

# Office of the Education Ombudsman

Office of the Governor - State of Washington



**2010 – 2011 Annual Report**

**Adie Simmons, Director**

Our mission is to promote equity in education and support the ability of public school students to fully participate and benefit from public education in the State of Washington.



WASHINGTON STATE

# Office of the Education Ombudsman

[www.waparentslearn.org](http://www.waparentslearn.org)

October 31, 2011

To the citizens of Washington state,

In 1809 the first Ombudsman office was established in Sweden. Since then, the Ombudsman model and its unique process for resolving problems and ensuring that citizens are treated fairly and reasonably, has spread all over the world. In 2006, in our own state, the Office of the Education Ombudsman was created as the first agency in the nation dedicated to protecting the rights of K-12 students in our public school system.

Since its inception, OEO has intervened in nearly 3,000 complaints from across the state. 55% of these cases involved students of color. The staff has worked very hard to be effective and accountable to our most vulnerable citizens of our state -- our children. We have assisted students of all ages whose educational needs were not being met; who needed help navigating the system; who were victims of bullying, harassment, discrimination; whose special needs were not being accommodated, and/or who needed to get back in school.

As we approach our 5<sup>th</sup> anniversary, we are proud to present the 2010-2011 fiscal year annual report. To meet the challenges of the great recession, OEO has operated with a shrinking operational budget, reduced personnel, and has streamlined operations making better use of technology to assist clients. Although we have become a smaller agency, we are nonetheless hard-working and determined to remain student-centered and customer-focused. We strive for quality services for all of our clients and take pride in the trust and respect of parents, educators and other stakeholders.

We estimate that our services have saved millions of dollars in legal costs to both parents and school districts as we have resolved hundreds of cases that were headed into lawsuits.

We want to express our gratitude to Governor Gregoire, the state legislature, the Superintendent of Public Instruction, principals, superintendents, teachers, school staff, education advocacy organizations and parents around the state for their commitment to excellence in education and their collaborative work with our office.

It is a privilege and an honor to direct the only agency of its kind in the nation. My staff and I are proud to be making a difference in the lives of thousands of Washington students and families.

Respectfully,

Adie Simmons, Director

# OEO Parent Advisory Council

---

**Janet Anderson**  
Seattle Public Schools  
Special Education PTSA

**Jenny Cochrane**  
Bellevue Public Schools

**Novella Frazer**  
President, WA State PTA

**Joel Domingo**  
Seattle Public Schools

**Maria Garcia**  
Edmonds Public Schools

**Sandra Rollins**  
Franklin Pierce Public  
Schools

**Iris Okimoto Nielsen** Seattle  
Public Schools

**Danielle Tovar**  
Lake Washington Public  
Schools

**Annette King**  
Highline Public Schools

**Jill Petersen**  
Burlington/Edison Public  
Schools

**Alison Wald**  
Seattle Public Schools

**Debbie Lester**  
Edmonds Public Schools

**Peggy Ann Johnson**  
Snoqualmie Valley Public  
Schools

**Tammy Howard**  
Edmonds Public Schools

**Rachel Smith-Mosel**  
Federal Way Public Schools

**Ramona Hattendorf**  
Seattle Public Schools

**Lauren McGuire**  
Seattle Public Schools  
PTA President

**Efrem Seyoum**  
Seattle Public Schools

**Farah Syed**  
Northshore Public Schools

## Partnerships

---

OSPI  
Department of Early Learning  
State Board of Education  
Commission on Hispanic Affairs  
Human Rights Commission  
Governor's Office of Indian Affairs  
Safe Schools Coalition  
WASA  
Team Child  
295 School Districts  
Council for Developmental Disabilities  
Refugee Women's Alliance

Attorney General of Washington State  
Department of Health  
NW Justice Project  
Commission on African American Affairs  
Commission on Asian Pacific American Affairs  
US Dept. of Ed. Office of Civil Rights  
WEA  
AWSP  
Tree House  
PAVE  
Seattle University  
Vietnamese Friendship Association

Washington State PTA  
DHS  
OFCCO  
Head Start  
ESDs  
WSSEC  
ACLU  
WASCLA  
WSSDA  
ARC of WA  
ARC of King Co.  
Southwest Youth and Family

## Staff

---

**Adie Simmons, M.Ed.**  
Education Ombudsman Director

**Jennifer Harris, J.D.**  
Education Ombudsman/Legal Analyst

**Stacy Gillett, M.Ed.**  
Education Ombudsman

**Danielle Eidenberg-Noppe, M.Ed.**  
Education Ombudsman

**Steve Zuber, M.Ed.**  
Education Ombudsman

**Toni Psycheff**  
Intake/Office Administration



The Office of the Education Ombudsman (OEO) is the first agency of its kind in the nation. It was established by House Bill 3127 and approved by the state legislature in 2006. OEO is within the Office of the Governor, independent from the public education system.

OEO provides families and K-12 public schools an avenue through which they can get an impartial review and resolution of a problem, dispute or complaint that is affecting the academic progress or the learning environment of a student. Other functions of OEO include: making recommendations for state/local statutory and administrative improvement, promoting family involvement in education and identifying strategies to close the achievement gap.

OEO is committed to excellence in public education and to the fair treatment of all students in public schools.

### **Mission**

OEO's mission is to promote equity in education and support the ability of public school students to fully participate and benefit from public education in the State of Washington.

### **Vision**

OEO envisions Washington state families, students, communities, and educators as empowered partners in a responsive, accountable, and equitable public education system, focused on student academic success.

### **Student Focus**

OEO is impartial. Education Ombudsmen advocate for fair and equitable processes that support student academic achievement.

### **Data Collection**

OEO maintains a database to track demographic customer information, issues and other complaint-related information. Data collected by OEO serves as the basis for reports and policy recommendations to public officials.

### **Reports for Superintendents**

OEO shares with public school Superintendents summary data reports listing cases and issues OEO resolved in their schools. The information is also posted on the OEO website.

### **Policies and Procedures**

OEO accepts complaints from parents, legal guardians or students who are currently enrolled or eligible to be enrolled in elementary or secondary public schools.

Ombudsman offices are an efficient management and cost-saving tool. By resolving complaints in a timely manner they prevent costly lawsuits and administrative hearings.

They are the quality control mechanism for the system they serve.

OEO is an early warning system for public education. The agency identifies trends and patterns in education and contributes to improved laws and policies.

OEO's professional values:

- Fairness
- Independence
- Confidentiality
- Impartiality
- Compassion

The word "Ombudsman" came from Sweden in 1809. The term applied to a public official appointed to investigate citizen complaints and ensure government fairness.

Ombudsman offices are most prevalent in Europe and Asia. In the US they can be found in corporations, colleges, universities, the media, and public institutions.

OEO does not provide legal advice or representation and does not accept complaints involving elected officials, private schools, universities, colleges, businesses, preschools or allegations of educator professional misconduct.

Complaints are taken over the phone via a toll-free number. Ombudsmen conduct all work by phone, phone conferencing or free video conferencing.

### Technical Assistance

In FY 2010-2011, Ombudsmen conducted a total of 46 professional development workshops for educators and trainings sessions for parents, teaching a total of 2,134 participants. OEO has developed training modules to assist school communities in preventing complaints, creating productive school-family relationships and learning effective pathways for communication. Training materials are available to participants in English and Spanish. Module topics include:

- Understanding the public education system in Washington State.
- The rights of students with disabilities.
- Education advocacy.
- Discipline in schools.

### Legislative Activities

OEO has provided recommendations, and testimony on state legislation designed to improve the public education system. OEO's recommendations result from the agency's summative caseload data.

- **HB 1762** – Increasing parental and community involvement in public education – Rep. Santos, prime sponsor.
- **HB 2015** – Enhancing anti-harassment strategies in public schools – Rep. Lias, prime sponsor.
- **SB 5973** – The Achievement Opportunity Gap Oversight and Accountability Committee made OEO a permanent member of the Committee.
- **SB 5881** – Changing provisions involving truancy – Sen. McAuliffe, prime sponsor.
- **HB 2801** – Relating to anti-harassment/bullying strategies in public schools. The bill requires school districts to improve their policies, add procedures, and designates OEO as the lead agency to provide resources and tools to families.
- **ES SB 6403** – Dropout reduction initiative mandated by OSPI. OEO was included in developing comprehensive recommendations for school districts.

### Contributing to Systemic Improvement

Our Ombudsmen's independent perspective, extensive background in public education and casework data are valued and respected. OEO is often invited to participate in state and regional committees/task forces. Staff served on the following committees during 2010-2011:

- The Opportunity Gap Oversight and Accountability Committee
- The Quality Education Committee
- The Autism Council
- Building Bridges Drop-out Prevention Committee
- The Language Access Task Force
- The Transitional Bilingual Review Committee
- PSESD Regional Family Involvement Action Team
- Washington Yellow Ribbon Program Network
- Youth Suicide Prevention Program
- Anti-bullying/Harassment/Intimidation Committee
- The Council for Developmental Disabilities
- PSESD Head Start Council

# The Role of the Ombudsman

The Office of the Education Ombudsman has a unique role in the State of Washington. It works to ensure that all students are treated fairly and reasonably by the public school system.

