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Performance Oversight
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Official Written Testimony of Serena M. Hayes, Ombudsman for Public Education
Office of the Ombudsman for Public Education

Good morning, Chairman Mendelson, and members of the Committee of the Whole. Thank you for the opportunity to testify today on behalf of the Office of the Ombudsman for Public Education.

The Office of the Ombudsman is an independent, impartial office housed within the State Board of Education that helps parents and students resolve school complaints individually and collectively, transforming problems into solutions that compel systemic progress for all public education in DC. The Office serves as a vehicle for communication between families and schools by receiving complaints and concerns from families and schools, coaching families on how to advocate for child(ren), facilitating meetings and mediations, identifying systemic concerns, and making recommendations based on observed patterns.

We employ conflict resolution processes from the smallest degree of intervention to the highest degree of intervention. We spend a lot of time on the phone with families and schools discussing concerns, deliberating about why certain choices were made, whether those choices were correct, assessing the impact of that choice on children, providing information— sometimes reminding schools about legal requirements, sometimes sharing with parents the limitation of laws. We coach parents and guardians on how to advocate for their child(ren) by providing information, helping them organize their thoughts before conversing with a school administrator, or helping them draft a letter. We schedule and attend meetings. The typical meetings we attend include working with schools and caregivers to develop safety plans for students who believe they are experiencing bullying, developing or amending an Individualized Education Program for students with disabilities, and meetings to improve communication between schools and caregivers. Sometimes we unexpectedly facilitate meetings after realizing that a caregiver or educator was triggered, and the only way to move forward is to allow space to process emotions. Even when we are unavailable to attend meetings at the request of a family or school, we use coaching to help ensure that the family is prepared and confident for the meeting. When deliberating with schools about an issue, particularly when the solution falls within a gray area, we work to help the school shift away from concepts of right and wrong and refocus on what resolution is in the student's best interest.

The casework is the heartbeat of the Office. When examining the amalgamated data from SY2020-21, the most common complaints concerned special education, communication, and academic progress. Each topic area is further discussed below.

Communication and Engagement concerns are "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." While Communication and Engagement concerns are consistently the largest case topic (50% of all cases), it is almost always conflated with

another issue. Last school year, Communication and Engagement concerns were most often coupled with Discipline, Student Safety, Academic Progress, and Attendance/Truancy concerns.

Special education concerns were also a common concern brought to our Office in SY2020-21. Families with special education concerns were most frequently parents of students who already had an IEP (71%), rather than students awaiting eligibility determinations or seeking evaluations. Many of the special education concerns raised in SY2020-21, including questions about individualized distance learning plans (IDLPS), IEPs, and reports of reduced service hours during virtual learning; the lack of differentiation or modified instruction in a virtual setting; requests for dedicated aides (virtually and at home), and a general sense of overwhelm and frustration attempting to implement a student's IEP at home without expertise or adequate support.

Academic Progress (42%) concerns were also common during SY2020-21. Historically, our Office has received a low volume of complaints about student academics unrelated to special education concerns. The increase in Academic Progress concerns demonstrated 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 before the pandemic and worsened during the pandemic.

Virtual learning was painstakingly difficult for schools and families alike. For the Office, the challenges were reflected in the complexity of the complaints we received. Unfortunately, too many of the complaints we received during distance learning required temporary resolutions that required waiting until students re-entered the school building to know whether a resolution had indeed been achieved. During last year's budget oversight, the Office testified about the expected resurgence in call volume. The Office anticipated two issues once students returned to in-person learning—the need to address school safety and an influx of special education concerns. Our predictions were correct. Now that students have returned to in-person learning, the Office's case volume has exceeded pre-pandemic volume. Additionally, the primary concerns that families have contacted our Office about involve communication, special education, and student safety.

Special Education. The special education concerns families raised included failure to provide related service hours, failure to modify general education curriculum as required by the IEP, disagreements about whether a student needs a dedicated aide, challenges with OSSE transportation services, and school-staff shortages. For example, Ms. Green contacted our Office with concerns about staffing at her son John's school. John is nonverbal and, in accordance with his IEP, was placed in a self-contained classroom. However, John is placed in a generalized education setting with non-disabled peers whenever John's teacher is absent from school.

Similarly, Ms. Brown contacted our Office with staffing concerns at her daughter Jessica's school. Jessica was diagnosed with a developmental delay. Her IEP requires pull-out services and updates to Ms. Brown about her progress. Jessica was assigned a new teacher in the second quarter, and Ms. Brown stopped receiving progress reports. Additionally, Jessica stopped receiving her pull-out services. Ms. Brown later learned that the related service provider was no longer employed at the school, and the position remained vacant. Consequently, Jessica went months without receiving the related service hours required in her IEP.

In addition to staffing issues, another parent, Ms. White, contacted our Office expressing concerns about the implementation of her daughter's 504 Plan. She shared that her daughter, Trisha has terrible migraines and was previously given extra time to complete assignments. However, Trisha stopped receiving extra time with no prior notice to Trisha or Ms. White. As a result, our Office contacted the school on Ms. White's behalf to set up a 504 Plan meeting. In that meeting, Trisha's 504 Plan was updated. Now she receives seven days to turn in missed assignments due to her condition, but no more than three days after the semester ends, without penalty. Ms. White and Trisha were happy with the outcome of the meeting and had no further concerns.

