

Council of the District of Columbia  
Committee of the Whole  
Budget Oversight  
Tuesday, June 8, 2020  
Official Written Testimony of Serena M. Hayes, Ombudsman for Public Education  
Office of the Ombudsman for Public Education

Good morning, Chairman Mendelson, and members of the Committee of the Whole. I am Serena M. Hayes, Ombudsman for Public Education. Thank you for the opportunity to testify before you today.

The Office of the Ombudsman for Public Education is an independent office housed within the State Board of Education. The purpose of the Ombudsman Office is to serve as an external, neutral resource for current and prospective public-school students, as well as their caregivers in the resolution of concerns and complaints regarding public education. The Ombudsman's Office uses amalgamated data to identify trends and make policy recommendations that further students' best interest.

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

In addition to our casework, the office has partnered with government agencies and family-centered organizations. For the last two years, the Ombudsman Office partnered with the Office of the Attorney General to conduct attendance mediations. This program is known as ATTEND. The goal of ATTEND is to reduce truancy by identifying barriers to attendance and connecting families to available resources. We intend to continue this partnership in School Year 2021-2022. This year we also partnered with PAVE and the Office of the Student Advocate to revamp its special education workshop. Families found the revamp workshop so informative that PAVE asked our offices to deliver the workshop to its Spanish-speaking families. Finally, we also developed and presented conflict management workshops at the invitation of the Public Charter

School Board. After the conflict management workshop, LEAs asked us to present the same workshop to their instructional teams. These partnerships have allowed our office to connect with families who might not have otherwise known about our services.

The core of our work is case management. When performing casework, we log case activities within our database system. The data that we track includes summaries of caregiver complaints, identification of relevant topics raised, such as Special Education, Academic Progress, Bullying and Student Safety, and Resource Needs. We log each activity performed on a case including every phone call, attempted phone call, email, research conducted, meeting attended, meeting facilitated, and mediation held. Our data tracking also includes summary information for each activity. The existing database system is outdated and limited in its capabilities. An example is provided below.

Caregiver John calls the intake line at 7:00 pm. The next day, we log the missed call as a screener. We attempt to return John's call. John does not answer, so we leave a voicemail message. The attempted return phone call is logged as an activity. We wait two days and try to call John again. This is also logged as an activity. On the second return phone call, John answers. This successful call is also logged as an activity. We then update the contact information to ensure accuracy: first and last name, address, best contact information, and other demographic information. Thereafter, once we have determined that John's concerns meet our case criteria, we conduct an intake consisting of sixteen to thirty-two questions. Next, we send John an email requesting that John sign a consent form allowing us to access his student's records. The email is also logged as an activity. When John responds to the records consent form—that activity is also logged. All of this transpires before any substantive casework begins.

There are additional problems with our database system. Each week the office holds staff meetings to discuss progress on all cases. During these meetings, staff take notes in Excel to keep track of the next steps to be performed. There are existing models of case management software that would allow these notes to be tracked within one database system. Moreover, the office must keep track of phone and email complaints manually, rather the complaints being directly directed into the case management software. The current software system is slow. It is faster to take notes and then log information into the database system. If we could enter information in the system while simultaneously speaking with a caregiver, then we would reduce the time it takes to complete an intake by twenty minutes. Because we cannot, intake takes about forty-five minutes. Other limitations of our existing system include the inability to mark priority cases, quickly review related case documents, create sub-cases for multi-issue cases, contain a dashboard that shows each ombudsman's next steps for assigned cases and assign due dates. The office needs a new database system that can meet the above specifications. Other case management offices within the District have advanced databases with similar capabilities.

Over the past several years, we have reported that the most frequent complaints we receive from caregivers involve concerns about Bullying and Student Safety, Special Education, and Communication and Engagement. During distance learning, we experienced a huge decline in Bullying and Student Safety concerns. Special Education complaints remained relatively steady, while complaints concerning Communication and Engagement ballooned. As schools prepare

for in-person instruction, our office is preparing to for influx of complaints. The primary issues that we are concerned about involve Special Education, as well as Bullying and Student Safety.

By-and-large students with disabilities did not receive services and accommodations that mirrored in-person learning while schools maintained a virtual posture. While we understand that many schools and LEAs provided the best services that they could under the circumstances, caregivers have contacted our office to report that their students have regressed during the last sixteen months. Consequently, we are anticipating a surge in special education complaints whenever students return to in-person instruction.

We are also concerned about Bullying and Student Safety. When we manage Bullying and Student Safety cases, we have two foci: (1) Ensure that the alleged victim is and feels safe, (2) Address the mental health and educational needs of the alleged aggressor. While COVID decreased the opportunity for the mental health and academic needs to manifest in the form of alleged bullying, COVID did not remove the underlying needs of the alleged aggressors. During distance learning we received calls from families experiencing housing instability, food insecurity, and seeking assistance with the restoration of benefits. Students are vulnerable and many of the concerns that manifested in school buildings have been latent or playing out in the home. Once students return to in person learning, we will once again experience high call volume around Bullying and Student Safety. In fact, once students began returning to in-person learning, we saw a return in Bullying and Student Safety complaints. Pre-COVID, it was normal for our office to handle over forty bullying cases in one month. We anticipate that Bullying and Student Safety complaints will at least return to pre-pandemic levels.

As a result of the pandemic public education has evolved. The recovery efforts vary from LEA to LEA but also vary within the same LEA. Our office is tasked with understanding variances between policies and we often bear the responsibility of explaining policies to families, especially when the policy inadvertently results in creating a barrier to the student's education. Every new policy creates another potential basis for a caregiver complaint. We must be prepared to address the concerns that will inevitably arise in response to an evolving educational system. To help our office effectively meet families' needs I am asking for additional staff<sup>1</sup>, in addition to funding for a new database system to increase efficiency.

I take pride in being a resource to families across the District. I love being able to say, "Yes, we can help", instead of turning families in need away. My desire to help has sometimes led me to push my staff harder than what is fair. I fear that we will have to turn away families who deserve our time and our compassion, especially at this time. Thank you, and I welcome your questions.

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<sup>1</sup> I am requesting funding for a position and one half. I would like to hire a third Assistant Ombudsman and an Intake Coordinator. I would use funding for internship positions within my office to supplement the cost of the Intake Coordinator.