OEO resolves complaints impartially and confidentially and works with all parties involved to find collaborative solutions focusing on the student's best interest. OEO also provides recommendations to school districts and public officials to prevent student problems from re-occurring.

Depending on the complexity of the problem a complaint intervention can extend up to 90 days, during which time the Ombudsman may contact, parents, students, school staff, case managers, counselors, and other appropriate parties as many as 56 times.

## Saving Taxpayers Money

Lawsuits are an expensive alternative to resolve grievances for both parents and school districts. Since its inception, OEO has saved millions of dollars in legal fees to complainants, and tax payer dollars to school districts by resolving complaints before they turn into lawsuits. In the year 2010-2011: 166 (or 21%) of all the complainants who contacted OEO had contacted an attorney regarding taking legal action against their school district. OEO was able to resolve the grievances of 164 out of 166 complainants who later said they no longer needed to take legal action against their school district.

Attorney hourly rates cost between \$225 and \$375 in the Puget Sound region, and the minimum cost of a lawsuit is around \$20,000 –for each party. If either party chooses to appeal a court decision, legal costs are incurred again for each of them. For Special Education matters, the average cost of an administrative due process hearing is approximately \$50,000 – for each party. The school district pays their own legal defense fees and if the parents prevail, the court may mandate the school district to pay the parents' legal fees as well (IDEA Sec. 300.517).

In the case of 164 of OEO complainants whose grievance was resolved by OEO, if each of them had sued their school district their combined expense would have been:  $164 \times \$20,000 = \$3,320,000$  (Three million, three hundred , and twenty thousand dollars) and an equal amount of tax payer dollar expenditures for the school districts in question.

## Customer Satisfaction

Customer insights drive OEO's planning and organizational management. After resolving a complaint, OEO Ombudsmen provide a customer satisfaction survey to complainants and school officials. During the FY 2010-2011, 19% surveys were returned. The surveys indicate that what complainants value the most is the effectiveness of OEO's work to produce tangible results for students. School officials value the assistance they receive in resolving the issue without delay.

- 95% of the respondents were completely satisfied with the resolution of their complaint.
- 97% of the respondents said the Ombudsman resolved their complaint in a timely manner.
- 90% of the respondents said what they learned working with the Ombudsman will help their children's education in the future.
- 100% of the respondents were satisfied with the friendly and respectful treatment they received.

Complaints are a system of checks and balances for public policy.

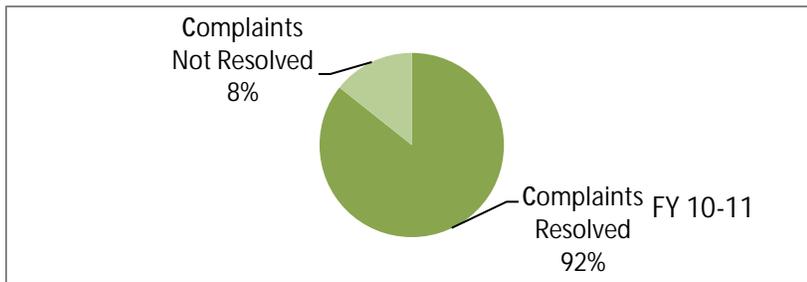
OEO saves time to school officials. While OEO is handling a complaint school administrators have more time to focus on their jobs.

The Office of the Education Ombudsman utilizes Alternative Dispute Resolution (ADR) methods to de-escalate conflict and work towards the resolution of the complaint.

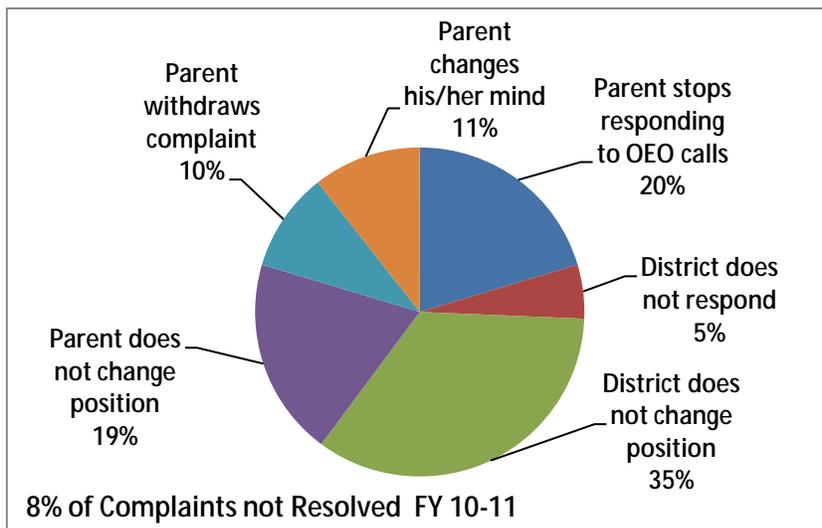
ADR is recognized by US and international judicial systems as a time-and-cost-saving alternative to litigation.

## Complaint Resolution Rate

From FY 2010 - 2011, the Ombudsman resolved 92% of all complaints received.



The reasons why 8% of complaints were not resolved are illustrated below. The most common reason was that the school district did not change their position regarding the issue. Other reasons include: the parent does not change their position about the issue, the district does not respond to OEO, the parent stops responding to OEO calls, the parent changes his/her mind about the complaint or the parent withdraws the complaint.



## Resolution Outcomes

The Ombudsman works with all parties involved until there is an agreement that positive results have been achieved for the student.

### Common resolution outcomes include:

- Student goes back to school.
- Student is placed in a safe school environment.
- School district official changes his/her position and agrees to resolution.
- School district develops new policy or improves existing policy.
- Parent/legal guardian/student change their position which contributes to the resolution.
- Parents and school officials choose one of the resolution options presented by the Ombudsman.
- School officials and the parent/legal guardian reach an agreement brokered by the Ombudsman.
- Parents or school officials learn new information from the Ombudsman leading to the resolution of the complaint.

## A Complainant's Story

*"My daughter is being bullied and she is getting depressed and beginning to hate school. Please help me! I am desperate and don't know what to do.*

*This is the fourth time she has come home crying. I told the school several times but now they are not responding to my calls. I have talked to the principal and he said they are handling it but they can't tell me anything about the bully, is this true?*

*But my daughter keeps complaining that kids keep calling her names and even sometimes hit her when nobody is looking. She tells them to stop but they won't. They continue to call her names because she is overweight and of mixed race. I think this is harassment and discrimination. Shouldn't the school be doing something about it?*

*Bad things keep on happening to her and I never hear about any of this from her teachers, just from my daughter, after the fact. For example, she said that she got in trouble yesterday in class when she was trying to defend herself and make the harassment stop.*

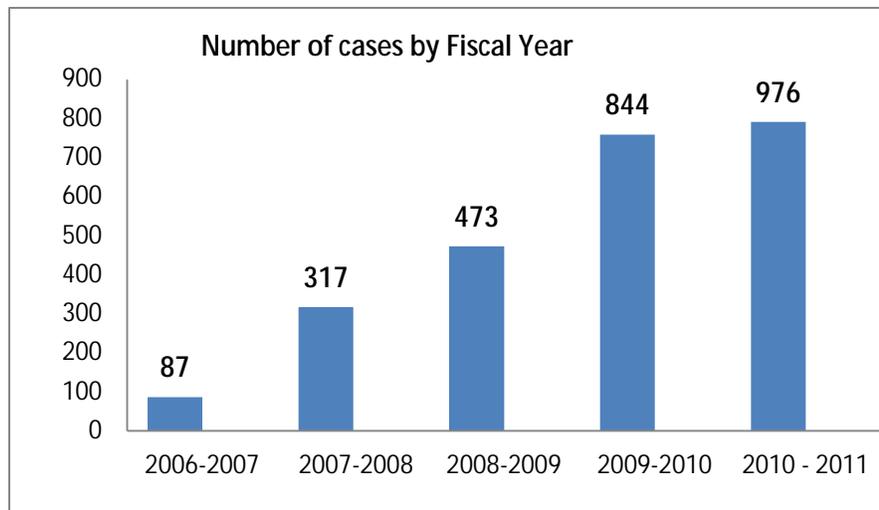
***What are we supposed to do? Why is this somehow her fault?"***

## Fiscal Year 2010-2011

Complaints are opportunities for systemic improvement. Conflicts and problems can be difficult and time-consuming but they alert us to systemic gaps, ineffective policy/procedures, untrained personnel, unsafe environments, etc. They lead us to re-examine how we operate, both individually and institutionally, how our decisions impact students, and whether our processes are fair.

