
Office of the Ombudsman for Public Education

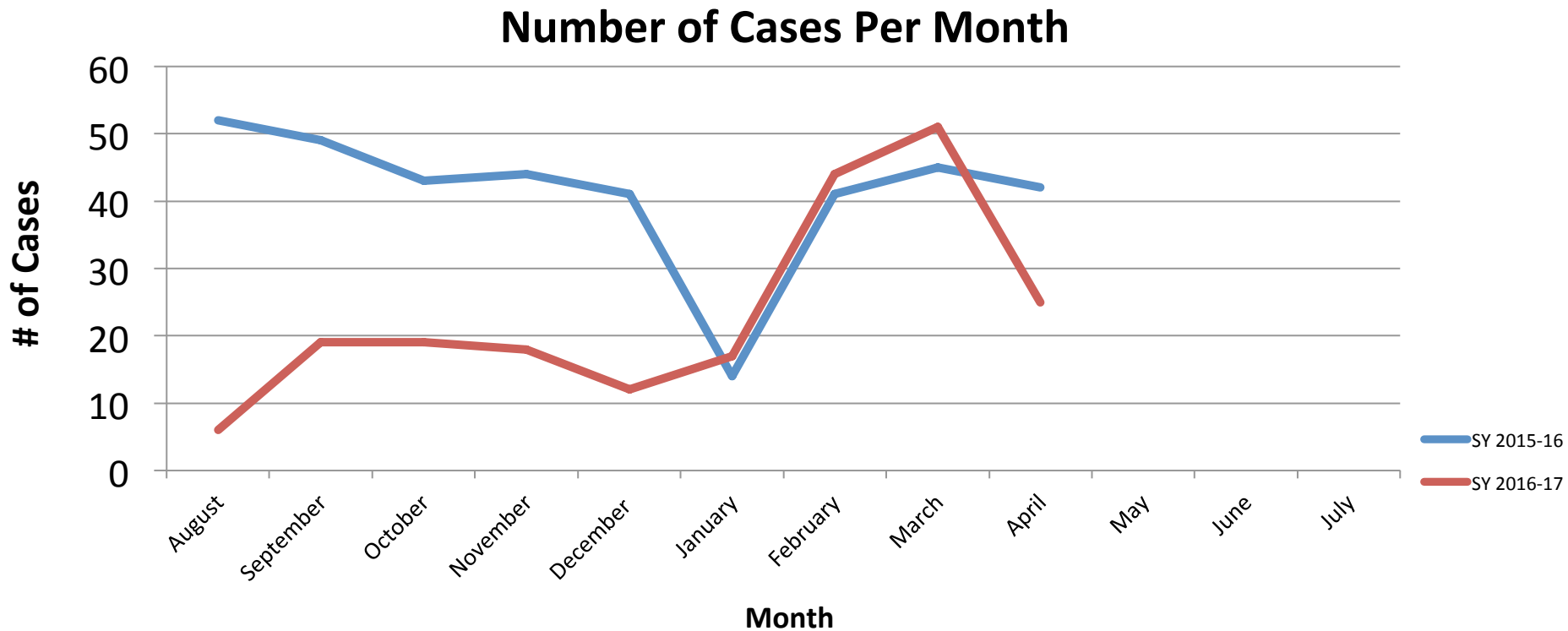
Quarter 3 Report
School Year 2016-17

DC Office of the
Ombudsman
for Public Education



