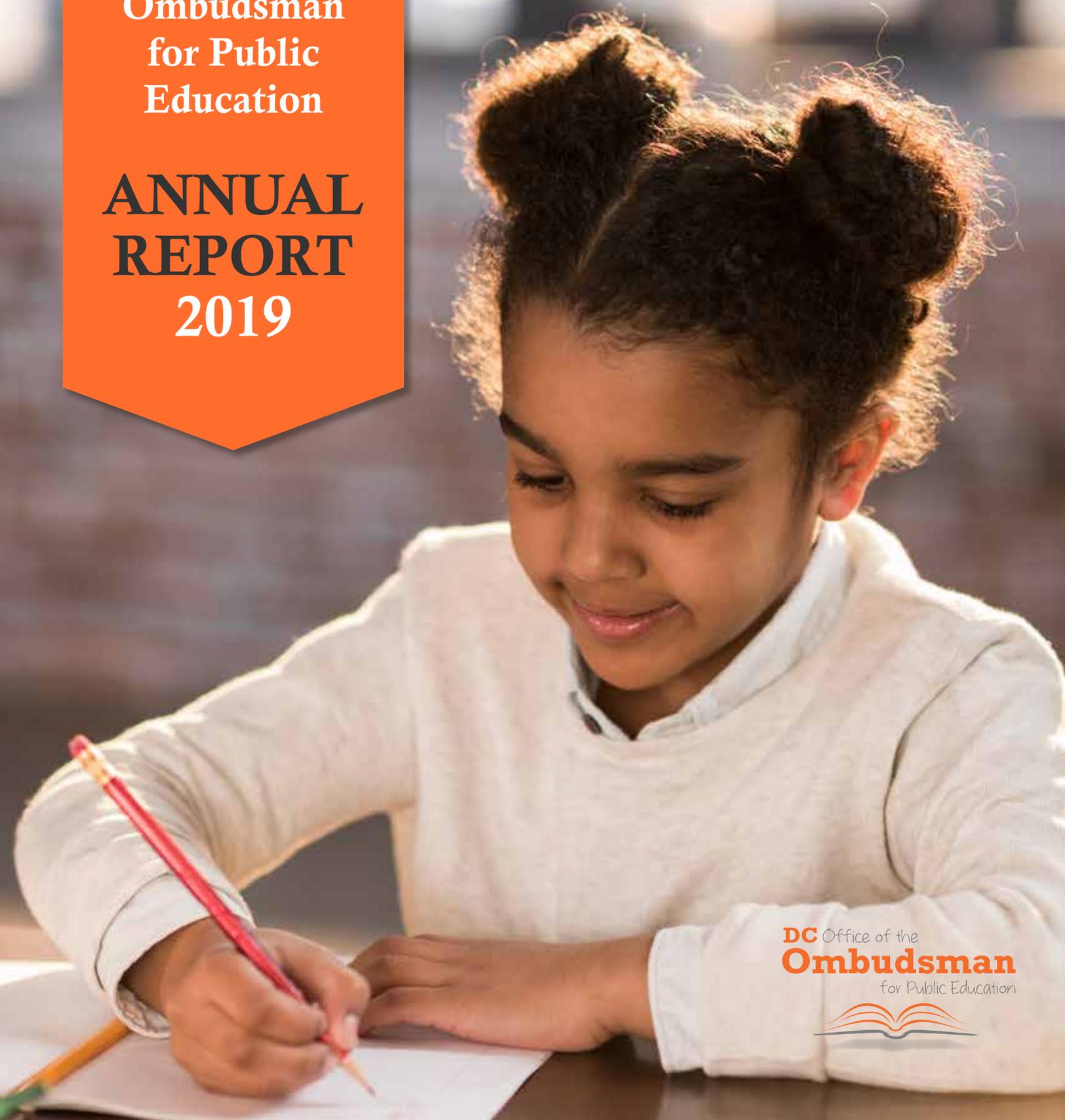


DISTRICT OF
COLUMBIA

Office of the
Ombudsman
for Public
Education

**ANNUAL
REPORT
2019**



DC Office of the
Ombudsman
for Public Education



Executive Summary

Continued growth in caseload and calls to the office in School Year 2018-19

The Office of the Ombudsman for Public Education continues to receive many requests for assistance compared to our overall case acceptance rate. Our office received 1,186 calls in School Year 2018-19 (SY 2018-19) and accepted 612 as cases. Compared to SY 2017-18, the number of cases opened increased by 34%.

Overview of Cases During School Year 2018-19

In SY 2018-19, the Office received complaints from residents of all eight wards. Consistent with previous years, the Office received the most calls from residents of Wards 5, 7, and 8. Distinct from previous annual reports, the Office collected school ward location data. Although the Office received calls about schools located in Wards 5, 7, and 8 (Ward 6 was just shy of meeting the cutoff) most frequently, we received complaints from schools located in every ward.

Regarding school-type: 65% of our cases involved traditional public schools; public charter schools consisted of 29% of our cases; and the remaining 6% of our cases involved non-public placements, private schools, selective schools and or alternative schools.

The top case categories were Bullying/Student Safety (27%), Special Education/Disability (24%), and Communication and Engagement (21%). Special Education/Disability was the second highest category, however, 46% of all our cases involved students with either an Individualized Education Program or a 504 plan.

The Office conducted a grade band analysis of case categories. We found an over-representation of Special Education/Disability cases in elementary school. There was an under-representation in Special Education/Disability cases in high school. From elementary to high school, Special Education/Disability cases declined while the percentage of students with Individualized Education Program or 504 plans remained constant. Academic Progress disproportionately represents the largest number (21%) of our high school cases. Enrollment and Attendance also have high percentages in high school compared to our overall caseload.

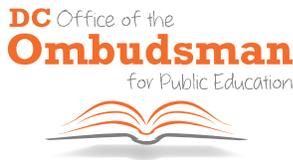
Recommendations

There are three recommendations provided. They are as follows: (1) Create a citywide Response to Intervention framework; (2) set guidelines for how the Manifestation Determination Review (MDR) must be conducted; and (3) require schools to maintain a published list of the special education services that the school has accommodated on its campus within the previous three years.

DC Office of the Ombudsman for Public Education
ANNUAL REPORT 2019

Executive Summary	i
Letter from the Ombudsman for Public Education	2
I. The Office of the Ombudsman for Public Education	5-6
A. Staff	5
B. What is an Ombudsman?	5
C. Our Mission	5
D. Our Vision	6
E. Our Process	6
II. School Year 2018-2019 Ombudsman's Office Data	7-17
A. Contacts and Cases	7-9
i. Yearly Comparison	7
ii. Student Ward of Residence	7
iii. Cases by School Ward	8
iv. Cases by Student Race	9
B. Cases by Category	10-12
i. Special Education Data	10-11
ii. Student Safety/Bullying	11
iii. Student Discipline	12
C. Grade Band Data	12-15
i. Elementary School	13
ii. Middle School	14
iii. High School	15
D. Cases by School Type	18
E. Case Categories by In-Ward v. Out-of-Ward Differentiation	17
i. Categories for Out-of-Ward Families for Each School Ward	17
ii. Categories for In-Ward Families by School Ward	17
III. Recommendations	18-26
IV. Conclusion - Looking Ahead	27





Letter From

The Ombudsman for Public Education

October 1, 2019

To: District of Columbia State Board of Education

The Office of the Ombudsman for Public Education has experienced significant transition over the 2018-2019 school year (SY2018-19). The first Ombudsman since the Office's re-establishment in 2013, Joyanna Smith, transitioned into a new role. Dr. Faith Gibson Hubbard graciously served as Interim Ombudsman for nearly six months while simultaneously leading the Office of the Student Advocate.

My five-year term began in late January of this year. I am grateful for the dedication, passion, and grueling work that these women devoted to this Office. As a result of their efforts, I inherited an Ombudsman's Office with a solid foundation. I am honored to carry the torch and continue the work initiated by my predecessors.

The Ombudsman role was one of three positions within the Office that experienced personnel transitions. Kahdijah Williams, Legislative Affairs Specialist, and Beryl Trauth-Jurman, Assistant Ombudsman, are both pursuing new opportunities. Ms. Williams and Mr. Trauth-Jurman ensured that families the Office worked with were treated with respect, dignity, and kindness.

As former staff have transitioned to new opportunities, one staff member remained, Ryvell D. Fitzpatrick, Assistant Ombudsman. We also have two new staff members, Montrell D. Pryor, Assistant Ombudsman, and Stephanie Arias, Program Associate. I am eternally grateful for their hard work. Their commitment to the work enables the Office to succeed.

With many new faces, the Office's commitment to serving families, and other stakeholders, has been unwavering. We continue to grow stronger in our ability to facilitate collaborative solutions between families and schools. I am proud of the work we produced during SY2018-19, and I am optimistic about the work we will produce in the future.

Warmly,


Serena M. Hayes



Section I:

THE OFFICE
OF THE
OMBUDSMAN
FOR PUBLIC
EDUCATION

Our Team

Serena M. Hayes, Ombudsman for Public Education (started January 2019)

Dr. Faith Gibson Hubbard, Interim Ombudsman (August 2018 - January 2019)

Ryvell D. Fitzpatrick, Assistant Ombudsman for Public Education

Beryl Trauth-Jurman, Assistant Ombudsman (through August 2019)

Montrell Pryor, Assistant Ombudsman (started August 2019)

Stephanie Arias, Program Associate (started May 2019)

Khadijah Williams, Program Associate (through December 2018)

Fellows and Interns:

Beverly Auman, Daraja Carroll, Anthony Macklin, Oluwabusayo Odubayo, Destiny Parker, Christina Small

What is an Ombudsman?

The word “ombudsman” is derived from a Swedish word meaning “entrusted person” or “grievance representative.” The word has come to denote a trusted agent who looks after the interests of a group. In the United States, numerous public ombudsman offices have been created – through legislative, executive, or judicial authorization – as independent agencies that monitor the delivery of services for certain populations. However, there are only a few jurisdictions with independent Ombudsman’s offices for public education, although the number is growing.

The Office of the Ombudsman for Public Education is an independent, neutral office that helps parents and students resolve school complaints individually and collectively, transforming problems into solutions that compel systemic progress for all public education in D.C. As established by law, the Ombudsman’s mission is to be a “single office” that coordinates “transparency and accountability” by helping D.C. families navigate the five education agencies that govern and operate the public schools in D.C.¹ The D.C. Public Education Reform Amendment Act (PERAA) laid out responsibilities for the Office of the Ombudsman that includes reaching out to parents and residents; serving as a vehicle for communication; receiving complaints and concerns, determining the validity of complaints and concerns and developing a response; identifying systemic concerns using a database; making recommendations based on observed patterns; and issuing annual reports.

Our Mission

The purpose of the Office of the Ombudsman for Public Education is to serve as an external, neutral resource for current and prospective public school students and their parents or guardians in the resolution of complaints and concerns regarding public education in a way that, in the opinion of the Office, furthers the students’ best interests.

Our Vision

The vision of the Office of the Ombudsman for Public Education is to provide quality conflict resolution and mediation services to families eligible to attend public schools in the District of Columbia and reduce barriers to accessing public education. The vision is to eliminate barriers to accessing public education for every eligible student in D.C. We envision a D.C. where everyone has access and choice to quality public education.

Our Process

Once the Office is contacted by a stakeholder², the following steps occur:

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



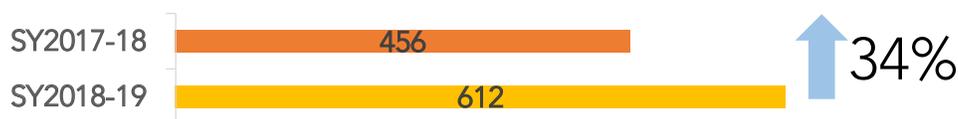
Section II:

SCHOOL YEAR
2018-2019
OMBUDSMAN'S
OFFICE DATA

The Office's amalgamated data and individual cases provide information about the public education systems in D.C. that comes directly from families.³ The data is a window into the challenges experienced by some D.C. public school students. These challenges do not undermine the strengths of our public-school systems. However, the challenges highlight opportunities for growth.