Complainants who contact OEO have tried to resolve the problem by all possible means, to no avail. They are upset, discouraged, concerned, and many times angry at school officials. The Ombudsman takes time to listen, identifies issues, assesses how the problem is affecting the student involved, researches laws and policies, contacts the school, facilitates meetings and negotiates solutions.

The chart below illustrates the agency's caseload growth since its inception in the fiscal year 2006-2007. The highest percentage of growth (79%) occurred between fiscal years 08-09 and 09-10 due to the agency's increased outreach efforts to diverse student populations and increased collaboration with school districts.



Last fiscal year, there were 2,118 phone contacts made to the OEO office. Out of that figure, **791** were formal complaint interventions involving schools in 156 school districts, **327** were **consultations** initiated by educators and other professionals such as social workers, psychologists, physicians, attorneys working with families of students at risk and the rest were requests for information. The total number of interventions and consultations OEO worked with was **976**.

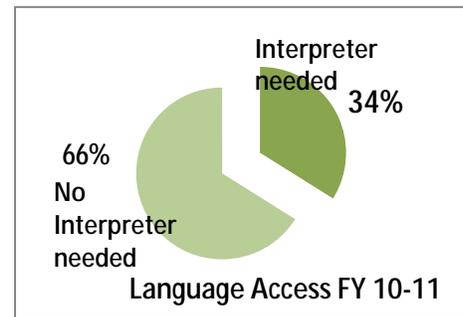
Ombudsman **interventions** involve intensive work with parents, students, school officials, case managers, psychologists, and others to resolve the problem. During **consultations** Ombudsmen provide guidance, research, information and coaching services for professionals working directly with students and schools and help negotiate results.

### When Contacts Were Made to OEO

The time of the year when the public contacted the agency in FY 2010-011 mirrored FY 2009-10. The pattern of calls shows a significant number of complaints at the start of the school year, often about enrollment, transportation, program placement concerns, mid-school year with special needs accommodation, bullying/harassment, discipline cases; and at the close of the school year when issues surface around assessment, academic progress, graduation, promotion, and program placement for the following year.

### Language Access

This fiscal year, OEO started collecting data regarding callers' needs for a foreign language interpreter. In 2010-2011, 34% of all callers were Limited English Proficient and required OEO staff to work with an interpreter. To provide equitable access, OEO contracts with The Language Line, a telephone service that provides immediate interpretation for over 125 different languages.



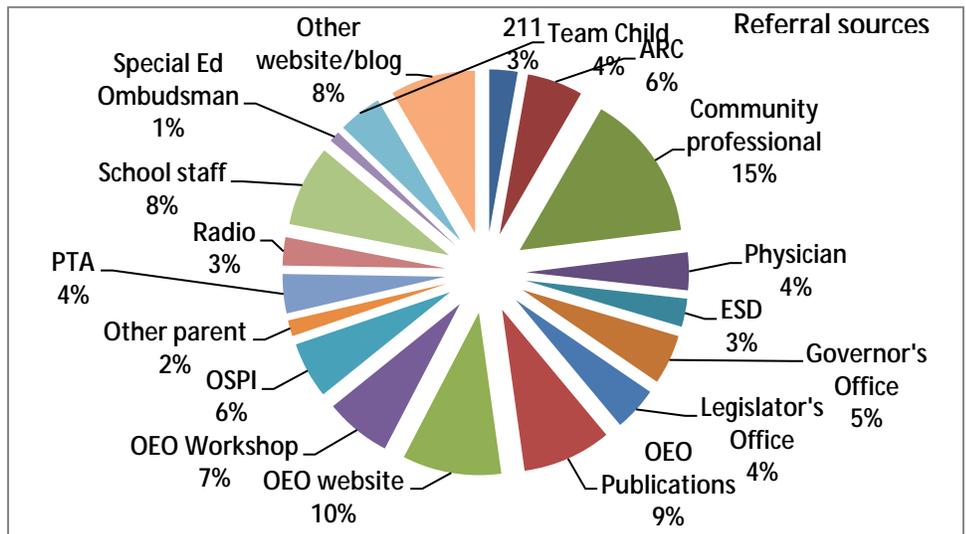
### Who Contacted OEO

In the fiscal year 2010-2011, parents/ legal guardians continued to be the largest group contacting OEO (57%) followed by other professionals and school staff. Due to the agency's targeted outreach, the number of student calls to the agency more than doubled compared to the previous year. Callers to our office last year were:

- 63% Parent/legal guardians
- 7% Students
- 5% Case managers/social workers
- 6% School staff
- 5% Mental health professionals
- 4% Superintendents
- 4% Principals
- 3% Health professionals
- 3% Attorneys

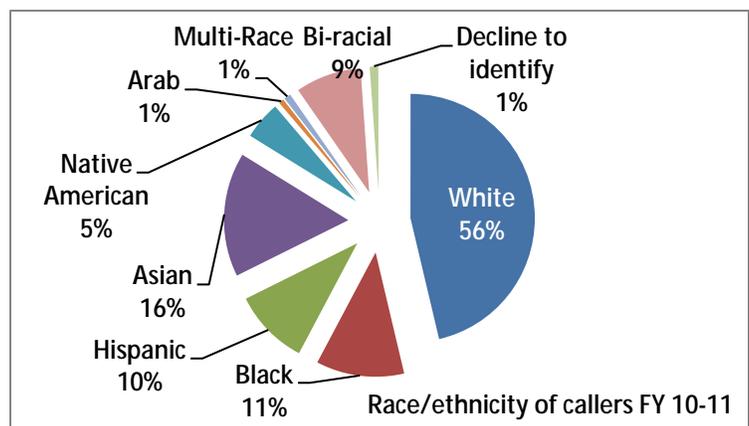
### How Callers Heard About OEO

In 2010-2011 OEO staff worked hard to increase and diversify their referral sources. Ombudsmen worked on informing constituents by conducting clinics in neighborhoods, teaching workshops in schools, conducting presentations, improving the OEO website, producing publications and partnering with community service providers. Partnerships with OSPI and community professionals such as social workers, physicians and psychologists were the sources that produced the most referrals last year. The number of school district and legislator office referrals increased from the previous year.

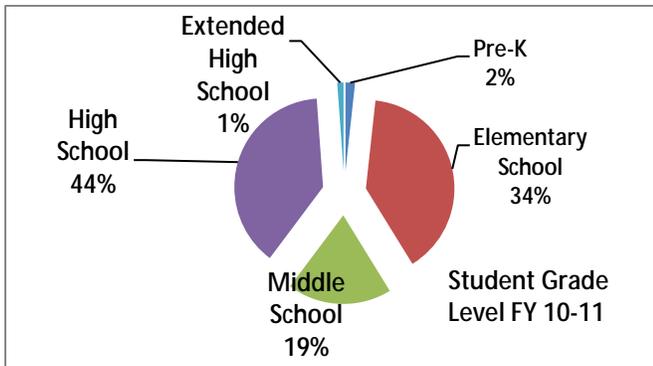


### Race/Ethnicity of Callers

Last year, the majority of our callers were white (56%), Asian (16%), Hispanic (11%) and Black (10%). OEO routinely collects race/ethnicity information from all callers but disclosure is voluntary. 1% of callers declined to self-identify last year. During FY 2010-11, OEO began offering Multi-racial and Bi-racial as options for caller self-identification.



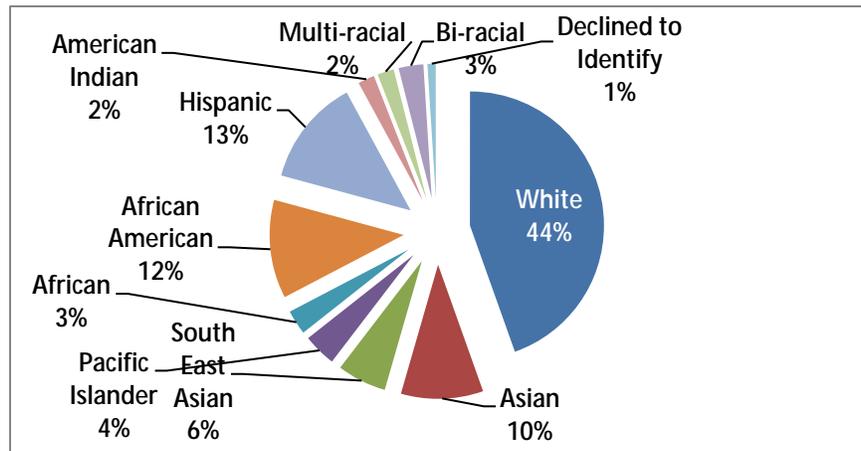
## Students Served



OEO serves students that are enrolled or that are eligible to be enrolled in the K-12 public school system. In FY 2010-2011 OEO served more high school students than any other grade level. OEO also served pre-kindergarten students who were preparing to enter the public school system and students with extended high school needs. **52% of students who were subjects of OEO's caseload were male, and 47% were female.** OEO also served one transgendered student this year.