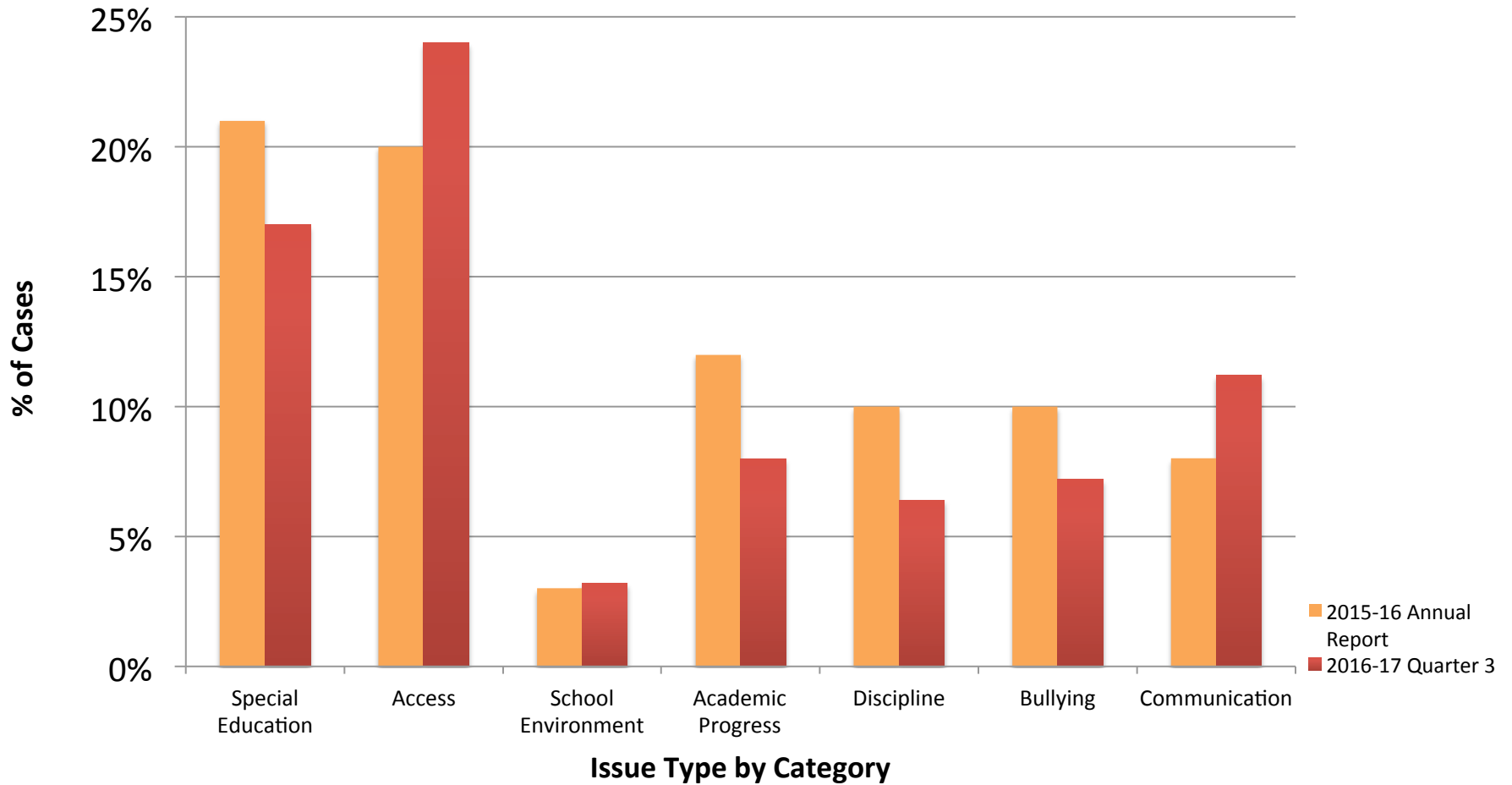
Number of Cases

We have received 125 cases in Quarter 3, compared to 127 at this point in 2015-16 School Year.