Student Safety. Last school year, we reported a decline in Student Safety concerns due to students learning remotely. Since in-person learning has resumed, we have observed Student Safety concerns return to pre-pandemic volume. Roughly half of all our cases this year involved student safety. Of those cases, fifty-three (53) percent of families reported concerns regarding school-based violence. For example, we worked with the Smith family whose daughter, Jane, was involved in a physical altercation with another student (Sarah). Thereafter, Sarah's friends began harassing, taunting, and threatening Jane. Eventually, several of Sarah's friends initiated another physical altercation with Jane that resulted in Jane being beaten until she became unconscious. When Ms. Smith contacted our Office, we helped initiate a safety transfer to a different school. After a week, we followed up with Ms. Smith to ensure the safety concerns did not follow Jane to the new school. Ms. Smith reported that she was pleased with the new school.

Many of our safety cases involved concerns with medical health and wellness due to COVID-19. These cases generally involved exposure and notification concerns. However, some COVID-related medical health and wellness cases involved families attempting to complete in-person learning waivers. For example, we worked with Ms. Williams, a mother of three school-aged children who is immunocompromised. Ms. Williams and her children also live with her mother (grandmother), who is also immunocompromised. Ms. Williams was able to timely submit and receive an exemption from in-person learning for two of her three children, who had their own medical ailments warranting exemption. But Ms. Williams contacted our Office for assistance in obtaining a waiver for her third child. Ms. Williams was not clear on how to submit the paperwork, so she sent it directly to our Office. We submitted the form on her behalf, and the student was enrolled in virtual education the following week.

Through our casework, the Office gleans pieces of families' experiences in DC public school systems through the stories families share with us. In all these cases, families wanted equitable access to education for their students. As a result of listening to families and developing partnerships with agencies across the District to help families reach a resolution, our Office is proud to announce an expansion that will allow us to help address one of our families' most common concerns: navigating the complex special education system. The Ombudsman recently partnered with the Office of the State Superintendent of Education (OSSE) to develop the DC Special Education Hub as a subsidiary office within the Office of the Ombudsman for Public Education.

The DC Special Education Hub will serve as a resource and information center for families of students with disabilities. The goal is to ensure that students with disabilities or students suspected of having a disability and their families have access to information and resources that support their right to a free and appropriate public education. In addition, the hub should serve as families' first stop when seeking information about special education in DC. The hub will provide information, workshops, training, develop family-friendly versions of DC policies, support families regarding the special education process,

and refer families to appropriate resources within the DC government and the community. We are excited to continue to build the infrastructure for the hub and look forward to serving more families and students more collaboratively and engagingly once it opens this summer.

As we build the infrastructure for the DC Special Education Hub, we also continue to make policy recommendations to affect systemic improvements to the public education systems. In our annual report released in October of 2021, we offered three recommendations: (1) to develop a permanent, high-quality virtual school as an option for students who need an alternative to the traditional school model; (2) improve the truancy referral process and address systemic barriers to school attendance such as transportation and childcare; and (3) create school choice options for students with disabilities placed in self-contained classrooms. Each of these recommendations is briefly discussed below. For additional information, please refer to our annual report.

High-Quality Virtual Learning. Based on observed patterns revealed through our casework, we recommend exploring the possibility for a long-term, high-quality virtual education option for students experiencing safety concerns, severe medical needs, and students in the care of the District. Providing students with safety concerns with a permanent virtual option allows families who have been unsuccessful with implementing a safety plan and victim transfer to have another option. Providing students experiencing severe medical needs with a permanent virtual option would allow students with significant physical disabilities or students with a medical condition in which in-person learning presents family or students with increased health risk to have another public education option. Further, providing students in the care of DC with this option might allow these students to remain enrolled in DC's public education system even when students are placed in foster care, youth detention centers, or incarcerated outside of the District. A permanent, high-quality virtual education could benefit many of our students.

Truancy Referral Process. Through our work with families experiencing attendance barriers, we witnessed gaps in communication between school staff and the Child and Family Services Agency (CFSA). As a result, we recommend increasing training for attendance counselors and developing a new system for sharing the status of CFSA referrals. We also recommend providing other systemic interventions to reduce gaps in the truancy referral process, including increased transportation support, expanding free before and aftercare options to all public school families, and providing more comprehensive wraparound services to families experiencing homelessness.

School Choice for Students in Specialized Classrooms. Lastly, we heard from parents of students in specialized classrooms who expressed feeling like they have limited access to school choice and often feel uninformed about the quality of self-contained classrooms and where specialized classrooms will be located each school year. District of Columbia Public Schools (DCPS) updated its realignment of self-contained classrooms to create a geographic feeder pattern for self-contained classrooms and is supposed to resolve predictability concerns with a school assignment and allow siblings to stay together. However, the realignment still limits access to school choice for students in self-contained classrooms.

The realignment has experienced transition challenges that were expected. Some families were satisfied with their child's placement but had questions about the purpose of the realignment. Other families were displeased and expressed frustration and confusion regarding the placement decision. Families also shared that they did not want their child uprooted from their supportive school community. Our annual report recommended strategies for addressing some of the access concerns regarding school choice for students in self-contained classrooms. Most significantly, we recommend developing a separate lottery

process for students in self-contained classrooms. We also recommended notifying families about the realignment in writing before the lottery. We were happy to see that DCPS followed that recommendation this year. We began receiving calls from families who received notification in January before the lottery closed. Typically, we see an uptick in location of service concerns in the spring.

These past few years have been challenging for everyone. I hope that the information I provided helps the Council to see the work of the Ombudsman's Office, our dedication to our city's children's education and overall wellbeing, and areas where we believe that with collaboration amongst the city's education leaders, we can address some common concerns.

I want to thank the Council again for allowing me to testify before you today, and I welcome any questions you might have.