## Race/Ethnicity of Students Served

OEO collects separate race/ethnicity data for parents/legal guardians and the students involved in the complaint. During complaint intake, callers provide demographic information for themselves and the student involved. However, this information is voluntary and parents or students may decline. During 2010-2011, 55% of all students OEO served were students of color, 44% were white and 1% declined to identify their ethnicity. The largest groups of students of color served were African American and Hispanic.



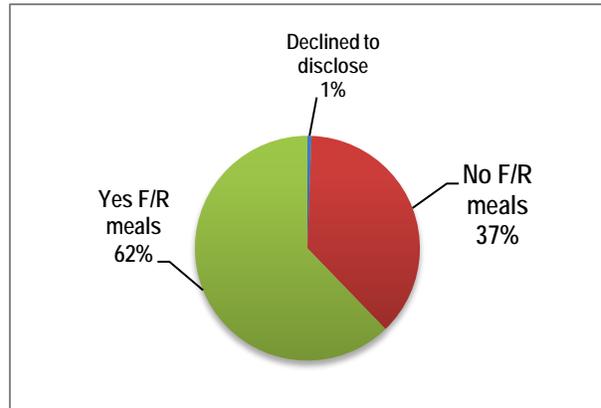
During 2010-2011, 55% of all students OEO served were students of color, 44% were white and 1% declined to identify their ethnicity. The largest groups of students of color served were African American and Hispanic.

Race/Ethnicity of OEO Students Compared to Students Enrolled in WA schools		
	OEO students served	OSPI Student Count <sup>1</sup> School year 10-11
Asian (combined)	16%	7.1%
Black (combined)	15%	4.7%
Decline to Identify	1%	N/A not collected
Hispanic	13%	18.8%
Two or More Races	5%	5.4%
American Indian/Alaskan Native	2%	1.7%
Pacific Islander	4%	0.9%
White	44%	61.3%

<sup>11</sup> Office of Superintendent of Public Instruction-Washington State Card 2010-2011, <http://reportcard.ospi.k12.wa.us/summary.aspx?year=2010-11>

### Low Income Students

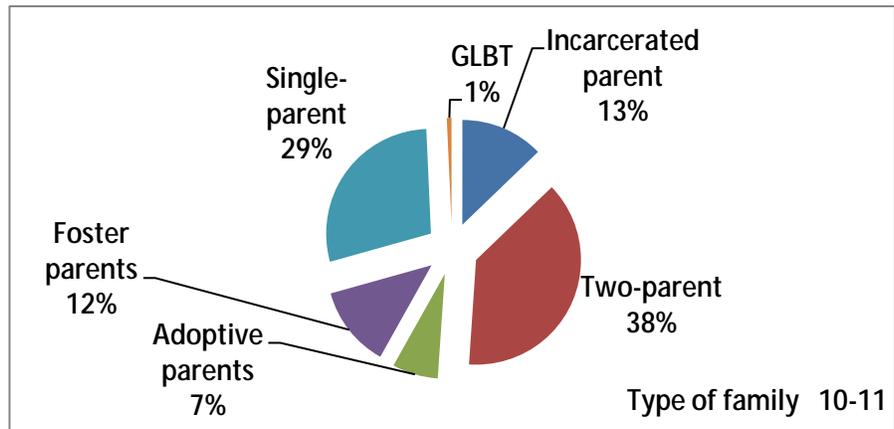
This Fiscal Year OEO began collecting data regarding student participation in the free and reduced meals program at their school. Parents provided this information voluntarily. The majority (62%) of students served by OEO last year were participating in the Free and Reduced meals program in their schools. The F&R meals program is an indicator of the student's family income level.



Students in the Free/Reduced meals program FY 10-11

### Types of Families Served

This year OEO asked families to voluntarily identify their family circumstances. The majority of the families served by OEO identified themselves as 2-parent; followed by single-parent; foster families, homeless and military families. OEO began an outreach program to let incarcerated parents know about our services. Like all parents, they are looking for



ways to participate and advocate for their children's education. OEO staff attended meetings with incarcerated parents and received several requests for services from them.

### Customers tell OEO:

"I really appreciated the Ombudsman presence by phone during the IEP meeting. His independent perspective and knowledge gave me confidence to present my views and the problem was resolved."  
– Parent

"That someone took the time to listen and help me and my children resolve issues with the school is absolutely awesome! What a terrific service to taxpayers!"  
– Parent

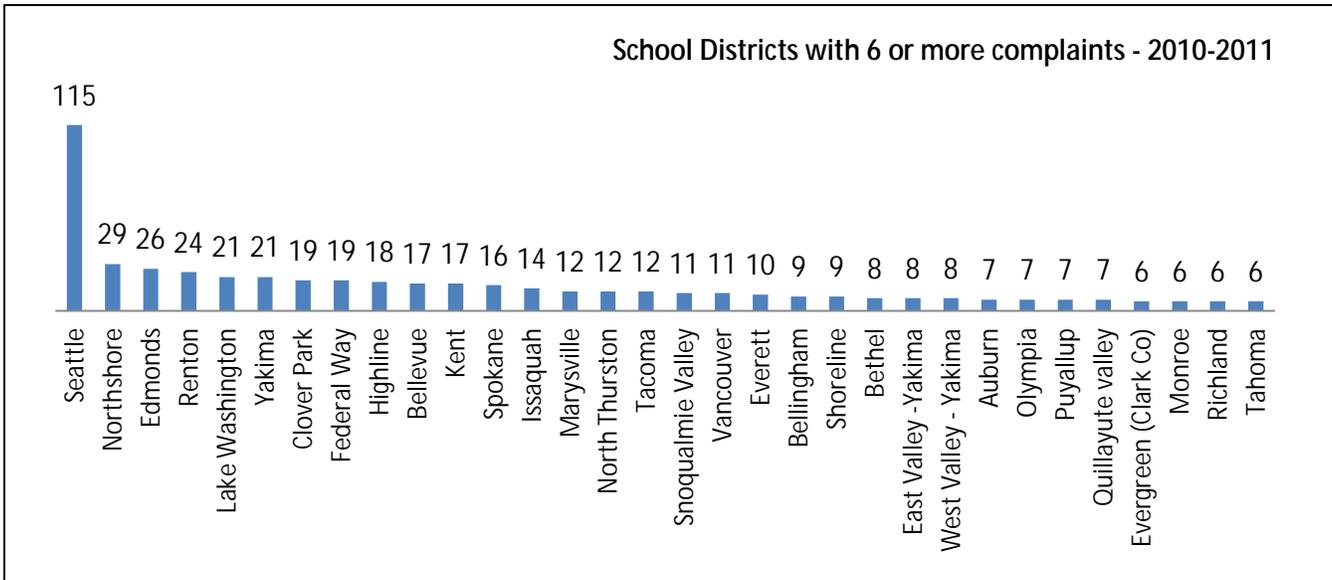
"The Ombudsman worked very hard to help me resolve the problem. My son's IEP is working out very well. Thank you very much"  
– Parent

"The Ombudsman gave me helpful information and helped me to organize my thoughts to present our concerns to the school. My calls were returned and the Ombudsman responses were timely and very professional. My problem was solved!  
– Parent

"I am happy our tax dollars support programs/offices such as OEO so that tax payers can have an efficient service that is available and tangible. OEO gives a voice of objectivity to the system and creates fairness."  
– Parent