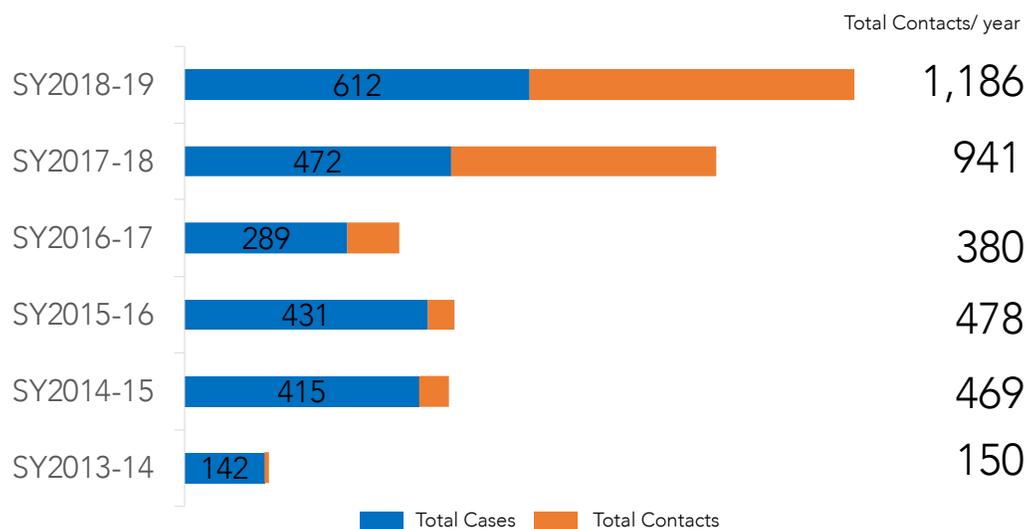
Contacts and Cases

In SY2018-19, we received 1,186 contacts from stakeholders.⁴ This marked a 26% increase in contacts received during the SY2017-18. Stakeholders contact our Office to request assistance via telephone, email, and in-person. The most common contact method is by phone (72%).



Of the 1,186 contacts we received, 612 were converted into cases, which is a 34% increase from the SY2017-18. We are delighted to see continued growth in the use of our services.

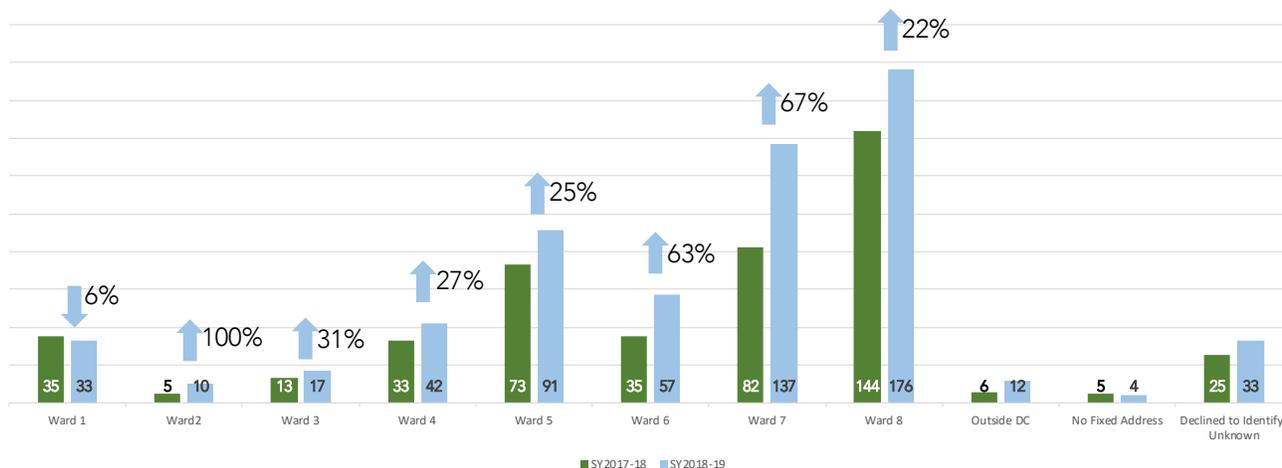
Yearly Comparison



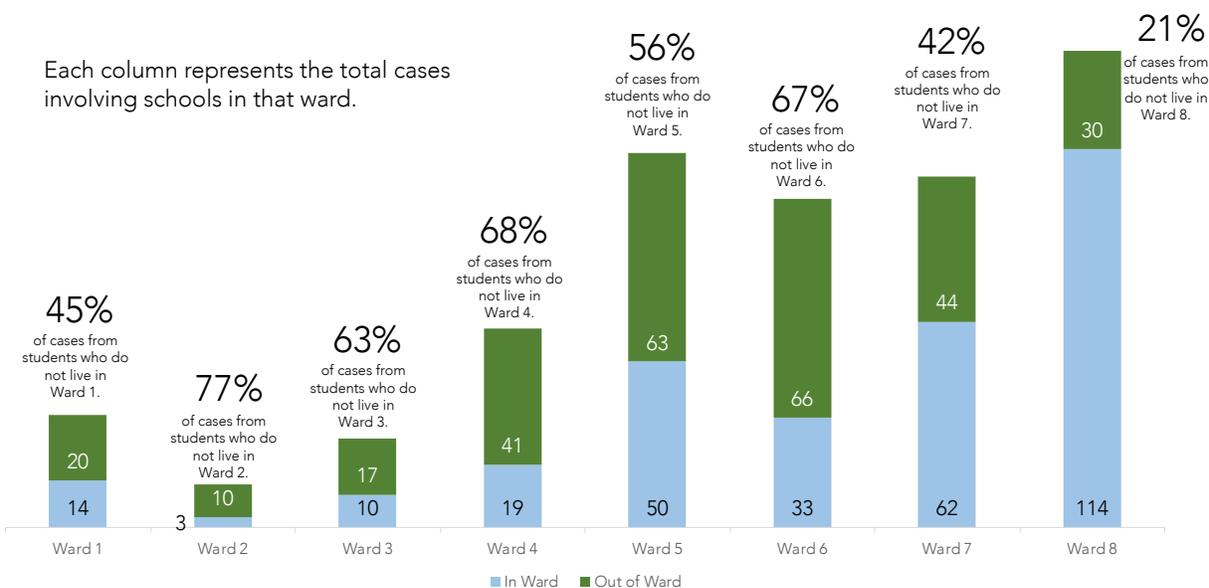
Student Ward of Residence

In SY2018-19, we had contacts and opened cases for stakeholders in all eight wards. The largest number of cases came from families who live in Ward 8 representing 29% of our total cases for SY2018-19. Most of the cases were from residents of Wards 8, 7, and 5. The cases from these three wards combined accounted for roughly 66% of our total cases for the year. The fewest number of contacts and cases came from stakeholders in Wards 2 and 3 with only 27 cases (5%) between them. The next section analyzes the total number of cases involving schools in each ward as well as the number of those cases involving students who live outside of those wards.

Cases by School Ward

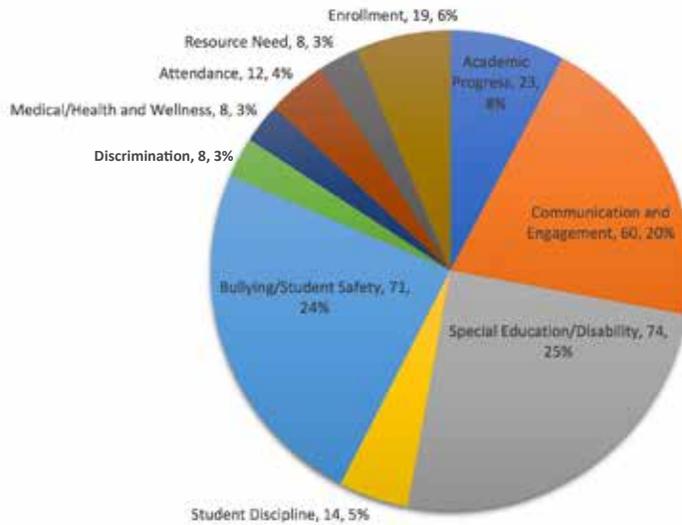


Many of the families we served did not live in the same ward as their school. Consequently, in SY2018-19, we began tracking school ward data. School ward data enabled us to concretely analyze where our cases are coming from. Before, we could only interpret trends based on where the students live, now we can overlap that data with where the students are experiencing problems.



Many stakeholders experienced challenges at schools located outside of their ward of residence. More than 50% of our cases from Wards 2, 4, 5, and 6 involved families who did not live in the same ward as their school. Although majority of our cases are from Ward 7 and Ward 8 residents (51%), schools across the city experience challenges. Furthermore, the top case categories from each ward are strikingly similar – all eight wards have the same top three case categories with very little variance.⁵ This indicates that issues residents experience are determined by neither their ward of residence nor the ward of the school they attend.

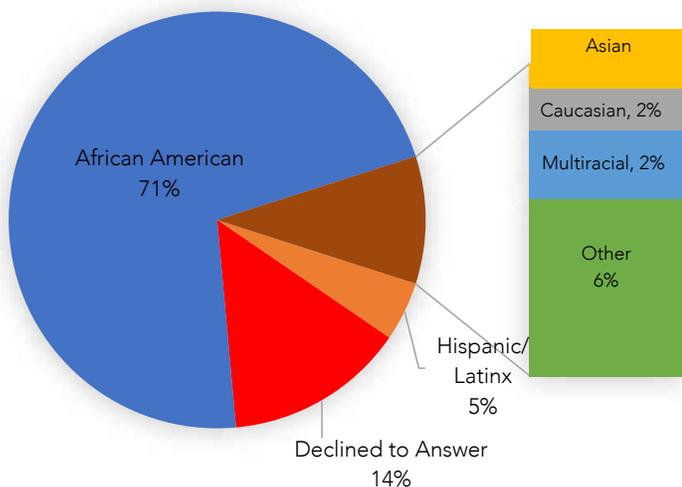
Categories for All Students Whose Ward of Residence is Different From Their School Ward



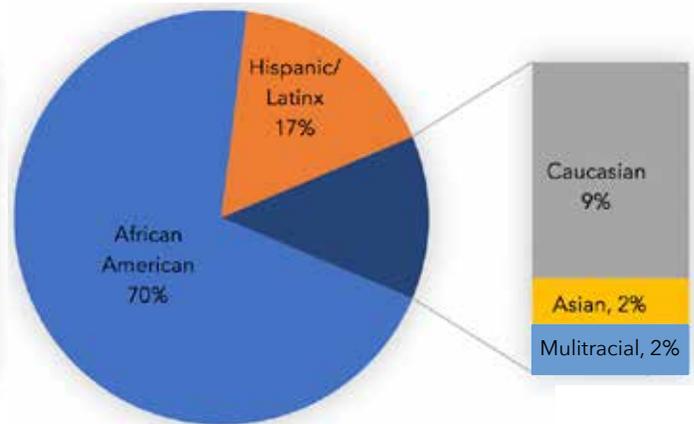
Cases by Student Race

Consistent with previous annual reports, our casework involved majority of African-American/Black students, 71%, which is to be expected given that 70% of students in D.C. identify as African-American. The “Other racial backgrounds” category on the graph includes Native American (1%), Pacific Islander (<1%), African (<1%). Note: We do not require callers to identify their race; 14% of parents declined to identify their student’s race.

Our Cases

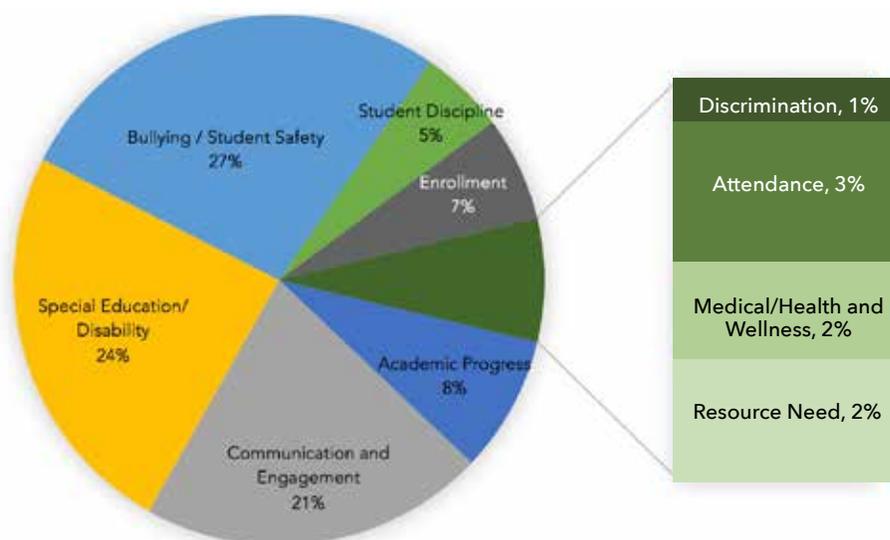


Overall D.C. Student Population According to Education Forward D.C.



Cases by Category

As we manage cases, we place each case into a primary category based on the type of issues the caller is facing. The largest percentage of cases in SY2018-19 involved Student Safety/Bullying constituting 27% of our cases. Special Education/Disability was a close second totaling 24% while the third largest category was Communication and Engagement at 21%. Special Education was the central issue for about a quarter of our cases, however, almost half of our cases involved a student with an Individualized Education Program (IEP) or a 504 plan. This indicates that students who receive special education services face a myriad of issues as they matriculate through the District's educational systems.