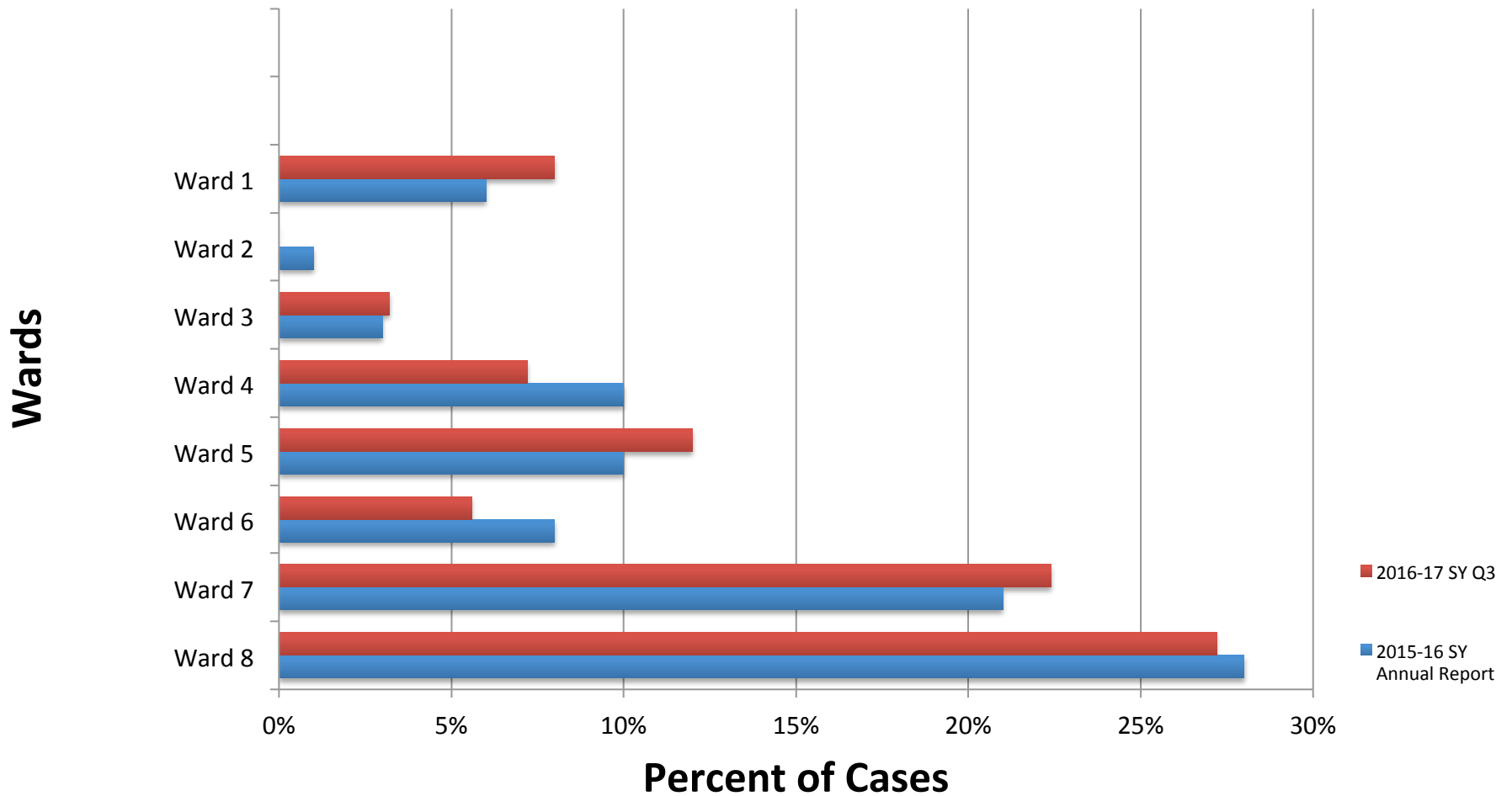
Top Complaints – Quarter 3

Top Complaints by Category



Complaints by Ward

Percent of Cases in Each Ward for Q3



Systemic Issues – Special Education

In our most recent annual report, we shared that students with special education needs continue to be disenfranchised. This disenfranchisement particularly impacted students in some of our most disadvantaged wards in the city. Some of the issues shared include:

- In our last quarterly report, we shared that our office would like to explore the impact of Response to Intervention (RTI) on the length of time it takes to conduct an evaluation. Some LEAs require 6-8 weeks of observation before determining whether an evaluation can occur. This causes a tension between the schools' duty to comply with Child-Find and compliance with other procedural requirements. Additionally, classroom teachers are being asked to implement serious interventions to address students' difficulties in the classroom before a referral is allowed to proceed to evaluation.
- We have recently heard that DCPS, as a system, is delaying the evaluations of students suspected of disabilities to allow the RTI process to proceed much longer than 6-8 weeks. Some special education coordinators are scrambling to start the evaluation process for a number of students at the end of the school year, because they were not allowed to proceed prior to this point. We contend that this is a violation of the IDEA law and local law and we intend to raise this issue with DCPS and OSSE.

Systemic Issues – Special Education

Our Oral Requests

Our office would like to explore the possibility of strengthening the protections in DC's special education laws regarding oral requests for evaluation. Some families have complained that they have made oral requests for evaluation that have been ignored by schools.

- This quarter, we continue to see multiple examples of parents' oral requests for evaluation rejected or delayed, often by months or across school years.
- We continue to see students with disabilities receiving multiple suspensions, indicating insufficient supports provided in the IEP or failure of Child Find.
- Students are also being retained without an adequate review of whether the student's academic struggles are a result of insufficient services or failure of Child Find.
- Schools continue to inform parents of their child's eligibility without undergoing a formal special education evaluation process, as required by federal and local law.

Systemic Issues – School Environment/Safe Passage

A significant number of families (mainly from Wards 5, 7 and 8) have contacted our office about issues of violence in and around schools.