# School Districts Served

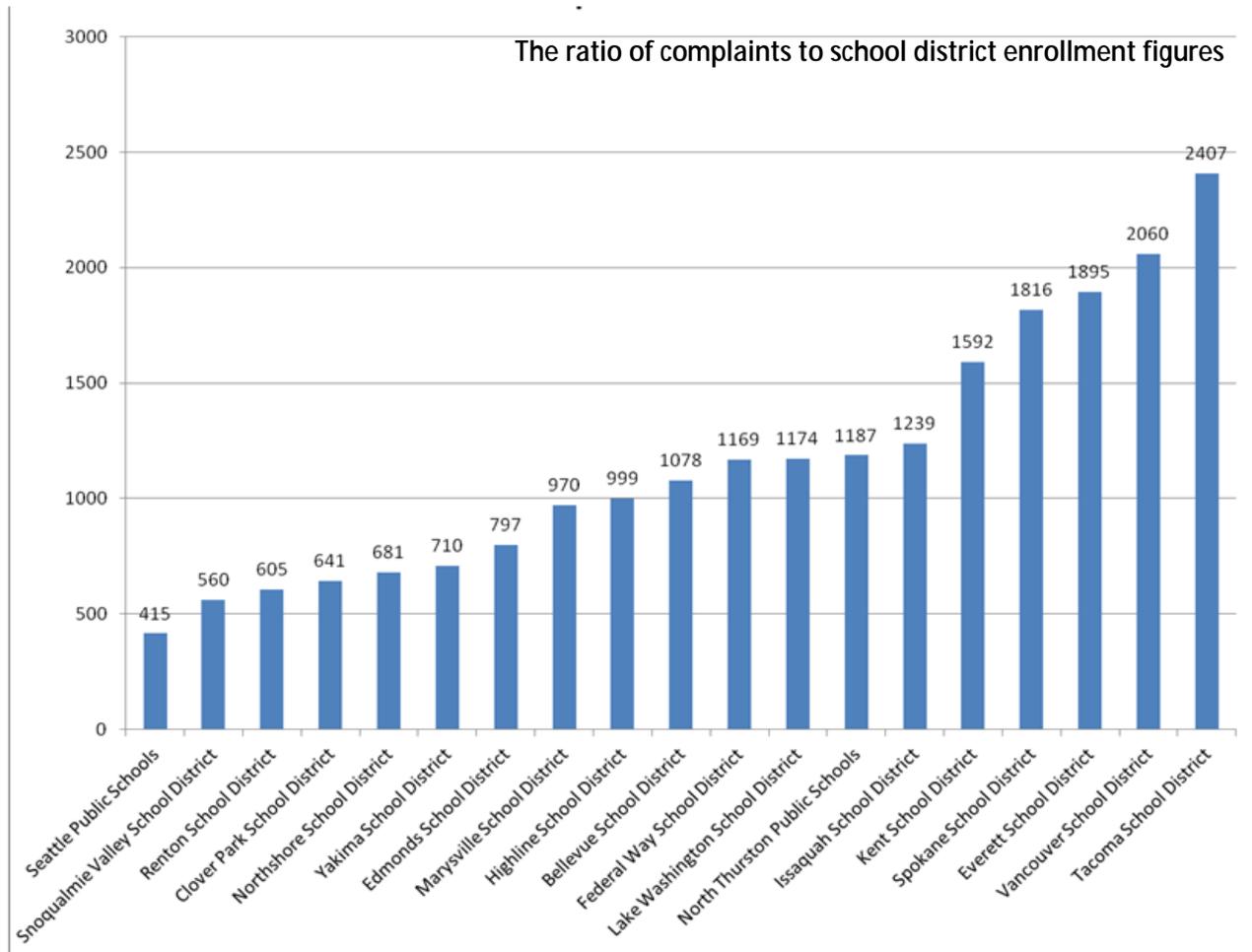
OEO worked with 156 school districts in 2010-2011. The chart below shows the 32 school districts that had 6 complaints or more. The highest number of complaints filed pertained to Seattle Public Schools.



School districts with less than 6 complaints:

- |                        |                       |               |              |                  |
|------------------------|-----------------------|---------------|--------------|------------------|
| Aberdeen               | Concrete              | Ferndale      | Ocosta       | Naches Valley    |
| Adna                   | Coupeville            | Fife          | Omak         | Napavine         |
| Almira                 | Darrington            | Finley        | Orting       | Nooksack         |
| Anacortes              | Deer Park             | Hoquiam       | Othello      | Sedro-Woolley    |
| Arlington              | Dieringer             | Issaquah      | Pasco        | Selah            |
| Battle Ground          | East Valley (Spokane) | Kalama        | Peninsula    | Selkirk          |
| Blaine                 | Eastmont              | Keller        | Port Angeles | Sequim           |
| Bremerton              | Eatonville            | Kelso         | Prosser      | Shelton          |
| Brewster               | Ellensburg            | Kennewick     | Quilcene     | Snohomish        |
| Burlington-            | Elma                  | Kettle Falls  | Rainier      | Soap Lake        |
| Edison                 | Franklin Pierce       | Kiona-Benton  | Ridgefield   | South Whidbey    |
| Camas                  | Glenwood              | City          | Riverside    | Stanwood-        |
| Cape Flattery          | Goldendale            | Kittitas      | Rochester    | Camano           |
| Cascade                | Grandview             | La Conner     | Rosalia      | Steilacoom       |
| Cashmere               | Granger               | Lyle          | Wapato       | Stevenson-       |
| Castle Rock            | Granite Falls         | Lynden        | Wenatchee    | Carson           |
| Central Kitsap         | Grapeview             | Mabton        | White River  | Sumner           |
| Central Valley         | Griffin               | Mead          | White Salmon | Sunnyside        |
| Centralia              | Highland              | Mercer Island | Valley       | Tenino           |
| Chehalis               | Hockinson             | Vashon Island | Winlock      | Toledo           |
| Cheney                 | Lake Stevens          | Wahluke       | Montesano    | Tumwater         |
| Cle Elum-Roslyn        | Lakewood              | North Beach   | Moses Lake   | University Place |
| Columbia (Stevens)     | Longview              | North Kitsap  | Mossyrock    | Wishkah Valley   |
| Columbia (Walla Walla) | Lopez                 | North Mason   | Mount Adams  | Woodland         |
|                        | Enumclaw              | Oak Harbor    | Mount Baker  | Yelm             |
|                        |                       | Ocean Beach   | Mukilteo     | Zillah           |

The number of complaints OEO handled, when correlated to district student enrollment numbers results in higher figures in some school districts than in others. The chart below illustrates this calculation. As we can see below we received one complaint per every 415 students attending Seattle Public Schools in 2010-2011 as compared to one complaint for every 2,407 students in the Tacoma school district.



## A Complainant's Story

*My son has Cerebral Palsy and I am a single mother affected by Rheumatoid Arthritis. I have requested to the school district that the driver of my son's school bus buckles his safety belt when he picks him up. I can no longer use my hands normally. I am afraid I am not going to buckle my son properly and he can hurt himself if the bus has to stop suddenly.*

*The school district administrators tell me that it can't be done because there is a policy that says that only parents have to buckle their children up in school buses at pick up time.*

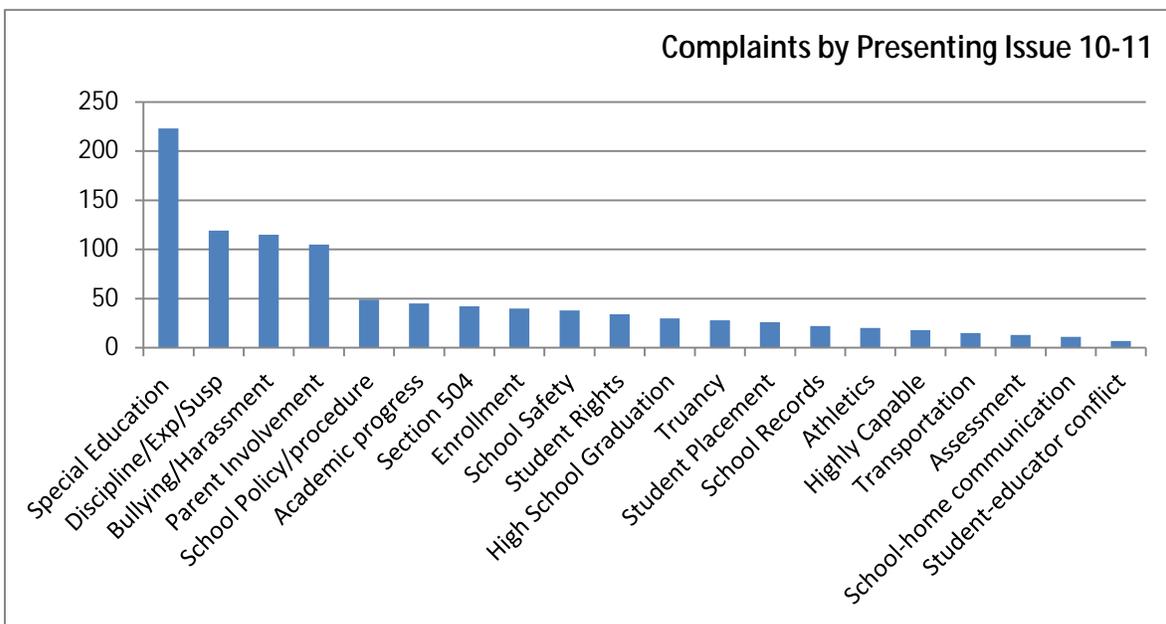
*I have pleaded with the bus driver to do it but he refuses – he says he has to have permission of the school district. I don't know anything about policies, all I know is my son is not safe and I can't sleep at night thinking about this. I am so worried about this, I am getting sicker. **My son needs more than just me to advocate for him. Can you please intervene?***

# Complaint Issues

OEO intervened in 791 complaint cases in 2010-2011. These cases involved 795 students, 128 school districts and nearly 2,000 parents, legal guardians, school personnel, case workers, psychologists, physicians and school district administrators.

Complaints that reach our office have escalated and become very complex. The main reason why a parent or student contacts OEO is referred to by OEO as the “presenting issue” however, in most cases, there are numerous secondary issues contributing to the problem. One common denominator in all complaints is a communication breakdown between the parents of the student and school or school district administrators which is usually the reason for the escalation of the dispute.