This year we made significant changes to case categorization. We recategorized the cases we previously categorized as School Environment or Bullying. School Environment was defined as “cases that involved issues preventing a student from accessing their education due to safety, behavior, environmental issues, or actions taken by faculty/staff or other students.” Bullying captured all cases where the caller alleged bullying, without considering whether the actions were found to be bullying.

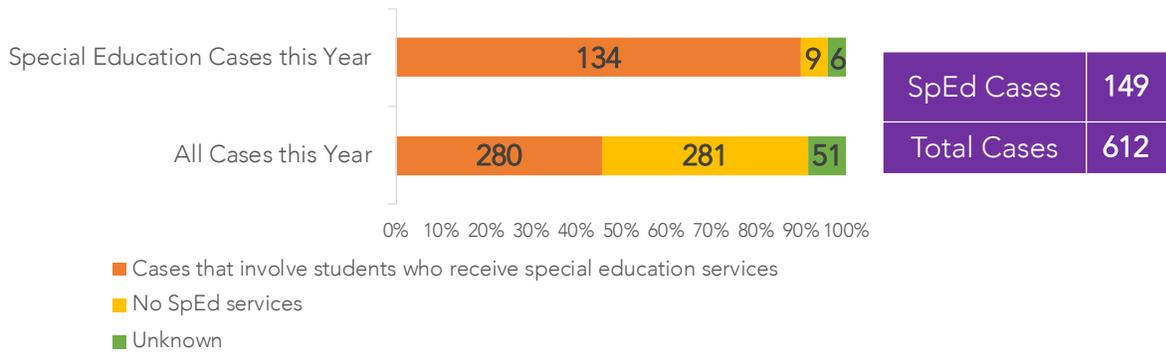
When analyzing these two categories, we realized that nearly all School Environment cases either involved conflict with faculty/staff, or conflict involving other students. We also noticed that the only difference between a case categorized as School Environment that involved student conflict and a case categorized as Bullying that involved student conflict was whether the caller perceived the incident as bullying. Consequently, we combined all cases involving conflict between students into a new category: Student Safety/Bullying. This category also includes other issues that involve student safety. We removed School Environment as a case category. The School Environment category was too broad to extract meaningful data.

Cases involving conflict between faculty/staff and families are categorized as Communication and Engagement.

We also divided the Access category into two distinct categories: Resource Need and Enrollment.⁶

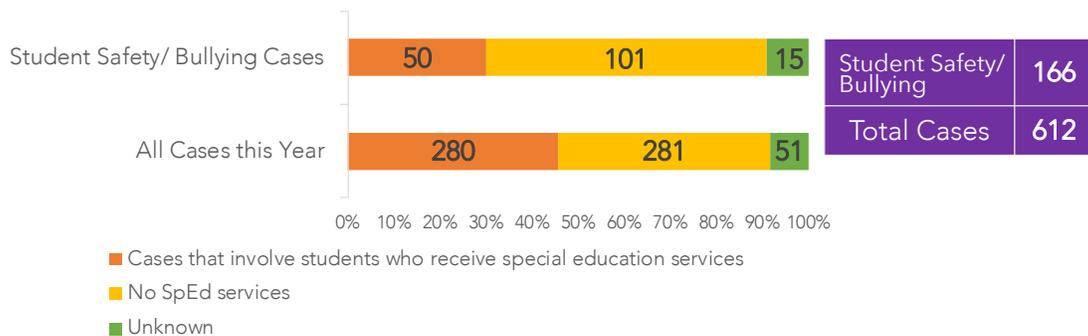
Special Education Data

In SY2018-19, we managed 612 cases: 149 of those cases had a primary category of Special Education/Disability. Special Education/Disability cases are cases that focus on issues preventing a student from accessing education due to a student's diagnosed or suspected disability.

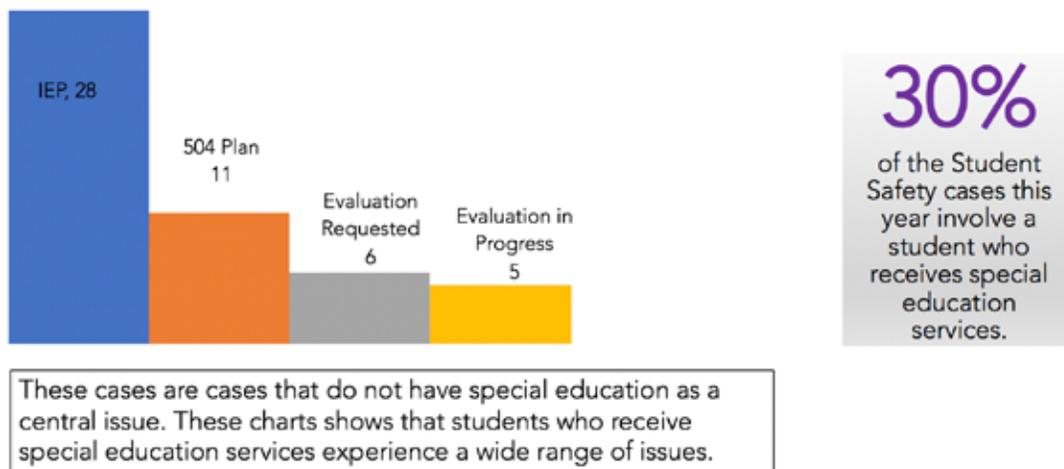


Of the 134 cases we handled with special education as the primary issue, 100 cases involved IEP implementation disputes, 17 cases involved the request for evaluation and two cases involved evaluations being in progress. There were also 14 cases that involved 504 plan disputes.

Student Safety/Bullying



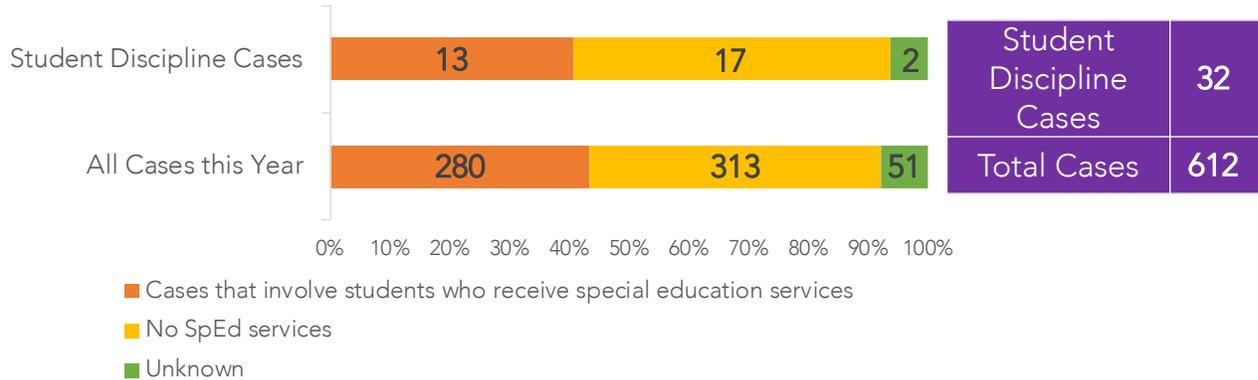
One hundred sixty-six of the 612 cases managed in SY2018-19 had Bullying/Student Safety as its primary category. Bullying/Student Safety cases focus on issues in which a student feels harassed or targeted by another student. This includes the legal definition, a family member's impressions, and sexual assault. Concerns about negative interactions between students also falls into this category.



Thirty percent of the Bullying/Student Safety cases this year involve a student who receives special education services.

Like our Special Education cases, for many wards, families who call because they are experiencing problems with student safety or bullying do not reside within the school's ward.

Student Discipline

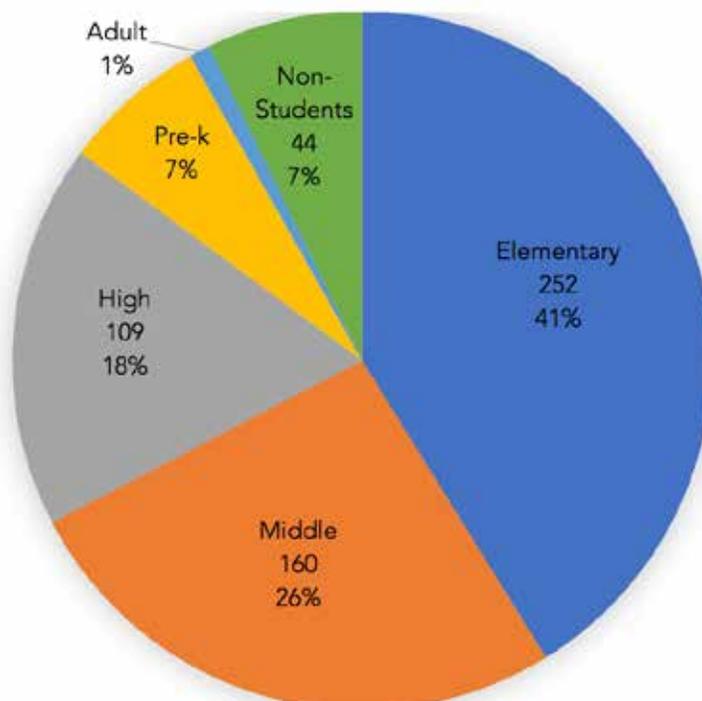


In SY2018-19, 32 cases had a primary category of Student Discipline. Student Discipline cases are cases that focus on issues regarding a student who has been temporarily or permanently placed out of school due to a behavior or disciplinary infraction, including but not limited to formal suspensions and expulsions.

Of the total number of Student Discipline cases, 84% involved African American students, where only 3% involved Caucasian students, 3% declined to identify a race and 10% answered Other.

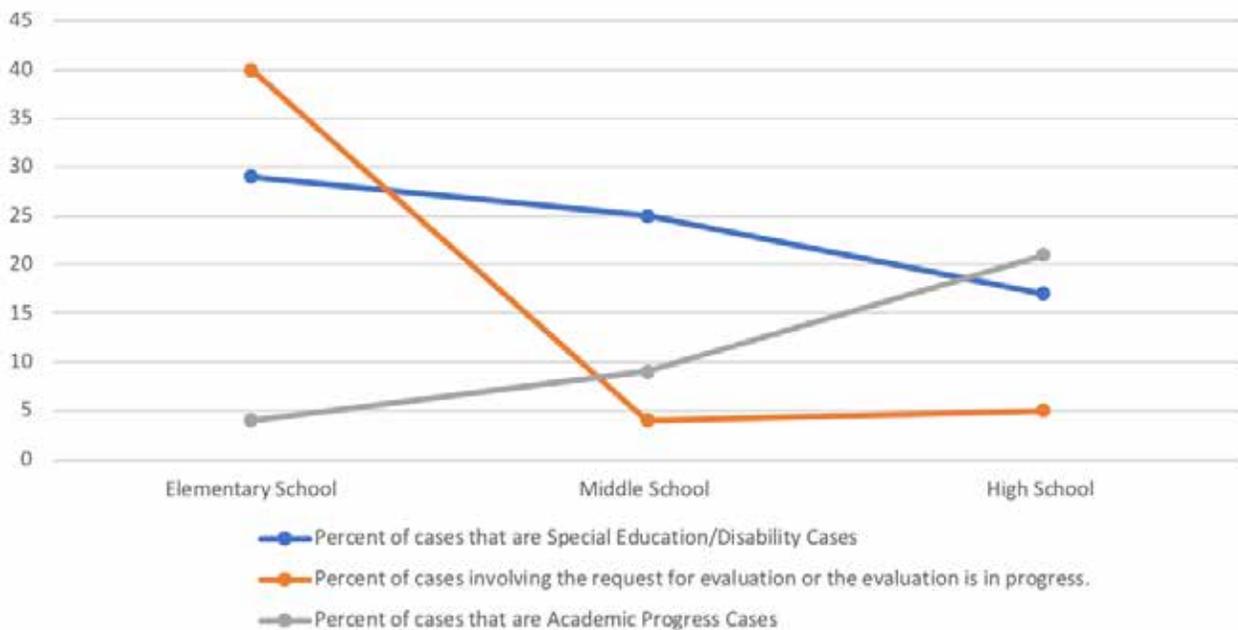
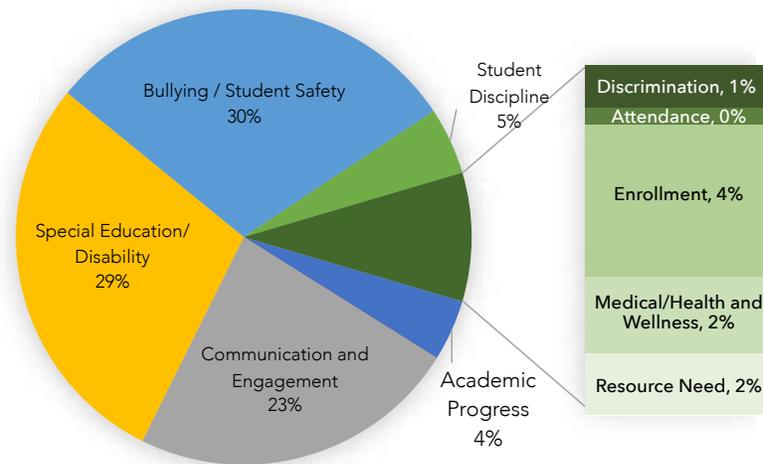
Grade Band Data

Forty-one percent (252) of our cases involved elementary schools, high schools represented 18% (109), and middle schools represented 26% (160). Seven percent of our cases involved Pre-K students and 1% came from students currently enrolled or seeking enrollment in adult education programs. The remaining 7% of our cases involved stakeholders who were not enrolled or seeking enrollment in any school (non-students).



