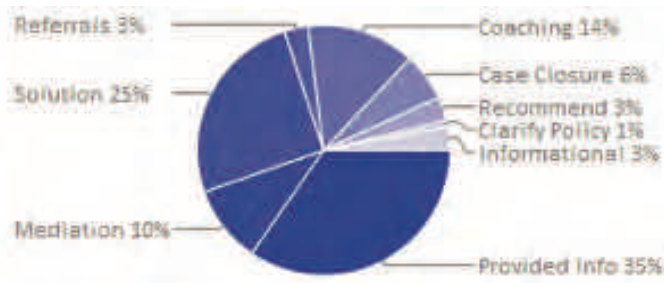
²⁷ U.S. Department of Education Office for Civil Rights, “Data Snapshot: School Discipline,” Mar. 2014, p. 1, available at <http://www2.ed.gov/about/offices/list/ocr/docs/crdc-discipline-snapshot.pdf>.

Section IV

Common Complaint Resolution Outcomes



OUTCOMES PROVIDED TO PARENT/ GUARDIAN/STUDENT:



WE HAVE ACCOMPLISHED:

- Preventing bullying of a student by convincing a school to move students from a classroom;
- Preventing the removal of out-of-boundary students from schools based on DCPS attendance protocols which had not been applied with fidelity;
- Returning students back to school who were forced out of school;
- Ensuring that services outlined in an IEP were actually provided to students and that parents better understand how to request evaluations, reevaluations and independent evaluations;
- Helping to find vocational and alternative schools for expelled students;
- Retrieving credits in order to help students graduate with a high school diploma;
- Equipping parents with tools for self-advocacy such as sample language for requesting IEP evaluations from their schools;
- Providing guidance on whether disciplinary policies were correctly applied based on facts presented;
- Successfully coaching schools who have changed their original positions based on the intervention and options provided by the Office of the Ombudsman;
- Equipping parents to present complaints in a persuasive manner that focuses on student and outcomes;
- Articulating applicable school policies in ways that parents understand and trust because the information we provide comes from an independent and neutral source not affiliated with any school system.

Section V

Family Engagement



Engagement requires meaningful dialogue between parents, guardians, families and schools about matters that affect student learning. Meaningful parent engagement requires that schools recognize that there should be a true partnership between families and schools. Some of the barriers to true parent engagement include:

- Parents feeling that they are not welcome within the school;
- Parents feeling that their values and ideas are not appreciated and celebrated;
- Parents feeling that they are being patronized or talked down to by school leadership teams;
- Recurring negative interactions and experiences with schools which impact parents' ability to have future conversations with administration or faculty about their child's education; and
- Language and cultural differences.²⁸

²⁸ The Down East Partnership for Children, "Building Family Engagement to Support Children," Summer 2011, available at http://www.depc.org/pages/ccr_rsprng11.pdf.

In some of the work performed by the Office of the Ombudsman for Public Education, we have witnessed parents struggle to reach principals both in public charter schools and DCPS schools through email or telephone. In addition, we have witnessed principals who were disrespectful and ultimately unwilling to address parent concerns in a way that acknowledged the parents' contribution or perspective in the matter at hand. Further, parents have complained that schools have failed to educate them on applicable school policies and how they apply to their student's situation.

For example, parents have asked about how to obtain an evaluation for their student and how quickly such an evaluation can be facilitated by the school. Some schools have either ignored the request, stalled parents for weeks or months, or have informed parents that their children just had behavioral problems and did not require an IEP. To parents, these discussions made them feel as if their input, insight as a parent, and desire to engage in participatory decision-making concerning their students were not valued by the school.

Section VI

2014 Annual Recommendations

- **PROFESSIONAL DEVELOPMENT:** Continue professional development efforts for teachers and school staff members on classroom management and continue to look for strategies to increase student engagement and engage parents in an effort to raise student achievement.
- **INCREASE PARENT ADVOCATE TRAINING:** Expand parent training, empowerment and advocacy. The Office of the Ombudsman recommends that the Office of the Student Advocate and non-profits recruit and train a cadre of engaged parents as advocates from among the families currently or formerly involved in DC special education programs in order to create an affordable, accessible support network for parents of special education students.
 - We further recommend cross-training parent advocates to **develop an understanding of school discipline policy and procedures** within DCPS and public charter schools so that they can help identify where discipline and disability issues overlap.
- **IMPROVE INFORMATION ACCESS WITHIN SPECIAL EDUCATION:** We found that parents are challenged by a lack of both access and awareness of special education rights, procedures, and resources. Parents need a better understanding of their rights, help requesting evaluations, assistance with determining whether an IEP has been properly implemented, and help recognizing when disciplinary actions may be symptomatic of underlying behavioral or mental health needs of the student. Parents need assistance understanding and addressing the often very long wait time for schools to start the evaluation process.
- **MORE TRANSPARENCY:** DC should build on the Equity Reports to publicly report disaggregated data annually on topics including the number of students suspended, the number of incidents, reasons for out-of-school suspensions, and days of lost instruction, and do so by school level (elementary, middle, and high school). Ensure that the reported data are disaggregated by race/ethnicity, gender, English learner status, and disability status.”²⁹
 - This data should be shared with the Office of the Ombudsman and other educational entities in real time. We would recommend data sharing no more than 3-4 months from the end of the school year.
- **TIMELY ADMINISTRATIVE HEARING DECISIONS FOR SCHOOL DISCIPLINE CASES:** Parents need to be able to obtain findings from the Office of Administrative Hearings regarding out-of-school suspension and expulsion in a timely manner. Schools are responsible for sharing this information with parents within a reasonable time frame.

²⁹ See recommendations provided by The Center for Civil Rights Remedies of the UCLA Civil Rights Project in “Out of School and Off Track: The Overuse of Suspensions in American Middle and High Schools.” April 8, 2013, available at http://civilrightsproject.ucla.edu/resources/projects/center-for-civil-rights-remedies/school-to-prison-folder/federal-reports/out-of-school-and-off-track-the-overuse-of-suspensions-in-american-middle-and-high-schools/Exec_Sum_OutofSchool_OffTrack_UCLA.pdf.

Section VII

Conclusion – Looking Ahead

In our nearly six months of work, we are honored to have been able to help parents, families, and students reach resolution in their individual cases. We have also assisted parent-teacher organizations in resolving conflict and look forward to additional opportunities to assist with resolving conflict in the coming years.

As we look ahead, we would like to engage more families through outreach and strategic partnerships with non-profit organizations, DC governmental agencies, and social services providers in order to provide a robust array of services to parents, students, and families. At the Office of the Ombudsman for Public Education, we welcome your input and hope to meet you in the coming year!

Appendix

Work Summary for School Year 2013-2014

| | |
|--|--|
| How many complaints were received and completed? | 150 complaints through August 15, 2014 |
| Complaints examined and resolved informally? | 142 cases (94.6%) of the total number of cases (informal mediations, meeting facilitations, etc.) |
| Complaints examined and resolved through a formal process? | 0% |
| Complaints dismissed as unfounded? | 8 cases (5%) |
| Complaints pending | 25 additional cases are pending as of August 15, 2014 |
| Recommendations made | 23 cases (15.3%); the types of recommendations made to schools are captured under the "We have Accomplished" section on Page 16. |
| Recommendations that were followed (to the extent that it can be determined). | 21 cases (14%) |



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STUDENT REPRESENTATIVES

2014 - 2015

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Brian Contreras