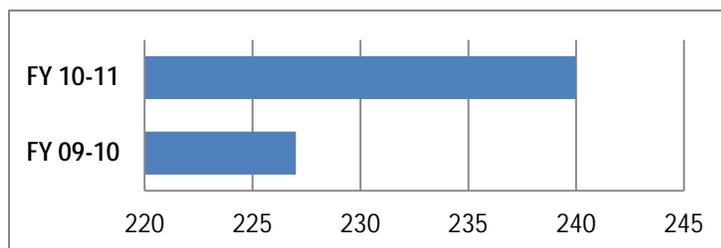
Ironing out broken relationships between school and district officials and parents is central to the Ombudsman work and critical for the resolution of the problem. The dispute dynamics change when the Ombudsman intervenes as an objective third party. The Ombudsman has credibility and disputants have confidence in his/her knowledge base and experience so they are more willing to negotiate a solution to the problem.



The most frequent contributing factors to a problem a student might be experiencing include: Special Education IEP development and/or implementation, disable student acomodations, academic progress, attendance, on-line school, graduation credits, discrimination, student exclusion, student emotional/physical health, family circumstances, transportation, parent/educator conflict, parent not provided with school information in a language they can understand, etc.

## Special Education Complaints

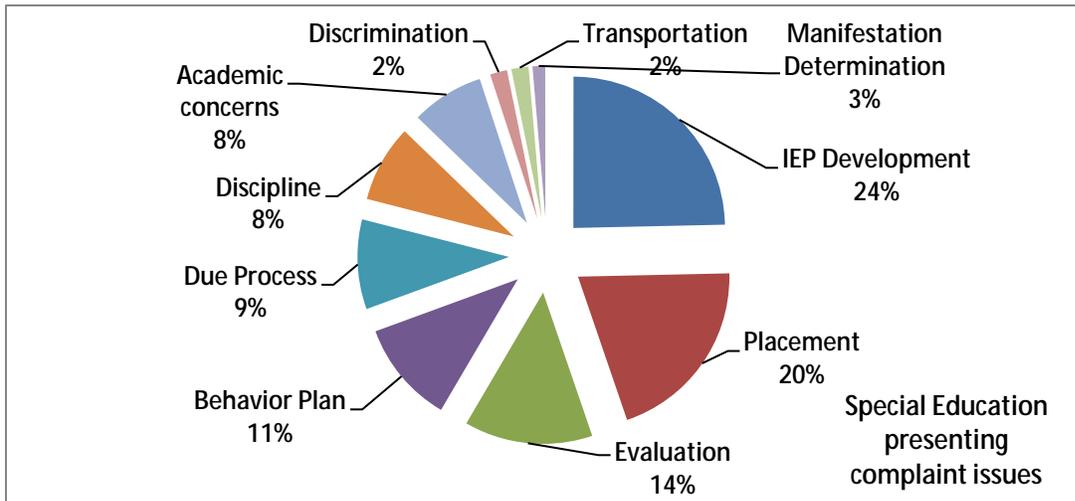
The number of Special Education complaints grew by 5.4% this year compared to the 2009-2010 fiscal year.



Number of Special Education complaints received the last two fiscal years

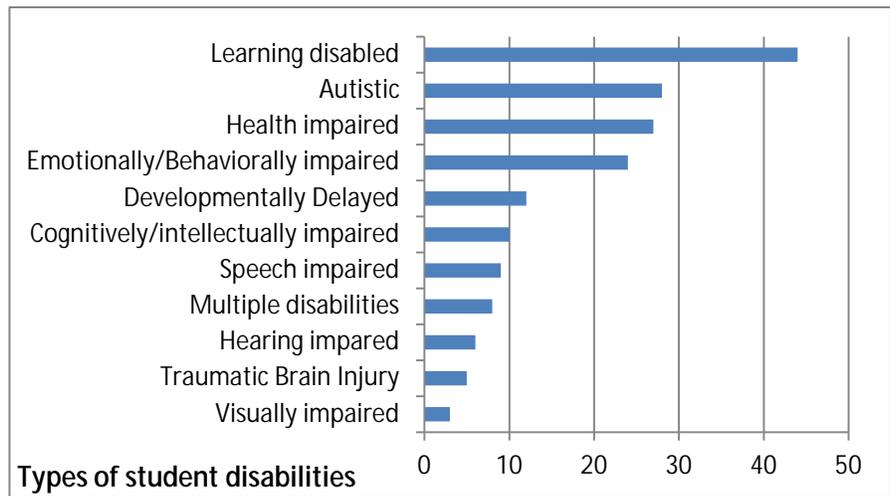
## Special Education Presenting Issues

Special Education cases are for the most part complex in nature. The most common presenting issues last year were IEP development and student placement.



## Types of student disabilities

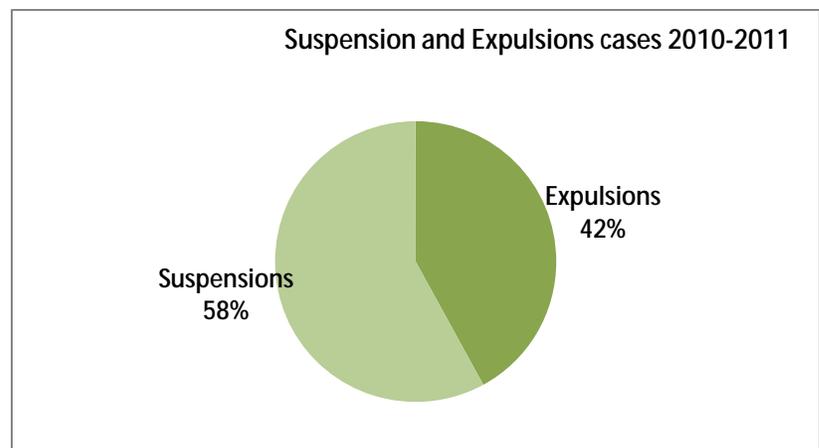
This fiscal year OEO worked with students with a variety of special needs. The majority of cases involved students with the following disabilities: learning disability, autism, health impairment and emotional/behavior impairment.



## Suspensions and Expulsions

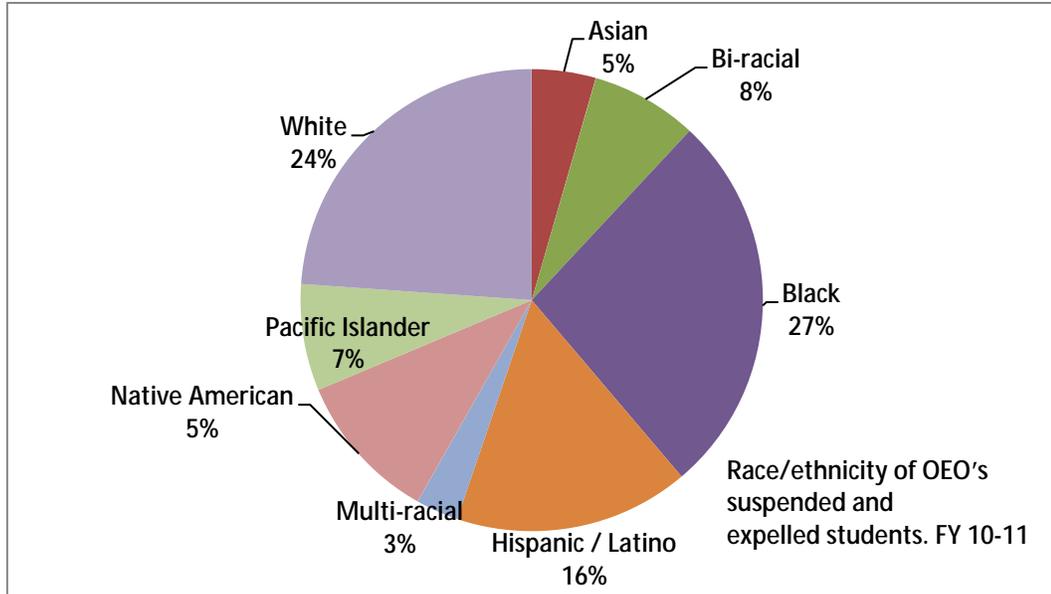
The number of complaints regarding expulsions and suspensions handled by OEO grew by 9.3% this fiscal year. OEO intervened in a total of 107 cases of disciplinary actions involving elementary, middle and high school students this year. 58% of them were suspensions (short /long term) and 42% were expulsions.

While the majority of students expelled were high school students, OEO also saw a concerning trend in the number of expulsions of elementary school students. Of all expulsion cases OEO intervened last year, the youngest student expelled was 6 year old.