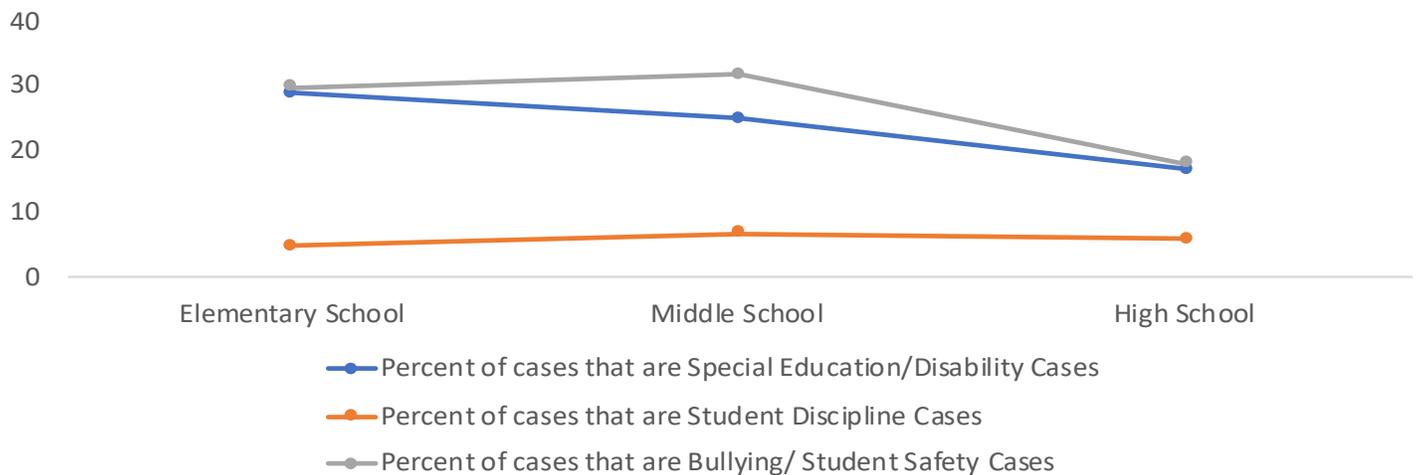
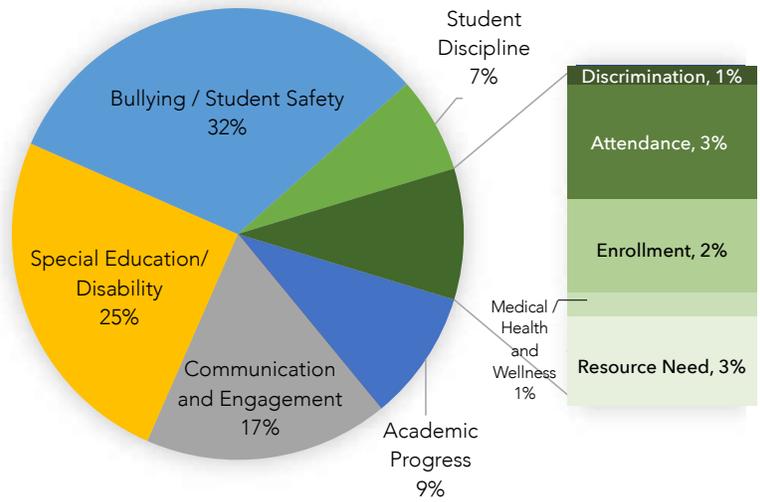
Elementary Cases by Category

Majority of our cases involved elementary schools (252), nearly half of those cases (125) involved students who received special education services. Special Education/Disability and Student Safety/Bullying each accounted for about 30% of the elementary cases. The percentage of cases categorized as Special Education/Disability is disproportionately high in our elementary school cases. Attendance, Enrollment, and Academic Progress are disproportionately low in elementary school. In each grade band, the percentage of Academic Progress cases increases as the percentage of Special Education/Disability cases decreases. The relationship between Special Education/Disability and Academic Progress could indicate that both populations of students experience similar academic challenges. However, evaluation for special education may be more likely to occur during elementary school. The number of cases where a request for evaluation was made or where an evaluation is still in progress during elementary school is more than 300% higher than middle school and more than 500% higher for high school.



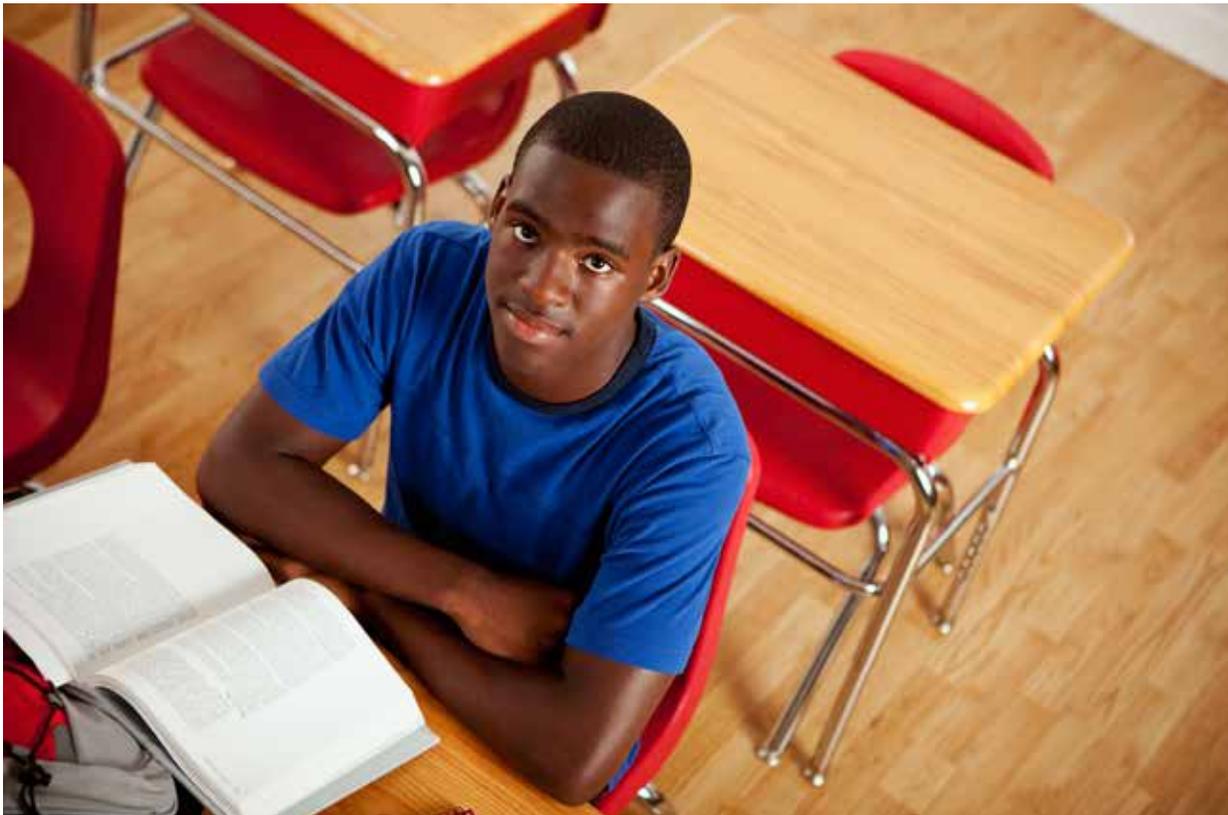
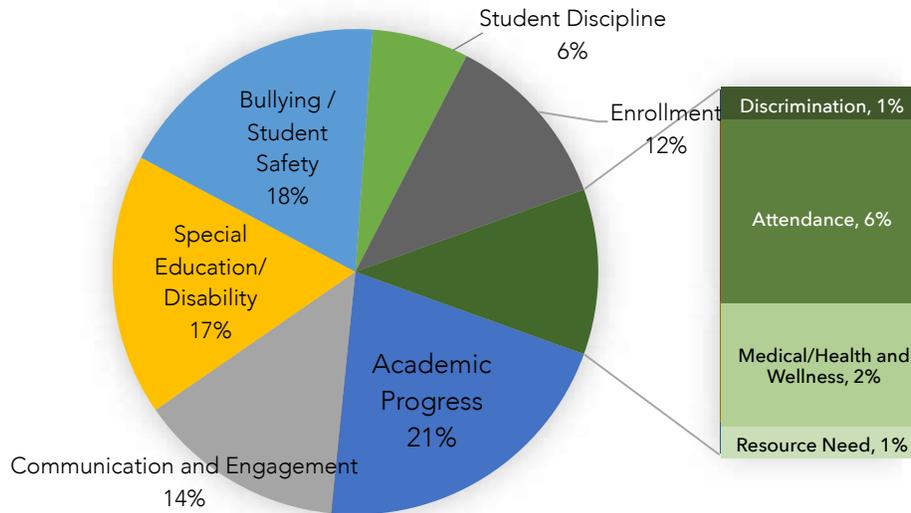
Middle School Cases by Category

One hundred sixty cases involved middle school students. Of those cases, 78 were categorized as Special Education/Disability. Middle school is when we begin to see the percentage of Special Education/Disability cases decline. This reiterates the decline of Special Education/Disability cases between elementary and high school and the increase in Academic Progress cases from elementary to high school.

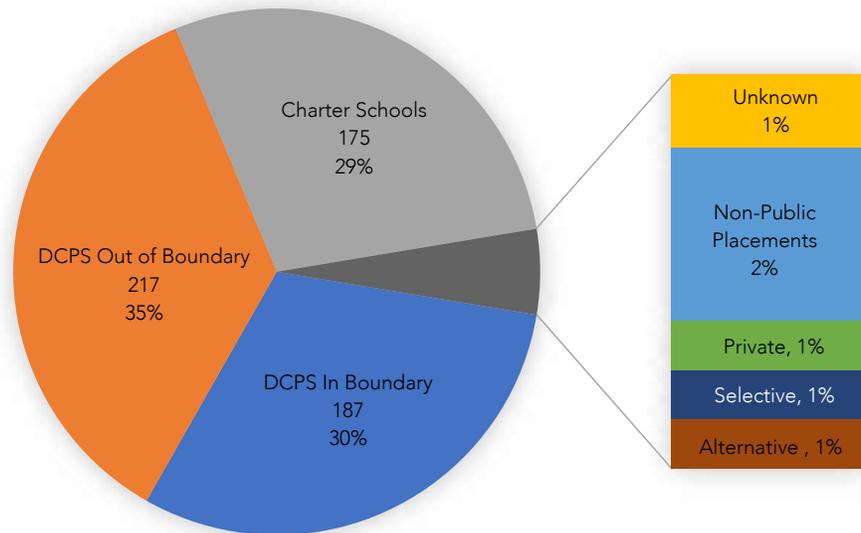


High School Cases by Category

One hundred nine cases involved high school students. Fifty percent (50%) of those cases involved students who receive special education services or have a 504 plan. Special Education/Disability cases continue to decline in high school, even though the percentage of students receiving special education services does not. Academic Progress disproportionately represents the largest number (21%) of our high school cases. Enrollment and Attendance also have high percentages compared to our overall caseload.