- In approximately 16% of our cases, violence is the parents' main concern.
- Half of these cases involve violence outside of the school building:
 - On school property
 - On students' routes to and from school

Systemic Issues – School Environment/Safe Passage

The cases involving violence outside the school and on students' routes to school are part of the larger conversation about safe passage, a topic of particular concern throughout the city. We have seen a number of cases involving safe passage, like this one:

- Several students at a DCPS school were involved in a fight with each other. During school hours, the students were separated from each other but on the same day, after school, they all rode on the same bus home. One of the students involved in this dispute was attacked by the others on the bus on their way home.

Systemic Issues – School Environment/Safe Passage

The challenges that this case illustrates are:

- Students' ability to get to school safely and on time
- Schools' ability to keep students safe when they are not on school grounds
- Students' ability to focus and be productive in school, without worrying about traveling to and from home
- Parents and families' confidence in the school system and its ability to take care of their children's needs

Systemic Issues – School Environment/Safe Passage

In the cases that we have seen, schools have taken different approaches to trying to deal with issues of safe passage to and from school. Some of the best practices in schools that we have observed include:

- **Staggering Dismissal Times** to prevent victims and aggressors from interacting on their trips home
- **Barring Non-Students who Instigate Violence** this includes parents, family members and students from other schools who have made threats or started fights on school property.

Systemic Issues – School Environment/Safe Passage

- **Utilizing Restorative Justice and Alternative Dispute Resolution Solutions** to give the students space to talk through issues in a safe environment rather than resorting to violence

An additional city-wide effort that we have observed is:

- **Office of the Student Advocate Safe Passage Working Group** is a community and government collaboration that has successfully produced a resource kit for families, a social media awareness campaign, and a survey method that allows the collection of community specific concerns and needs

Systemic Issues - Access

In our annual report, we shared that many of our cases have demonstrated that many black and brown students in the most economically disenfranchised wards continue to be the most impacted by school-implemented barriers to access. For example, we shared that an out-of-boundary student was declined reenrollment after a long-term suspension to CHOICE, despite his right to attend the school for the remainder of the school year. In this quarter, we continue to see evidence of inequitable access to education due to housing status, disabilities of the parent or student, and inappropriate or insufficient access to adequate supports. Wards 5, 7, and 8 continue to be the most impacted wards.

Access cases, which represent our highest complaint category this quarter, involve barriers to education that by law should have no impact on a child's ability to enroll in school. This includes administrative, process, and other barriers that the school creates.

Systemic Issues – Access – Case Example 1

Enrollment

- One parent was unable to enroll her child into his in-boundary DCPS middle school due to his expulsion from a charter school. The assistant principal communicated to the parent that they required additional information on the child's discipline record before proceeding with enrollment. These factors should not have an impact on enrollment within a matter-of-right school; unfortunately, these very factors delayed enrollment for about two weeks.
- Ombudsman Intervention with school: Our office intervened by clarifying the reasons for this delay in enrollment with the assistant principal and explaining the actions that can and can't delay enrollment. Additionally, our office confirmed with the assistant principal that the student would be enrolled in two days.
- Ombudsman Intervention with parent: We also accompanied the parent on a visit to the school to turn in the enrollment paperwork. The front desk staff communicated to our office that the parent could not enroll her son until next year, and that the parent was required to bring all paperwork in order to complete enrollment. Our office clarified that the parent had 10 days to turn in all required documentation, and that this lack of documentation should not delay enrollment. We further clarified with the school that, in addition to having confirmed enrollment with the assistant principal, the parent had a right to enroll in the school at any point in the school year as this was her son's in-boundary school. The school finally acquiesced and enroll the student once our office made it clear that their actions were in violation of DCPS enrollment policies.

Systemic Issues – Access – Case Example 2

Homelessness

- Front desk staff at a DCPS elementary school denied enrollment of a homeless kindergarten student based on his previous residence in Maryland.
- The mother tried to re-enroll her son at the school he attended when they were DC residents. She also communicated with front desk staff that she lived in transitional housing in DC. Based on this information, the front desk staff believed that the student did not have a right to re-enroll in the school, and that the school was not his in-boundary school. They were also requiring proof of residency even though there are different requirements for students who have protection under McKinney-Vento.
- Our office intervened by informing the school of the student's rights under McKinney-Vento. In this case, because the transitional housing was within the school's boundary, the student had a right to enroll in the school. Additionally, McKinney Vento considers transitional housing to be a form of homelessness, and thus the parent has a right to enroll her son in a school that is in proximity of the residence. To ensure that the student was able to successfully enroll, our office accompanied the parent to the school, clarified McKinney Vento policy for the school, and received confirmation that the student was enrolled in the school.