### Race/Ethnicity of Suspended and Expelled students

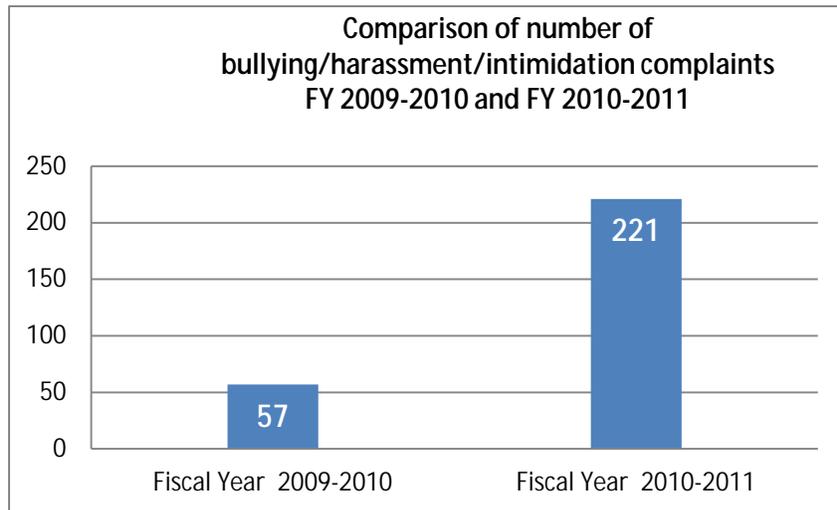
According to a 2011 report by the National Education Policy Center, public schools suspend and expel students of color at much higher rates than other students. OEO's data on disciplinary cases handled last fiscal year shows the same concerning pattern. 24% of the suspended/expelled students OEO worked with were White, 27% Black, 16% Hispanic, 8% Bi-racial, 7% Pacific Islander, 5% Native American, 5% Asian, 3% Multi-racial.



In addition, 78% of the expelled/suspended students involved in OEO complaints were male, compared to 22% female.

### Bullying/Harassment/Intimidation

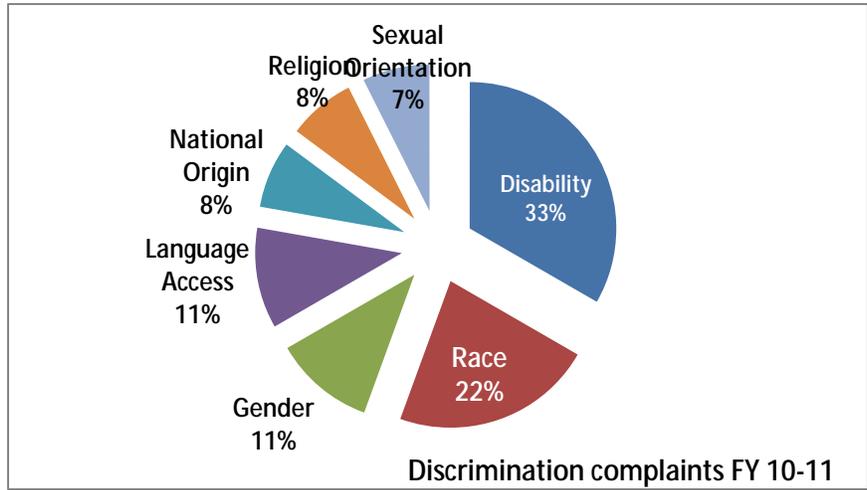
Calls about the lack of response or inadequate response of school staff to incidents of student-to-student bullying, harassment and/or intimidation were the second most frequent type of complaint received by the agency in FY 10-11. Out of the 221 bullying cases OEO worked with, 21% involved physical attacks and 5% cyber bullying. The number of this type of complaints rose by 24% from Fiscal Year 2009-2010 to Fiscal Year 2010-2011.



### Discrimination Complaints

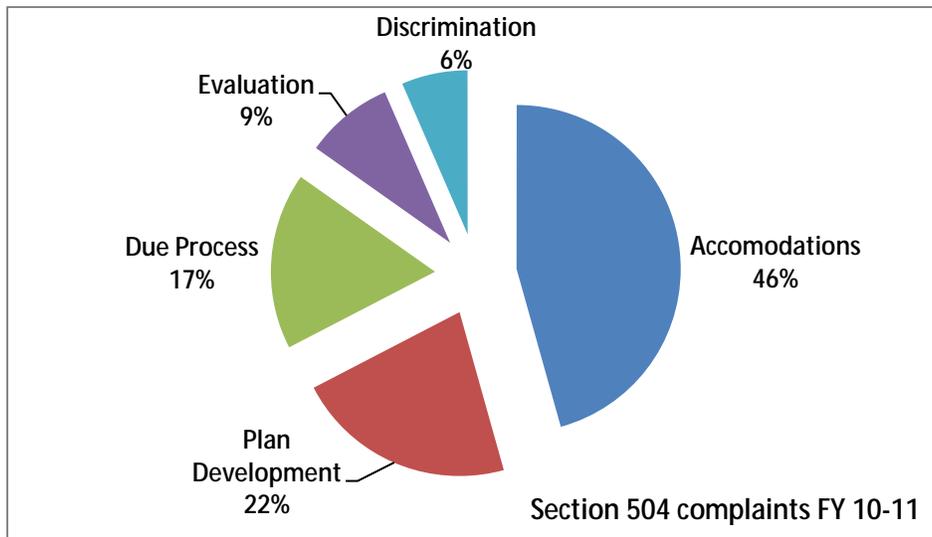
The majority of complaints about discriminatory practices in schools were related to disability, race, gender, sexual orientation, religion, national origin and from parents who were not given information in a language that they could understand (language access).

OEO partners with the U.S. Department of Education Office of Civil Rights when resolving discrimination complaints.



### 504 Plans

This fiscal year, OEO intervened in 32 complaint cases regarding Section 504 plans. The majority of the cases involved complaints about schools not providing students with accommodations or the accommodations provided were inadequate, followed by ineffective plan development, due process, discrimination and evaluation.



# Public Policy Recommendations

OEO is required by law to make annual recommendations to the Governor, the Legislature, and the State Board of Education for improvements in the education system. In the course of our work, we collect data and identify system-wide factors that contribute to a breakdown in fair and equitable processes which are fundamental to the academic success of all students. Our recommendations are based on the frequency and depth of complaint issues we handle and our conversations with educators, parents, and students.

## 1. Suspensions and Expulsions

Current state law does not require school districts to provide educational alternatives to students facing long-term suspension or expulsion. And the Washington Administrative Code leaves the door open for arbitrary decisions in schools regarding the length of student suspensions or the reasons for expulsions. According to OSPI's July of 2010 "Suspension, Expulsion, and Due Process Rules" document: "an expulsion is essentially permanent unless it is reversed or amended by a school official or the school board." Long term suspensions and expulsions are currently imposed on students at all levels of schooling, including students enrolled in early elementary school grades and reversals and amendments are hard to impossible to obtain.

The State of Washington is under a federal mandate to improve graduation rates and is committed to reducing the disparity of dropout rates for students of color. OSPI is currently responsible for Dropout Prevention and is examining ideas and initiatives to reduce the number of drop outs. Research used by the Building Bridges committee, headed by OSPI, shows a direct correlation between drop outs and frequent suspensions since students who experience instructional disruptions have serious difficulties returning to an educational setting and are more likely to stop attending school. These studies also verify that students of color have higher rates of long term suspension and expulsion than white students.

WAC 392-400-260 is the Administrative Code for long-term suspensions. Section 4 states that no students in Kindergarten through grade four shall be subject to long-term suspension during any single semester and no loss of academic grades or credit shall be imposed by reason of suspension. Section 5 states that no students grade five and above, shall have a long-term suspension imposed in a manner which causes the student to lose academic grades or credit in excess of one semester. OEO has worked on numerous cases where this WAC was not being adhered to by a school district.

WAC 392-400-275 states that a student may be expelled. There is no wording in this WAC about alternative education except in section 4 which states that the school district shall notify the appropriate local and state authorities, including juvenile authorities, in order that such authorities may address the student's education needs. OEO has repeatedly found that this is not being followed. Some school districts no longer notify authorities of any expulsion. When authorities are notified, those authorities are not providing any alternative education.

Washington public schools are not obligated to educate students that have been long-term suspended or expelled. Expelled students can re-enter the system through alternative programs if available in their district or by applying for enrollment in another school district. Enrollment acceptance in a school district, other than where the student lives, is at the discretion of that district's administrators. Depending of various factors, including the severity of the cause of the expulsion, the student might not be accepted in other school districts.

However, if the student commits a crime and becomes part of the juvenile justice system, the student can receive instruction while in juvenile detention.

OEO understands that state discipline policies were designed to keep students safe in school, and we agree with that premise. However, the one-size-fits-all approach and the discretionary nature of

decisions made by school administrators open the door to unfair practices. As we found when analyzing our data and state-wide data, these policies impact students of color and/or low-income students disproportionately.