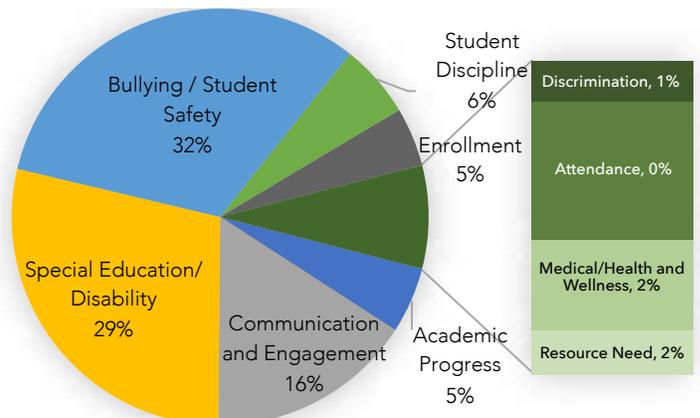
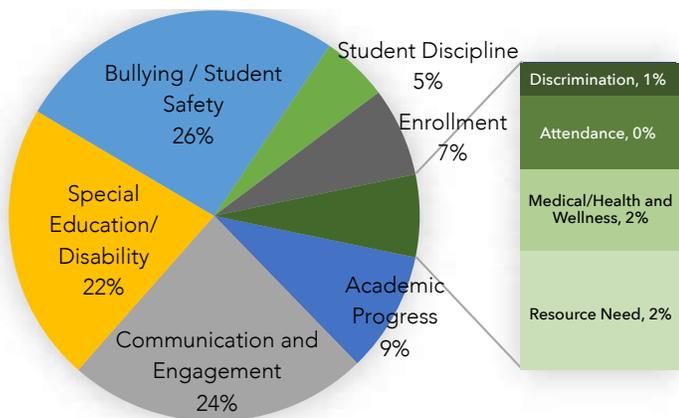
Cases by School Type



Of the 612 contacts converted to cases, 404 involved the traditional public-school system, representing 65% percent of our cases, while 175 cases involved charter schools, representing 29% of our cases. The remaining 33 cases, representing 6% of our cases, involved non-public placements, private schools, selective schools or alternative schools. Our data also shows that there is little variance in the types of challenges students and families attending charter schools experience compared to the types of issues students and families experience at DCPS.

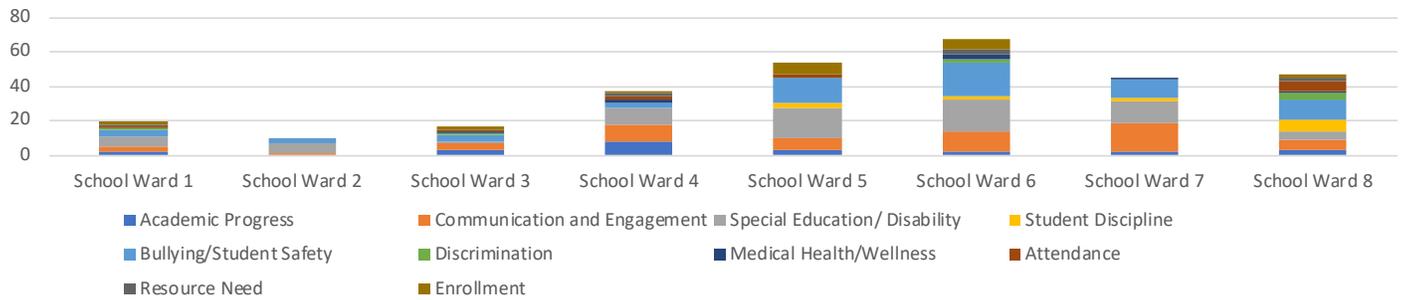
DCPS Cases

Public Charter Cases

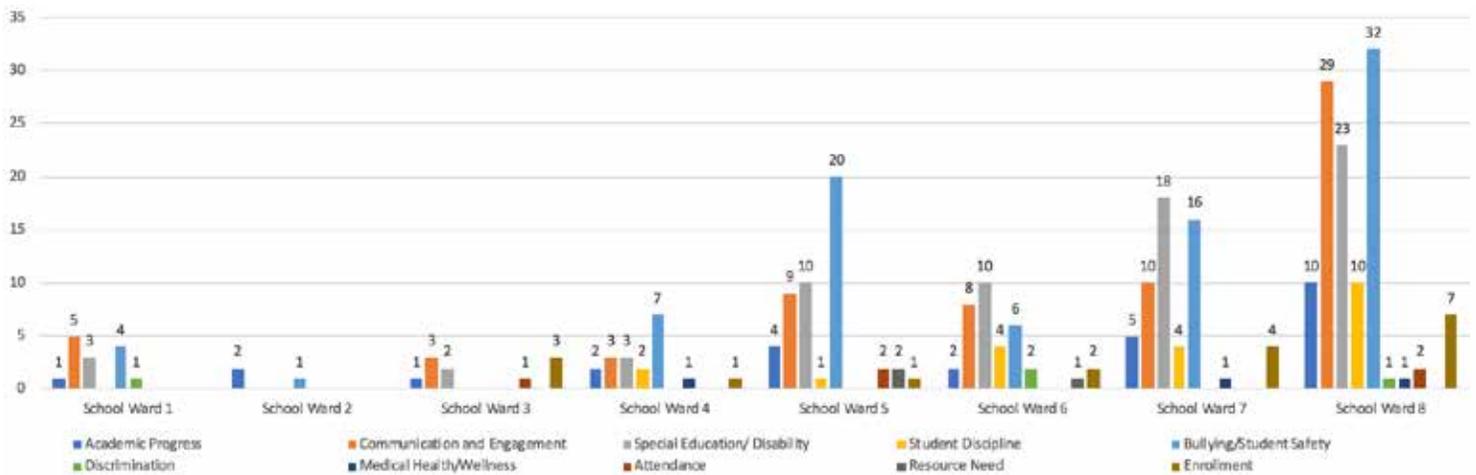


Case Categories by In-Ward v. Out-of-Ward Differentiation

Categories for Out-of-Ward Families for Each School Ward

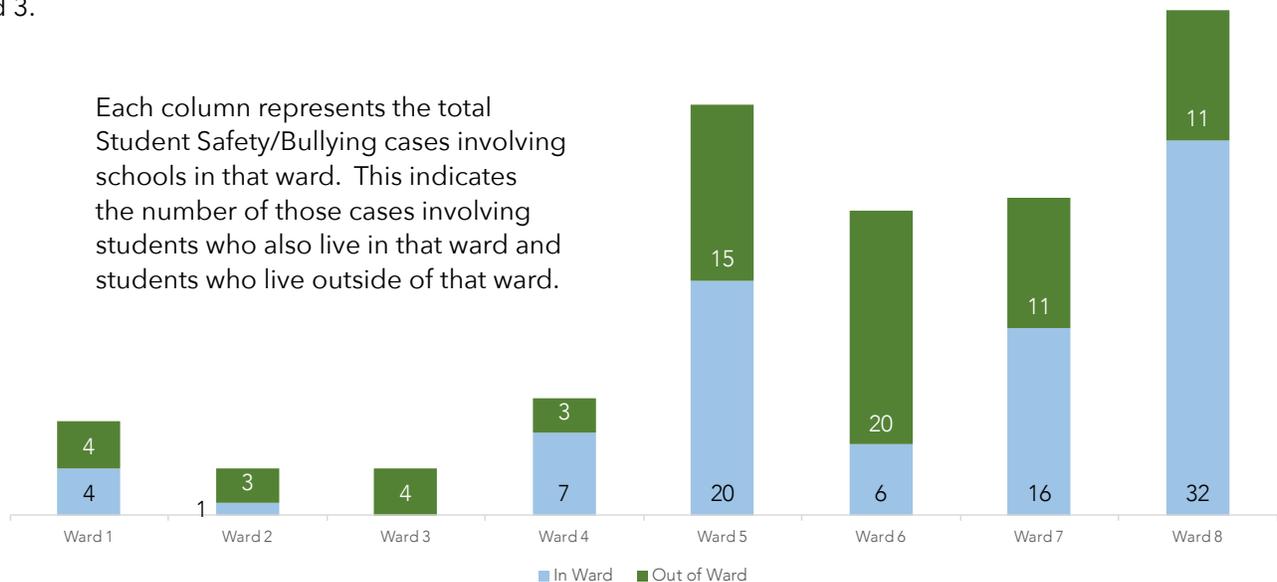


Categories for In-Ward Families by School Ward



For schools located in Wards 2, 4, and 6, more than 75% of the callers who attended schools in those wards did not reside in the school's ward. All Student Safety/Bullying cases from Ward 3 were from families who do not live in Ward 3.

Each column represents the total Student Safety/Bullying cases involving schools in that ward. This indicates the number of those cases involving students who also live in that ward and students who live outside of that ward.



Section III:

RECOMMENDATIONS

RECOMMENDATION 1: Develop a citywide Rtl framework with the following components: (a) establishes the catalysts, timetables and responsibilities of schools; and (b) builds a database system to allow for Rtl tracking and record keeping across schools and LEAs.

INTRODUCTION

The Ombudsman’s Office has recommended creating a citywide Rtl framework in its two previous annual reports.⁷ We make the same recommendation in this year’s annual report. In order to push the conversation forward, we developed a blueprint of a citywide Response to Intervention (Rtl) framework. Our hope is that the blueprint is closely examined, debated, altered, and ultimately results in the implementation of a citywide Rtl framework. Before delving into the substance of the Rtl blueprint, we offer an explanation of Rtl.

What is Rtl?

Rtl is a systematic, multi-tiered teaching approach that allows teachers to differentiate learning instruction. This teaching approach helps identify students who have not fully grasped a lesson. Once students needing additional assistance are identified, teachers can differentiate the method and frequency of interventions based on the depth of student need.

Interventions are teaching strategies used to re-teach or differently teach course material that was not absorbed by students after a lesson has culminated. Students who did not learn a lesson are placed in tiers according to the depth of their misunderstanding of that lesson. As student learning increases or decreases, students can move up or down within the three tiers. The interventions themselves are not tiered. Any research-based intervention listed can be applied to any student, regardless of that student’s tier assignment.

A typical Rtl structure has three instructional tiers:

TIER I. The purpose of Tier I is to provide all students with access to quality, grade-level instruction. Instruction at this level is applied to the whole classroom. However, teaching might still be differentiated to meet the multiple modalities of the students in the classroom.

TIER II. The goal of Tier II instruction is to provide supplemental grade-level instruction to students who need additional assistance with a grade level concept. Students who receive Tier II interventions also receive the regular classroom instruction, but interventions occur during the additional instructional time. If more than 50% of students demonstrate the need for Tier II instruction, the teacher should alter the Tier I instruction for the entire class, instead of moving on to the next lesson.⁸ Although this metric is useful to determine the effectiveness of Tier I instruction, it is important to remember that Tier II is defined by the learning objectives⁹ and not the size of the learning group.

TIER III. There will still be students who do not master grade level objectives after applying Tier II interventions. These students need more intense interventions and remediation applied more frequently. Tier III interventions are targeted to students’ areas of need and provided by highly trained staff.¹⁰

Why RtI?

One of the largest categories of cases since the Office's inception is Special Education/Disability. Cases under this category consist of questions, problems, or concerns, with the special education process, including the request for evaluation to determine eligibility for special education services. When parents see their child struggling academically, they tend to request an evaluation for special education. Some evaluations result in the student receiving special education services; other evaluations do not. All challenges with academic progress are not the result of a student disability. Students experiencing academic struggles need regular access to interventions. RtI addresses the needs of students who are struggling academically, regardless of whether they are eligible for special education.¹¹

Inconsistencies in applying RtI within and among schools create barriers to children receiving an appropriate education. In the past, the Office handled cases where some schools used RtI to deny parents' requests for a special education evaluation. These parents were incorrectly told that RtI had to occur before their child could be evaluated for special education. Implementing a citywide RtI plan would prevent schools from making these claims because (1) the RtI data would already exist and (2) determining when parents would be advised of rights to request a special education evaluation would have been established by the city. Moreover, systematically providing interventions to students is critical in a city with 43% of its student population is considered at-risk,¹² 64% of its students failing to meet D.C. statewide assessments proficiency standards in literacy, and 69% failing in mathematics.¹³ Although RtI does not erase the negative impact of environmental factors on learning, RtI does ensure students are connected to interventions that can provide a positive impact on learning.¹⁴

THE BLUEPRINT PROCESS

The goal of the citywide framework is to provide appropriate education for each child. However, the ability to provide an appropriate education hinges on teachers knowing whether individual students are mastering the curriculum. As such, the District must set a uniform guide of catalysts, required data, and transition points for students receiving RtI support.

CATALYSTS

Universal Screener. A universal screener is the first indication that a student should move from Tier I to Tier II because it identifies students who might have difficulty acquiring new academic concepts.¹⁵ Universal screeners can be performed at the end of the previous school year, the beginning of the school year, or throughout the current school year. Many schools already perform universal screeners through assessments such as STAR reading and STAR math, F & P¹⁶, or its market counterparts.