Systemic Issues – Access to Teachers/Professionals

A specific Access issue that we have noticed during this quarter is situations where families report that teachers have taken leave or resigned from their positions, and the schools have been unable to fill those vacancies during the same school year. In these cases, students have had to forgo instruction for an extended period of time-to include up to the entire school year.

This issue has also extended to students who required specialized services outlined in their IEP. In these cases, schools have been unable to find a special education teacher within a short period of time, so the students did not receive specialized instruction for extended periods of time.

Systemic Issues – Access to Teachers/Professionals

The cases we have seen speak to the question of a teacher shortage in the District, but they also are indicative of the question about schools being able to provide adequately for the needs of their students-especially when teachers leave prematurely, due to relocation, termination, or other reasons.

- In one case, our office was contacted by a family who was concerned about their daughter's education in science. At her daughter's DCPS school, a teacher resigned in December and the students have not had a science teacher since winter break.
- In this case, the school decided to give the students full year grades and full academic credit when they only received 2 academic quarters of instruction because the school has been unable to fill the position. The school's approach is problematic because it addressed the issue by focusing on school credits rather than whether students in fact lost 2 quarters of science instruction.
- This loss of instruction also disadvantages the affected students by allowing them to proceed the following year without having learned all the necessary prerequisites for higher level study.

Systemic Issues – Access to Teachers/Professionals

For special education services in particular, we have seen what appears to be a more pronounced shortage of teachers with the necessary experience and/or certification.

- A parent contacted us because his child's school has been unable to find one or more certified special education teachers for his self-contained classroom. The students in the class have had a series of substitute teachers all year, the majority of whom have not been certified in special education.

Systemic Issues – Access to Teachers/Professionals

This lack of special education teachers is particularly problematic both because it is illegal to have a self-contained classroom without a special education qualified teacher,* and because it prevents students in these settings from being able to learn effectively, resulting in further educational set-backs for students. Among schools dealing with this issue, the best practice that we have seen put in place was:

- **Proactively Amending All IEPs** to provide compensatory educational services to students to begin as soon as a qualified teacher or professional could be hired.

*See DCPS Special Education 2016-17 policies, also 34-CFR-§300.156 (c) Qualifications for Special Education Teachers

Systemic Issues – Recommendations

As we shared in our most recent annual report, the concerns brought to our office in Quarter 3 indicate that:

- Wards 5, 7, and 8, students with disabilities, and disenfranchised families continue to suffer under an inequitable system.
 - Oakland, Kentucky, Portland, and Boston have implemented equity-based solutions that have improved outcomes for disenfranchised families.
 - Boston, Portland, Kentucky, and Oakland have created equity offices tasked with ensuring that the needs of disenfranchised groups are met. This ensures that policies incorporate an equity lens.
 - The success of these offices indicates that a solution focused on addressing the unique barriers of disenfranchised groups is necessary in order to best address the concerns that have been brought to our office. A city-wide equity plan that specifically addresses racial, economic, and other disparities is the only path forward in addressing these education issues.

Systemic Issues – Recommendations

To that end, we recommend the following:

- Our office should work with OSSE to share the barriers that children continue to face, especially around RTI, the delay of evaluation of students with potential disabilities, and the implementation of IEP services.
- Our office should work with DC Council to identify enforcement areas in the Special Education Enhancement Act to fund to ensure that oral requests for evaluation are honored, assist with timely evaluation of students without implementing a waitlist, and discontinue the practice of using the RTI process to delay or suspend the evaluation process.
- Our office will continue to work with OSSE, LEAs, parents, and community organizations to decrease the use of punitive discipline on students with disabilities.
- The District should require the implementation of evidenced-based practices to improve school environment, with a focus on schools in Wards 5, 7, and 8. There are some promising practices, such as the NIJ Grant, that are being piloted in DCPS and charter schools.
- Our office should support OSSE, in collaboration with an equity consultant, SBOE, DME, DCPS, PCSB, and DC Council, to implement a city-wide equity plan that is tied to academic standards, family and student engagement, and policy implementation.

Recent Engagement Efforts in Q3

- Panelist at the American Bar Association Dispute Resolution Section conference to discuss how to establish an Education Ombudsman practice on April 20, 2017.
- Panelist at the International Ombudsman Association conference on April 25, 2017.
- Possible opportunity to present at the CADRE conference on special education dispute resolution based on the Harvard Negotiation and Mediation team's recent report.
- Presenting at the Young Education Professionals on May 6th about equitable practices around family engagement in DC.