## Recommendations

- Create a state-level task force to examine existing language in school discipline State laws, RCWs and WACs to determine the impact on students, particularly disabled students and students of color as they are disproportionately represented in disciplinary actions. This task force should also recommend research-based frameworks that prevent and reduce the incidence of disciplinary actions for school districts to adopt.
- Amend State law to require school administrators to, before they expel a student, make an assessment of not only of the type of disciplinary infraction committed but also of the context in which it happened, the age of the student, the student disability (if appropriate), the student's family circumstances and to make provisions for the continuation of the student's education. Provide adequate resources for school districts for this task.
- Amend State law to require that long-term suspended and expelled students are able to continue their education by mandatory enrollment in an on-line school. Provide adequate resources for school districts.
- Amend State law to require that parental communication regarding disciplinary actions be provided in a language they can understand. Translated, as necessary. Provide adequate resources for school districts.
- Study the possibility of requiring high-schools to develop in-school suspension programs for suspended students with access to on-line classes. Provide adequate resources for districts.
- Many secondary students are being expelled or deemed sexual predators due to inappropriate public display of affection (PDA) with other students. Develop sample policy regarding PDA for school districts to adopt and prevent these types of actions.

## 2. Communication Access

Ensuring that families correctly understand school proceedings levels the playing field for students from diverse ethnicities and cultures or students with disabled parents. This is a big contributor to the closing of the achievement gap. Research has shown that effective home-school communication focusing on helping parents understand how the school system works is an essential component of student academic success.

Washington public schools have both an educational and legal responsibility to communicate effectively with parents and students and ensure that they understand their options and how their actions and school actions may affect their future. Both federal and state laws echo this imperative, by requiring that information be provided to families in a language they can understand.

Limited English-speaking parents (LEP), disabled parents and parents who speak colloquial English have complained to OEO that they are not able to make informed decisions about their children's education because they cannot understand what school officials are telling them –particularly when their children are involved in “high-stakes situations” at school such as expulsions, suspensions, Special Education, bullying, etc. LEP parents contacting our office report attending school meetings and signing documents without fully understanding the implications for their student. Many don't know that their children have a disability, are part of the Special Education program, and have an IEP.

LEP parents are many times provided with interpreters who do not know educational terminology or how the school system works in America. Under those conditions, interpretation can be inaccurate and there can be no guarantee that crucial information was understood by the parents.

Worse yet, OEO has found that school districts utilize students as interpreters during important meetings with limited English proficient parents. These meetings are often critical for the academic achievement of the student and the burden of communicate important information is placed on the student him/herself. OEO has found students as young as 8 years old being asked to interpret for their parents. These students have not yet developed appropriate vocabulary in both English and their home language and should not be placed in onerous situations like these. Not only this is an undue burden to the student but it also undermines parental authority.

Although federal laws<sup>2</sup>, provide guidance to school districts to “communicate with parents in a language they can understand” this has not been made a requirement for high-stake meetings when parents need to make important decisions affecting their children.

## Recommendations

- Require and provide resources for the Office of the Superintendent of Public Instruction to develop a state-wide Center for School-Home Communication. This center will provide school districts with a menu of resources, translated common documents, and develop a program to train and certify professional education interpreters. Provide adequate resources.
- Require school districts and provide adequate resources to adopt policies and procedures in compliance with federal and state laws guidelines for communication with LEP and other parents: Title VI of the Civil Rights Act of 1964, RCW 49.60 (Washington Law against Discrimination), ESEA Title I, Part A (Improving the Academic Achievement of the Disadvantaged), ESEA Title I, Part C (Migrant & Bilingual Education), ESEA Title III (Language Instruction for LEP & Immigrant Students), Revised Code of Washington 28A.180.040 (2), Washington Administrative Code 392-160-010 (2). To comply with these laws and policies, at a minimum, School districts should provide oral interpretation and translated documents and appropriate accommodations for communications with parents and family members whose children are involved in high-stake situations such as: expulsions, suspensions, bullying, special education, truancy, student health (physical/emotional) and access to educational programs such as Highly Capable.  
School districts should also be required to provide LEP parents with qualified interpreters and translators who have knowledge of the K-12 education system and its terminology.

### 3. Parent/Family Access to Special Education Classrooms

While one of the purposes of the IDEA Amendments of 1997 is to “strengthen and expand the role of parents of children with disabilities in their identification, evaluation, and educational placement,” the determination of who has access to observe children in the special education setting is currently not federally legislated but left to individual state laws and school district policies.

In addition, pursuant to the Individuals with Disabilities Education Act, parents may be entitled to a second opinion about the efficacy of their child’s program and ask for an independent evaluation. Those evaluations are often conducted by an outside professional who requires access to observe the student at the school. Such evaluations can only be collaborative and productive when the evaluator

---

<sup>2</sup> Title VI of the Civil Rights Act of 1964, RCW 49.60 (Washington Law against Discrimination), ESEA Title I, Part A (Improving the Academic Achievement of the Disadvantaged), ESEA Title I, Part C (Migrant & Bilingual Education), ESEA Title III (Language Instruction for LEP & Immigrant Students), Revised Code of Washington 28A.180.040 (2), Washington Administrative Code 392-160-010 (2).

can observe how the student functions and interacts in the actual learning environment in order to take advantage of the opportunity of an independent fresh look at the school program.

Unfortunately, in our state many district policies related to classroom access result in a barrier which prevents parents and/or their private evaluators from observing students in the special education setting.

Having discussed this issue with many school officials, OEO understands their concerns, such as: the privacy of the other children in the classroom, the potential disruption of the learning environment, the student "acting up" when being observed, and teachers' concern that parents would in effect evaluate them.

However, this impasse directly impacts students by causing serious delays in solving problems, identifying concerns and modifying IEPs.

Since the inception of the OEO, Ombudsmen have addressed a great number of disputes and conflicts between parents and schools regarding access to special education classrooms. These cases require persistence and the ability to navigate through districts' written and unwritten policies, confusing processes, and arbitrary decisions that render some cases impossible to resolve in a manner that fully benefits the student.

We believe that parents, as equal partners with schools, must be involved in decisions that affect their children and must have timely and reasonable access to observe their children's classrooms, particularly in cases where a child is unable to communicate what may be happening within the educational environment.

## **Recommendations**

OEO recommends an amendment to the current RCW (28A.605.020) that governs Parent Access to the Classroom. It currently it reads: "Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: provided that such observation shall not disrupt the classroom procedure or learning activity." A language change should be enacted as follows:

"To ensure that parents of children with disabilities can participate fully and effectively with school personnel in the consideration and development of an appropriate educational program for their child, each school district shall, upon written or verbal request by a parent, afford timely access to the child's current program or any proposed educational program prior to any IEP meeting or meeting to discuss the child's educational program, in any case no later than 10 days after the parent's request.

This includes access to any current or proposed educational program by an independent educational evaluator or a qualified professional retained by or on behalf of a parent. Such observations may be for the purposes of assessing the child's performance, viewing the child's current educational program, considering the appropriateness of the child's placement, services, or least restrictive environment being provided to or proposed for the child. The school district may limit interviews of personnel having information relevant to the child's current educational services to meetings or conferences scheduled separately from the observation in the current or proposed classroom, program or placement."

## What Customers Have Shared with OEO



"Without the Ombudsman my son would not be back in school. [The Ombudsman] was committed to helping me. I am very happy with the help I received. Thank you very much!" - **Parent**

"Your services were very helpful and helped solve the problem. A couple of parents and I were getting together to hire an attorney, your services saved parents and the school district a lot of time and money that would have been spent on attorney fees." - **Parent**

"El Ombudsman me ayudo rapido, se contacto con la escuela y me dio la solucion a mi problema. Yo estaba muy frustrada – muchas gracias por su oficina!" - **Parent**

"Every state should have an OEO! It's so nice to have someone impartial involved. I had tried to resolve the problem myself but I don't have all of the knowledge that the Ombudsman has. Thank you and good work!" - **Parent**

"The Ombudsman was very knowledgeable about Special Education laws she also helped me to prepare for my meeting with the school district (Let's work together attitude!). The Ombudsman's office is a must have for all parents trying to make sure their children get the best education possible. Thank you for your help!" - **Parent**

"The Ombudsman was very effective, very informational and helpful. He lifted the stress off my shoulders. I really appreciate the service your office provided for me and my staff." - **District Administrator**

"We have chosen OEO to be the go-to place in our district when conflict with parents arises." - **Superintendent**

"The positive approach you took was the best way we have seen to address this parent's concern. Thank you." – **Principal**

"Thank you for facilitating our meeting with this parent. It was the most effective meeting we have had in resolving the issues and helping the student." -**Principal**

"The Ombudsman provided good advice. He taught me things I didn't know about the public school system. Excellent service! Thank you." – **Community professional**

"Your work dramatically changed the outcomes for a couple kids I've been working with...the thoroughness of the work you all did, including educating the probation officer, was remarkable, and really helped this young woman." – **Foster care professional**



**OFFICE OF THE EDUCATION OMBUDSMAN**

155 NE 100<sup>th</sup> St – 210

Seattle, WA 98125

Toll free: 1-866-297-2597

[www.waparentslearn.org](http://www.waparentslearn.org)