Each school would determine the data markers, or cut-off scores, that indicate a student should receive Tier II or Tier III supports and a deadline for these screeners to be performed. For example, in August, a school would initiate interventions for all students who scored below a two on the PARCC or below reading level on the F&P.¹⁷ Schools could use the student scores from the previous year to determine if a student needs Tier I or Tier II supports at the beginning of the school year.

Classroom Data. Another catalyst for a student receiving RtI support is classroom data.¹⁸ Ideally, the RTI process should be initiated after every lesson¹⁹; alternatively, teachers may review student grades after every advisory period.²⁰ No more than 50% of students in a classroom should need Tier II interventions.²¹ If more than 50% of students have not mastered the lesson, then the teacher might consider reteaching the lesson to the entire class.²²

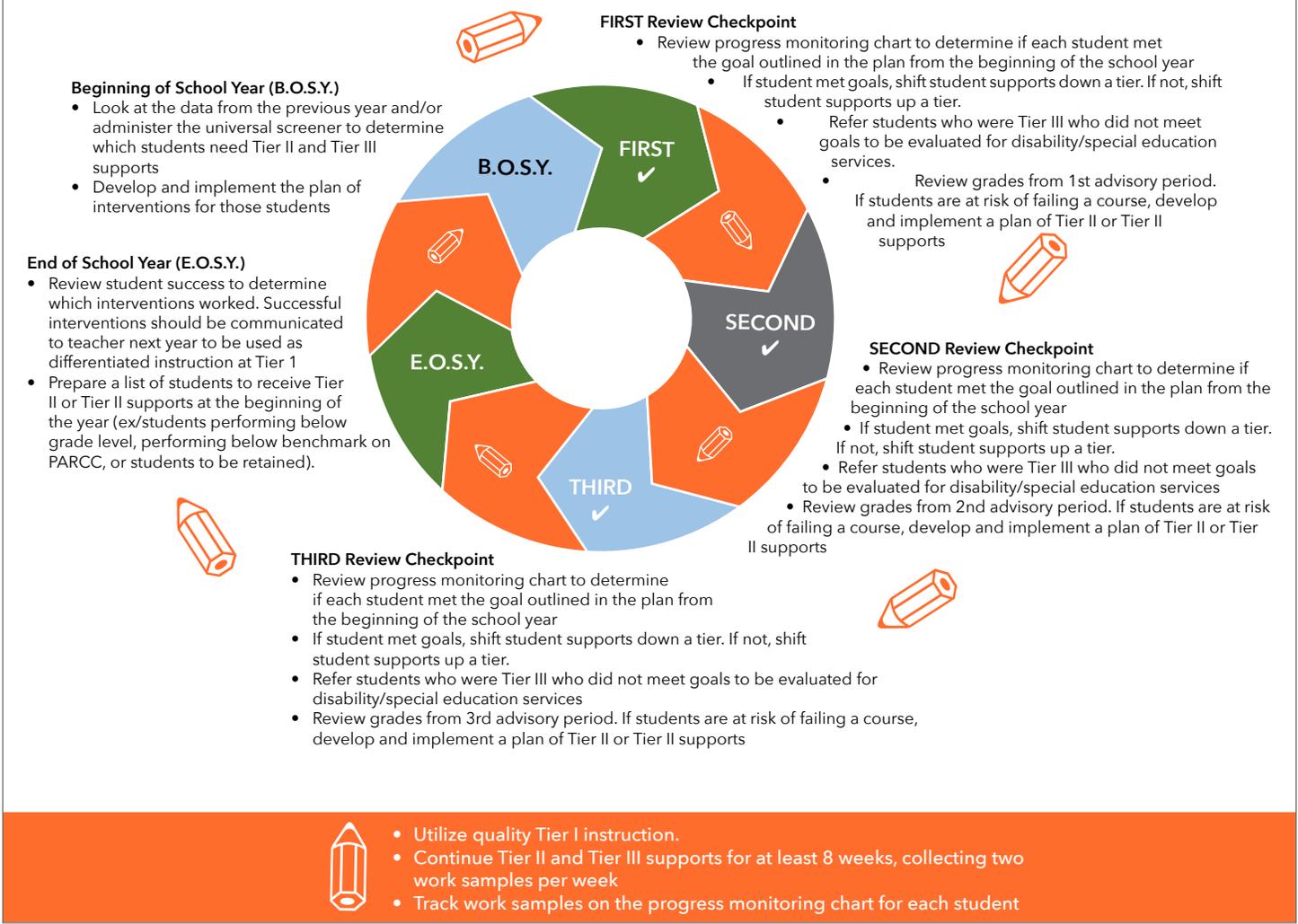
DURATION OF INTERVENTIONS AND REASSESSMENTS (MEASURING THE EFFECTIVENESS OF THE INTERVENTION)

Any citywide RtI framework needs to establish a timeline for (1) the duration of any interventions provided and (2) reassessments to measure the effectiveness of the interventions provided. Establishing these timelines ensures that students are not stagnant in any one tier.

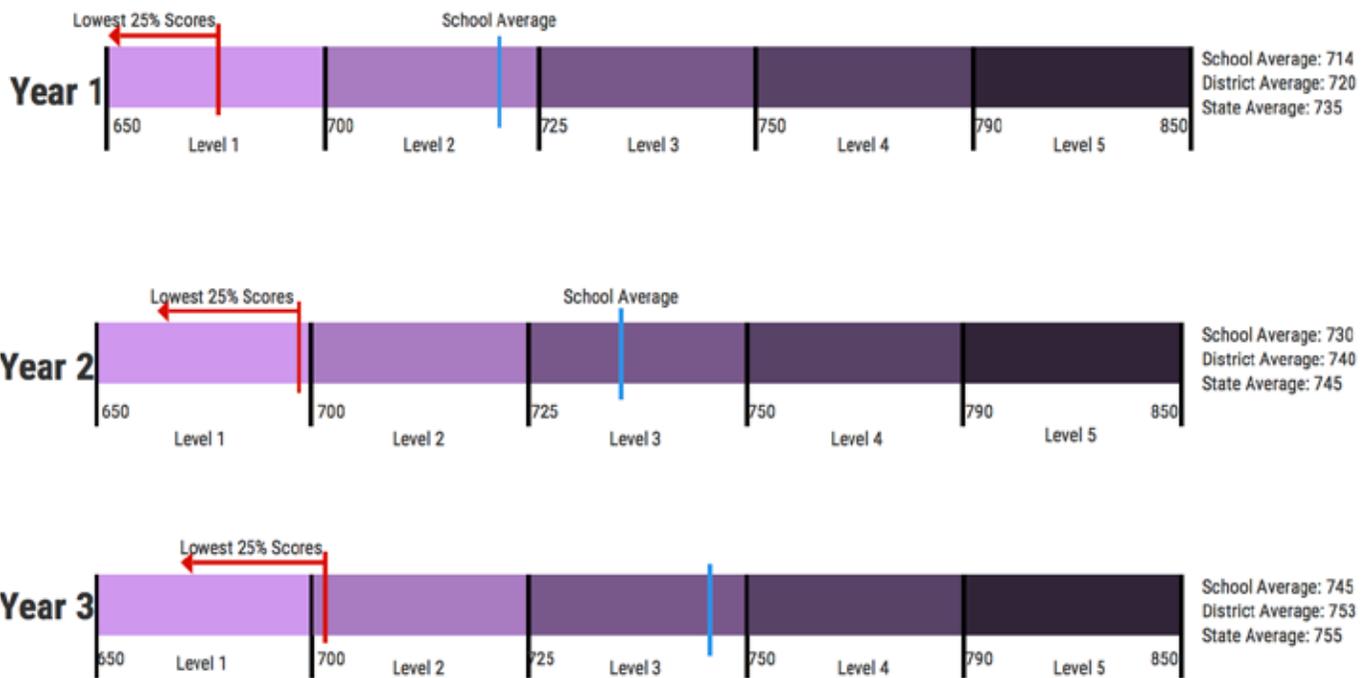
Regarding duration, researchers have recommended that interventions last at least six weeks. For students receiving interventions, researchers have also recommended collecting student data at least twice a week with two documented

work samples per week.²³ Another option is aligning the data review schedules with the school's advisory periods. At the end of the advisory period, the classroom teacher could analyze the student data to determine if the student should be moved to Tier III, remain at Tier II, or moved to Tier I. The same timetable should be applied to a student who receives Tier III supports.

Response to Intervention Yearly Cycle



For the introduction of the citywide Rtl program, universal screener cut-off score requirements should be determined by the student performance percentiles rather than an actual score. As students within the lowest 25th percentile receive Rtl supports, their individual scores should increase, which will increase the scores that fall within the lowest 25th percentile. As schools continue Rtl supports, the percentile of students targeted will not change even though scores within that percentile increase. A demonstration is provided in the graph on the following page using PARCC as the universal screener.



To ensure the effectiveness of the researched-based interventions and, consequently, Rtl, student progress must be monitored and reviewed regularly.²⁴ When developing the Rtl plan, staff should develop goals based on student data.²⁵ The goal should be aligned with a state standard and include a benchmark to determine student success/mastery.²⁶ An example goal might be, “student A will use properties of operations to calculate products of whole numbers on four out of five attempts.”

RESOURCE NEEDS

Rtl is a school-wide system that should be implemented on a citywide basis. As such, this plan will need resources from the city, from schools, and from families.

Research-Based Interventions

Research-based interventions²⁷ are necessary for the RTI process to consistently produce student growth. The Rtl framework must include a finite and expansive list of research-based interventions. The list of interventions should be finite. Seasoned educators have often shared stories during trainings of neighboring districts whose Rtl had to be “cleaned up” by a district leader because the list of interventions had become so expansive that there was no way to ensure implementation equity or fidelity. The finite and expansive list should be expansive to address a wide variety of student needs, while limited enough to ensure educators are experts on each intervention. Educators would choose an intervention from this list to address student needs.

Citywide Data System

A significant barrier to implementing a citywide framework is the absence of a citywide data system. There are currently two systems that could be expanded to support Rtl: SLEDS and SEDS. SLEDS is the Statewide Longitudinal Educational Data System. SLEDS collects “critical information spanning a student’s public education experience in the District of Columbia from early childhood through K12, postsecondary, and into adult education and employment.”²⁸ As we understand it, SLEDS does not currently track data in the ways necessary for Rtl. One fundamental component lacking is alerts to signal when to take the next action step in the process.

SEDS is the Special Education Data System that schools in the District use to house all data, forms, and individual education programs for students in the District. SEDS is used by every public (and some private) schools in the District – allowing student special education data to follow students as they transfer schools. SEDS is currently only used for students who receive special education services. We do not know if the system can support all students who need RTI support.

We recommend that the District use a citywide database to store Rtl student records. Records such as types of interventions, goals, re-assessments, and progress would be logged in the database system. Whenever a student transfers to a different school, the receiving school would have access to the student's Rtl file. This system would make it easier for students to continue receiving interventions despite transferring to a different LEA.

School Needs: Schedule/Time, Dedicated Personnel, Training, and Funding Source

Although Rtl is a general education process that begins in the classroom, effective Rtl implementation would create additional needs for schools. At minimum, many schools would need to consider altering school schedules to create discrete time for one-on-one and small group interventions; hire dedicated Rtl personnel to ensure school-wide implementation; provide additional trainings for teachers; and, of course, determine a funding source or reallocation plan.

Schedule/Time. Teachers need time to implement Tier II supports. The school schedule must allow time for teachers to implement these supports. Some schools have had success by adding intervention time into the regular schedule. For example, Ketcham Elementary has a set time in their daily schedule where all other activities stop. All staff members are utilized to help administer interventions. This year, Ketcham had more than 50% of its students score 3 or above in reading and more than 70% score three or above in math on the 2018/19 PARCC test. This is the highest of the DCPS stand-alone elementary schools in Ward 8 and among the highest of all stand-alone elementary schools in Ward 8.²⁹

Training and Dedicated Personnel. Tier III interventions are often provided outside of the classroom. These interventions also tend to occur more frequently than Tier I and II interventions. Consequently, schools need dedicated staff to implement interventions. Some schools use school-wide reading interventionists and math interventionists for this purpose. Additionally, schools need several staff members who are trained to lead Rtl. One of the barriers schools reportedly face is teacher retention. As such, enough staff should be trained in Rtl to prevent the school's Rtl system from failing when one staff member leaves.

Staff and faculty also need training to use any adopted citywide database system. Stakeholders have expressed a desire to effectively utilize the existing data systems. Adding a new database system or altering an existing system, would require training for all staff.

Family Partnership

Family partnership is necessary for successful implementation of Rtl. In considering developing a citywide Rtl framework, it is essential that we include families as stakeholders before the framework design is completed and implemented. Questions that we might ask include:

- Does the curriculum include materials that parents can use at home?
- Do the schools and District have a plan for keeping parents informed as the new procedures are put into place?
- At what point in the Rtl process are parents informed of their due process rights under IDEA 2004, including the right to request an evaluation for special education eligibility?
- Does our school and district have specific ways to include parents as partners in the process, including regular school-wide or districtwide meetings to let parents know what is working and what additional efforts or resources may be needed?³⁰

Earlier, we discussed that many families we serve request an evaluation for special education. We explained that when parents request an evaluation for special education, at times, parents have not considered other interventions that might adequately address their child's needs. When a determination is made that a child does not need special education services, parents might feel stuck. Therefore, one recommendation for building parent partnership is to inform parents about general education and Rtl. Educating parents would help them understand that use of supplemental tools to support academic growth is not limited to students who receive special education services.

Communication between teachers and parents about Rtl is also important. Teachers should communicate with parents when a student is receiving Rtl, especially at Tiers II and III. Ideally, a collaborative conversation between the family and the school would follow. During the conversation, the family and teachers would determine which interventions might be most effective. The determination would be informed by both the student's academic performance and the student's interests outside of school. A collaborative approach would demonstrate two things – schools are the experts in education and families are experts in their children. Furthermore, communication about student progress and transitions between tiers should be standard.

CONCLUSION

While a citywide Rtl framework may be a newer concept for the District, several of our neighboring school districts and school districts across the country have a citywide, district-wide, or state-wide Rtl framework.³¹ No one office or agency can tackle a citywide Rtl framework independently. At both the design and implementation phases, inter-agency and cross sector collaboration is necessary. Below is a list of proposed responsibilities for education stakeholders:

Classroom. The responsibility of teachers is to focus on quality classroom instruction. Additionally, teachers would provide regular assessments for data collection and assign students to tiers in accordance with assessment results. Teachers would then provide tiered interventions and refer students to an intervention specialist when appropriate. Teachers would also review universal screening data at regular intervals.

Schools. It is the responsibility of the schools to establish growth goals for the school, hire interventionists, adjust the school schedule, and review assessments to determine successes and opportunities for growth. School responsibilities under any citywide Rtl framework does not impact the legal requirements created by special education law. If a parent requests an evaluation for special education services, the school should still follow the legally mandated timeline. Similarly, a citywide Rtl system does not alter a teacher's ability to provide extra help to students outside of Rtl at the request of parents.

LEA. It is the LEAs responsibility to provide training, support, and resources to schools – specifically, funding for interventionist staffing. Family partnership should also be led by LEAs by performing outreach, sharing proposed ideas, and gathering feedback from parents.

OSSE. Continue (if not increase) training and supporting schools and staff on the implementation of Rtl and coordinating the effort to establish a citywide system. OSSE would likely also research options for data collection and maintain the database system. Finally, OSSE might survey schools to determine which schools are already successfully implementing Rtl, as well as which schools have not yet adopted an early intervention strategy.

Policymakers. Finally, our policymakers are tasked with legislating a citywide Rtl framework. When meeting with school administrators and leaders in public education, ask questions about whether schools are using early interventions for students prior to a student receiving failing grades. Also, when discussing early interventions, question whether early interventions are being used across grade bands, not just with elementary school-aged children.

RECOMMENDATION 2: Set guidelines for how the Manifestation Determination Review must be conducted.

INTRODUCTION

School discipline, particularly suspensions, is an area of on-going challenge for students with disabilities. One third of the students with disabilities that our office has worked with this year had received at least one suspension during the school year. Furthermore, 60% of these students were suspended two or more times. OSSE's reporting confirms our findings, that suspensions among students with disabilities is an issue. According to the data in OSSE's most recent annual report, students with disabilities are almost twice as likely as other students to be suspended.³² Students with disabilities are also more likely to be suspended multiple times during the year – two to three times on average.

Suspensions can create disruptions and challenges in learning and in our casework. We have seen examples of students with disabilities who have fallen further behind academically because of missed classroom time related to suspensions. We have also seen behavioral challenges get worse because of the attention and perceived reward of time out of school.

While it is both legal and, at times, appropriate to suspend students, the additional vulnerabilities and needs of students with disabilities requires attention. Care should be taken when deciding on the best disciplinary action for them.

Manifestation Determination Review

The Individuals with Disabilities in Education Act (IDEA) is the law that governs how students with disabilities must be educated. IDEA allows for the suspension of students with disabilities, but only for a total of 10 days during the school year. Once a student with a disability has been suspended for 10 days, that student cannot receive further suspensions unless the school conducts a Manifestation Determination Review (MDR).³³

An MDR is an additional protection required by IDEA which seeks to prevent students with disabilities from receiving excessive suspensions. After 10 days of suspension, schools are required to hold an MDR to determine whether the behaviors that a student is being suspended for are related to that student's disabilities. If the behavior is related to or caused by the student's disability (this is called a manifestation), then the student cannot be suspended for the offensive behavior.³⁴ Additionally, if the behavior is found to be a manifestation of a student's disability, the school is required to take additional steps to assist the student. The school is required to create or update the behavior intervention plan (BIP) and conduct a Functional Behavior Assessment (FBA) for the student.³⁵ Implementing or updating a BIP and/or FBA for a student is meant to help the school create alternatives to repeated suspensions.

The recently passed Student Fair Access to School Amendment Act of 2018³⁶ has several provisions that go beyond the requirements of federal law. In the coming school year, D.C. public and public charter schools will be required to report the total number of MDR meetings that are held. They will also be limited in the length of time that they can suspend students overall, both for individual incidents and annually.³⁷

Current Landscape

The goal of the MDR process is to provide protections for students with disabilities to ensure that these students' behaviors are addressed appropriately and that they are not being overly suspended for behaviors that relate to or stem from their disability. These protections do not come into effect until after a student has been suspended for at least five days. Consequently, students with disabilities may receive multiple suspensions throughout a school year without ever having an MDR conducted.

This is the case in the District where most students with disabilities who are suspended receive on average between two and three suspensions per year with an average length of between two and five days per suspension.³⁸ We regularly hear from parents who feel that their child is being suspended for behaviors relating to their disability but that they are not getting help or a chance to even seek a remedy, because the number of days that their child has been suspended is not enough to trigger the additional protections afforded under the IDEA.

These parents also often report that their children are falling behind or struggling academically because of their behaviors and the schools' responses to it. This was the case for a parent who contacted our office. Her son was a second-grade student attending a D.C. school. He has an IEP for Emotional Disturbance and Other Health Impairment to help with his significant academic and emotional needs. The parent reported that her son was suspended multiple times during the school year, but she said the school never tried any other interventions. The school just suspended him. He also received multiple in-school suspensions and classroom removals that were not counted as suspensions. Because he was never suspended for ten days, the school was able to legally suspend him without an MDR. As a result, the parent said both she and her son felt singled out by the school. This parent believes that her son's academics and emotional well-being suffered because of the school's response.

PROPOSED CHANGES TO THE CURRENT LANDSCAPE

Clarifying the MDR process by setting guidelines for how the MDR must be conducted could be effective in helping families like the aforementioned.

The newly enacted Student Fair Access to School Amendment Act has provisions designed to limit the number of suspensions that students can receive as well as a limit on the maximum length of time per suspension. It also decreases the timeline for when students with disabilities receive an MDR.

Simply changing the timeline will not be enough to ensure that the MDR process is being conducted appropriately and in a way that honors the needs of students with disabilities. Current D.C. regulations require that when an MDR is held, all of a student's disabilities are considered as part of the manifestation process. The IDEA requires that an MDR not only consider whether an act was caused by a student's disability, but whether the action could have been related to their disability as well.

To ensure that schools are considering all of a student's disabilities and whether their behavior may be related to a disability (even if it was not directly caused by one), new measures are needed. The Student Fair Access to Schools Amendment Act says that schools must, "Take special consideration regarding the exclusion of a student with a disability," and that "All of a student's disabilities... shall be considered in a manifestation determination review."³⁹ However, the law does not provide new measures to ensure that this is taking place. In order to ensure that these steps are being taken, well defined guidelines are needed. Also, schools need to ensure that there is appropriate sharing of information and parent participation in the process. This could be done by creating requirements for who must attend the MDR meeting, how much advanced notice must be provided to parents before a meeting can take place, and guidance on what types of information must be shared with the parent and considered as part of the determination being made at the meeting.

The IDEA requires that representatives from the local education agency (LEA), the parent, and appropriate members of the school team participate in MDR meetings. The law does not, however, stipulate how much notice must be provided to families. As a result, we have worked with families that have told us they were unable to participate in MDR meetings because they were told about the meeting on the same day that it took place. D.C. regulations should stipulate a minimum amount of time (24-48 hours) required to provide notice, before an MDR can take place. The regulations should stipulate that multiple attempts must be made to contact a parent before a meeting is held without them. Parents should be provided with MDR findings in writing. The findings should include a thorough description of the disability's symptoms, the act or acts for which the student has been disciplined, and an analysis of whether the act was caused by the student's disability or could have been related to their disability.

Some schools use checklists during IEP and MDR meetings to ensure that processes are being followed and that families can understand what is happening step-by-step. We believe that this is the best practice being utilized by schools here in D.C., and we recommend that it be required practice for all schools.

RECOMMENDATION 3: Require schools to maintain a published list of the special education services that the school has accommodated on its campus within the previous three years.

Currently, federal law requires that every LEA provide a free and appropriate public education for all its students, even those with disabilities.⁴⁰ Practically, however, LEAs have limited staffing and resources. The result of the conundrum is LEAs partnering with OSSE to send students to private schools when that LEA cannot meet the student's need in-house.

It is our experience that families would like to know which schools can provide special education services in-house prior to enrollment or listing a school on the common lottery application. We worked with a family that enrolled in a charter school expecting their student to attend that school all year. Throughout the year, however, the school and the family discovered that the school could not meet the student's needs as outlined in the student's IEP on its campus.

The LEA worked with OSSE and the family to arrange for the student to attend a non-public placement that could meet the needs outlined in the IEP. The school met the student's needs by sending the student to a private school (non-public placement). However, non-public placement was not what the family expected nor what the family desired when they enrolled. The following year, the family went through the same process with a different charter school. As this family is still trying to find a school that can meet the student's needs on campus, the family has requested a list of schools that offer the services their student needs in-house. No such list exists.

Schools have explained that they do not want to give the impression that they are turning away students with disabilities. The school does not inform families of the special education services the school offers on its campus. We have also heard that schools do not want to give the impression that a student who has needs that the school can meet in-house guarantees that student a seat in the classroom. While we understand that a listing of all special education services offered in-house over the past three years does not guarantee staffing, space, or (consequently) enrollment, we do see this list as a means of getting one step closer to providing a similar level of school choice to families with students with disabilities as the level of choice that exists for families without students with a disability. ■

Section IV:

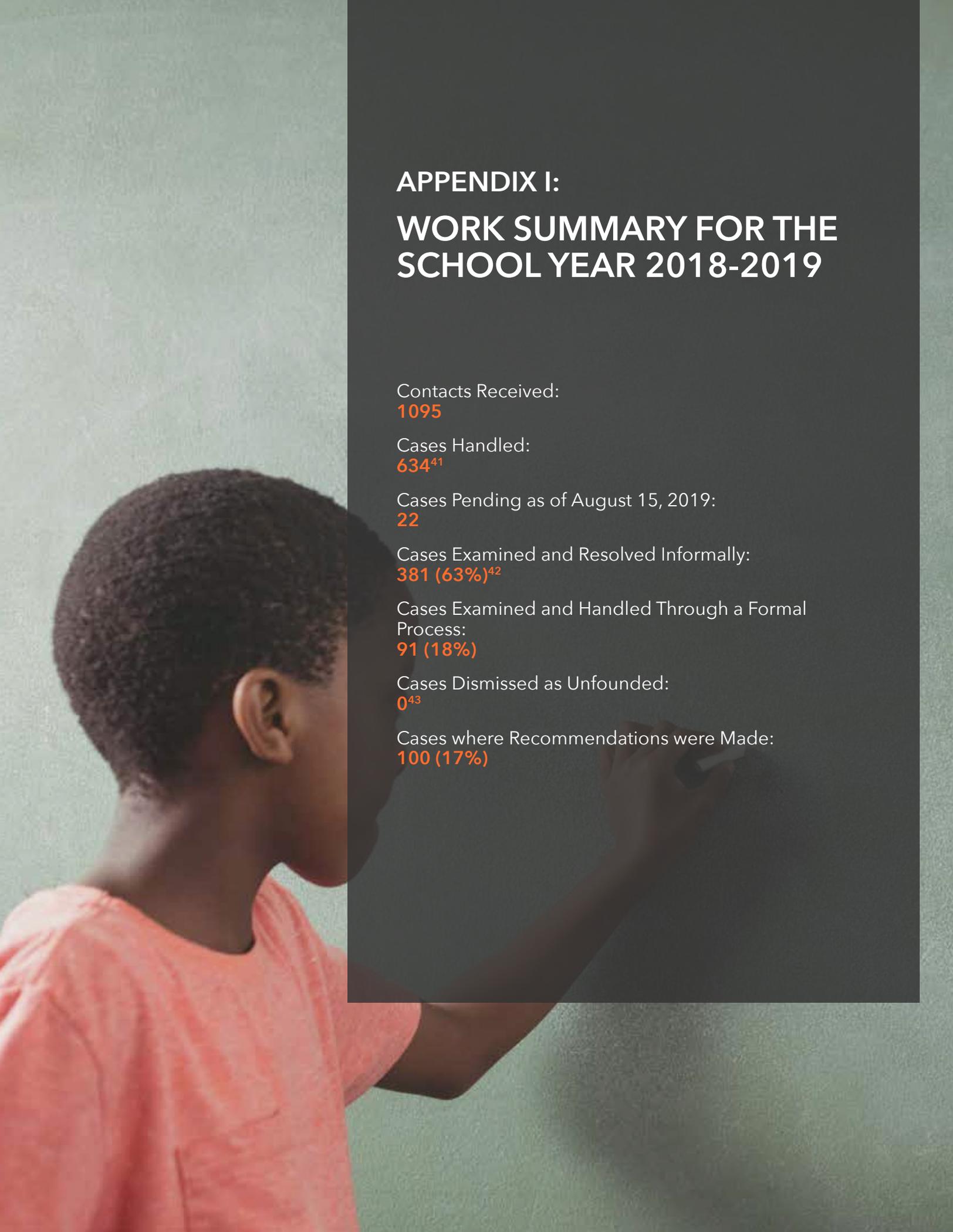
CONCLUSION – LOOKING AHEAD

Prior to beginning my term, I created a vision for what I would accomplish in the five years of my term. The vision entailed connecting with stakeholders, collaborating with other agencies, increasing case management efficiency, and increasing awareness of the Office's existence – especially to English as a second language students and families, and special education families. I also wanted to focus on racial equity and socio-economic equity.

Since beginning my term, much of these goals have remained. Yet, the work becomes different when you listen to families and absorb their stories. The commonalities and the patterns between different families' stories highlight the challenges within our public school systems. Schools and administrators describe being under resourced, fearing for the safety of children, and the desire for things to improve. Teachers weigh the risk of continuing to overextend themselves, often sacrificing time and attention with their own families, without knowing if their sacrifices are making a difference. Many teachers see so many students who need support that they feel ill-equipped to give.

It is heartbreaking to observe problems for which solutions seem out of reach. Schools are a microcosm of the negative history of our nation's past – racism, disenfranchisement, inequity, and unfairness – that remain in our present. Looking ahead, my hope is to participate in making it better. ■



A young boy with short dark hair, wearing a red t-shirt, is shown in profile from the chest up. He is holding a piece of white chalk and appears to be writing on a chalkboard. The background is a light green wall. The right side of the image is overlaid with a dark grey semi-transparent box containing white and orange text.

APPENDIX I: WORK SUMMARY FOR THE SCHOOL YEAR 2018-2019

Contacts Received:
1095

Cases Handled:
634⁴¹

Cases Pending as of August 15, 2019:
22

Cases Examined and Resolved Informally:
381 (63%)⁴²

Cases Examined and Handled Through a Formal
Process:
91 (18%)

Cases Dismissed as Unfounded:
0⁴³

Cases where Recommendations were Made:
100 (17%)

APPENDIX II:

DEFINITION OF TOPIC AREAS

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

Enrollment: Issues preventing students from properly registering for school.

Communication and Engagement: Issues preventing a student from accessing their education due to real or perceived breakdowns in the ability of parties to share information appropriately. Concerns about staff and staff behavior fall into this category.

Special Education / Disability: Issues preventing a student from accessing their education due to a student's diagnosed or suspected disability.

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

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

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

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

Medical / Health and Wellness: Issues impacting learning or attendance for students with physical or mental welfare concerns, not caused by a disability.

Discrimination: Issues where a student or family believes that they are being targeted or singled out for different treatment because of a specific quality that they possess. Typically, this category is determined in part by self-identification from the parties.

ENDNOTES

¹ District of Columbia Public Schools (DCPS), Public Charter School Board (PCSB), Deputy Mayor of Education (DME), Office of the State Superintendent of Education (OSSE), and the D.C. State Board of Education (SBOE).

² Stakeholder” is used rather than “families” because we also receive contacts from schools and LEAs.

³ The Office served less than one percent of all students attending a D.C. public school or attending a public charter organization.

⁴ Including calls from families, students, LEAs, community organizations, and D.C. agencies.

⁵

School Ward	Top Category	2 nd top Category	3 rd top Category
1	Special Education/Disability	Bullying/Student Safety	Communication and Engagement
2	Special Education/Disability	Bullying/Student Safety	Academic Progress
3	Communication and Engagement	Enrollment	Bullying/Student Safety
4	Communication and Engagement	Special Education/Disability	Bullying/Student Safety
5	Bullying/Student Safety	Special Education/Disability	Communication and Engagement
6	Special Education/Disability	Bullying/Student Safety	Communication and Engagement
7	Special Education/Disability	Bullying/Student Safety	Communication and Engagement
8	Bullying/Student Safety	Communication and Engagement	Special Education/Disability

⁶ See Appendix II for the definition of case categories.

⁷ Office of the Ombudsman for Public Education. (2018). *District of Columbia Office of the Ombudsman for Public Education: 2018 Annual Report*. Retrieved from Office of the Ombudsman for Public Education Website: <https://sboe.dc.gov/publication/2018-annual-report-1>; Office of the Ombudsman for Public Education. (2017). *District of Columbia Office of the Ombudsman for Public Education: 2017 Annual Report*. Retrieved from Office of the Ombudsman for Public Education Website: <https://sboe.dc.gov/publication/2017-annual-report-1>

⁸ O’Meara, J. *Principles of RTI and Implications in the Classroom*. (2011). In *RTI with Differentiated Instruction, Grades K-5: A Classroom Teacher’s Guide* (pp. 4-23). Oaks, CA: Corwin Press.

⁹ Tier II focuses on assisting students mastering grade-level objectives, while Tier III focuses on students mastering foundational objectives below grade level.

¹⁰ Buffum, A. & Mattos, M. (2017). *The Critical Question: How Do Students Respond When Students Don’t Learn? Response to Intervention: Centered on Student Learning*. Solution Tree.

¹¹ Schools must follow the federal law process to determine eligibility for special education services. Eligibility for special education services requires, a student’s disability to negatively impact his/her academics or the academics of another student. This typically means that before a student can be evaluated for special education services, a team (usually classroom teacher, special education coordinator, school psychologist, parents, and whoever the parent invites) meets to look at a student’s existing data. In this meeting (analyzing existing data meeting) the team looks at the student’s current academic performance to determine if the student has an academic impact (usually two grade levels behind) and if there are any factors other than a disability that could create this impact.

¹² Office of the District of Columbia Auditor. (2019). D.C. Schools Shortchange At-Risk Students. Retrieved from <http://zd4l62ki-6k620lqb52h9ldm1.wpengine.netdna-cdn.com/wp-content/uploads/2019/06/At-Risk.Funding.6.26.19-1.pdf>

¹³ Office of the State Superintendent of Education. (2019). 2019 D.C. Statewide Assessment Results. Retrieved From: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2019%20Statewide%20ELA%20and%20Math%20Public%20Results.pdf

¹⁴ O’Meara, J. *Principles of RTI and Implications in the Classroom*. (2011). In *RTI with Differentiated Instruction, Grades K-5: A Classroom Teacher’s Guide* (pp. 4-23). Oaks, CA: Corwin Press.

¹⁵ <http://www.rtinetwork.org/learn/research/universal-screening-within-a-rti-model>

¹⁶ The F&P (Fountas & Pinnell) assessment is an assessment that measures students reading levels. Many schools in the District already use the F&P.

¹⁷ Ibid.

¹⁸ Classroom data includes all evidence of student academic performance, such as grades and work samples.

- ¹⁹ Buffum, A. & Mattos, M. (2017). *The Critical Question: How Do Students Respond When Students Don't Learn? Response to Intervention: Centered on Student Learning*. Solution Tree.
- ²⁰ Advisory period are the grading periods during the school year. Sometimes, they are referred to as "nine weeks." At the end of each advisory period, students receive report cards.
- ²¹ Illinois State Board of Education (2008). *The Illinois State Response to Intervention (RtI) Plan*. Retrieved from https://www.isbe.net/Documents/rti_state_plan.pdf.
- ²² O'Meara, J. *Principles of RTI and Implications in the Classroom*. (2011). In *RTI with Differentiated Instruction, Grades K-5: A Classroom Teacher's Guide* (pp. 4-23). Oaks, CA: Corwin Press.
- ²³ National Center on Response to Intervention. *Interventions in RTI*. Retrieved from https://rtisuccess.org/sites/default/files/interventions_in_rti_model_qanda.pdf
- ²⁴ National Center on Student Progress Monitoring. (2007). *Student Progress Monitoring: What This Means for Your Child*. Retrieved from <https://rtisuccess.org/sites/default/files/whatthismeans.pdf>
- ²⁵ Buffum, A. & Mattos, M. (2017). *The Critical Question: How Do Students Respond When Students Don't Learn? Response to Intervention: Centered on Student Learning*. Solution Tree.
- ²⁶ O'Meara, J. (n17)
- ²⁷ A research-based intervention is an intervention that has been substantiated by evidence of student success and published in a peer-reviewed journal. https://rtisuccess.org/sites/default/files/interventions_in_rti_model_qanda.pdf
- ²⁸ <https://sled.osse.dc.gov/>
- ²⁹ <https://osse.dc.gov/page/2018-19-parcc-results-and-resources>
- ³⁰ The full list of questions can be found at <http://www.rtinetwork.org/essential/family/parentleadersperspective>
- ³¹ Florida Department of Education. (2019). *Florida Department Of Education's Multi-tiered System Of Supports*. Retrieved From: <http://www.fldoe.org/finance/school-business-services/fl-department-of-edus-multi-tiered-sys.stml>; Illinois State Board of Education (2008). *The Illinois State Response to Intervention (RtI) Plan*. Retrieved from https://www.isbe.net/Documents/rti_state_plan.pdf ; Maryland State Department of Education. (2008). *A Tiered Instructional Approach to Support Achievement for All Students: Maryland's Response to Intervention Framework*. Retrieved From: <https://files.eric.ed.gov/fulltext/ED502201.pdf> ; Mississippi Department of Education. (2010). *Response to Intervention (RtI) Best Practices Handbook*. Retrieved From: http://www.rtictrl.org/files/Best_Practices_Handbook_June_2010.pdf; New York State Education Department. (2010). *Response to Intervention: Guidance for New York State School Districts*. Retrieved From: <http://www.p12.nysed.gov/specialed/RTI/guidance-oct10.pdf>.
- ³² Office of the State Superintendent of Education. (2018). *State of Discipline: 2017-18 School Year*. Retrieved From: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2017-18%20School%20Year%20Discipline%20Report.pdf
- ³³ 34 CFR 300.530 (e)
- ³⁴ 34 CFR 300.530 (f)(2)
- ³⁵ 34 CFR 300.530 (f)(1) (i-ii)
- ³⁶ D.C. Law 22-157. Student Fair Access to School Amendment Act of 2018
- ³⁷ 65 DCR 7499
- ³⁸ Office of the State Superintendent of Education. (2018). *State of Discipline: 2017-18 School Year*. Retrieved From: https://osse.dc.gov/sites/default/files/dc/sites/osse/page_content/attachments/2017-18%20School%20Year%20Discipline%20Report.pdf
- ³⁹ 65 DCR 7499 (205)(a-b)
- ⁴⁰ Individuals with Disabilities Education Act, 20 U.S.C. § 1400 (2004)
- ⁴¹ This includes the 22 cases opened in SY 2017-18 and worked on in SY 2018-19.
- ⁴² The cases resolved informally or formally are not 100% of our cases. 19% of our cases were closed because caller ceased contact or resolved the issue before we intervened.
- ⁴³ We take all cases that meet the minimum criteria to open a case. Although we are not finders of fact, our practice is to intervene to, at least, improve communication and restore relationships.

DC Office of the
Ombudsman
for Public Education



441 4th St, NW, Suite 723N | Washington, D.C. 20001 | 202.741.0886
ombudsman@dc.gov | @DCOmbuds