



March 2009 Report

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Notes from the Ombudsman

The Ombudsman is a neutral, informal, and independent resource for parents, teachers, and all District residents to assist with resolution of issues involving the District of Columbia Public Schools (DCPS), Public Charter Schools (PCS) and the University of the District of Columbia. In addition to serving as a vehicle for citizens to express their complaints and concerns, the Ombudsman is also charged with encouraging communication between residents and the Mayor regarding all levels of public education.

March Issues Received

The Office of the Ombudsman responded to 49 individuals regarding public education issues in March, and has responded to 499 issues during the 2008-2009 school year. The box to the right contains a breakdown of the issues received by the Ombudsman in March by source, grade level, issue type, and closure rate. By these measures, the March issues mirror the trends for the overall school year. The four most commonly received issues in March are four of the five most recurring issues throughout the school year, with only *Registration/Enrollment/Placement/Transfer* issues predictably becoming less frequent further into the school year (Figure 1 and Figure 2).

Figure 1

Most Commonly Received Issues: 2008-2009 School Year	
Issue Type	Number of Issues
<i>Registration/Enrollment/Placement/Transfer</i>	85
<i>School Safety/Abuse/Bullying</i>	71
<i>Failed Communication (Student)</i>	54
<i>Suspension/Expulsion</i>	45
<i>Administration Concerns (Student)</i>	39

In March, the most consequential concerns received by the Ombudsman involved schools not adhering to proper suspension and expulsion policies. The student discipline procedure has been a focused area of improvement this school year, as DCPS underwent a yearlong process to revise the current policy for next school year (Title 5, Chapter 25, DCMR)¹.

¹ Current student discipline policy available online at http://os.dc.gov/os/frames.asp?doc=/os/lib/os/info/odai/title_5/25.pdf; proposed revisions found at <http://k12.dc.us/strategic-documents.htm#chapter25>

March Issue Breakdown

Number of issues received: 49
Average days to close: 14

By source:

DCPS – 67%
PCS – 27%
UDC – 4%
OTH – 2%

By grade level (if applicable):

Pre-S/Pre-K – 9%
Elementary – 29%
Middle School – 16%
High School – 42%
Post-Secondary – 4%

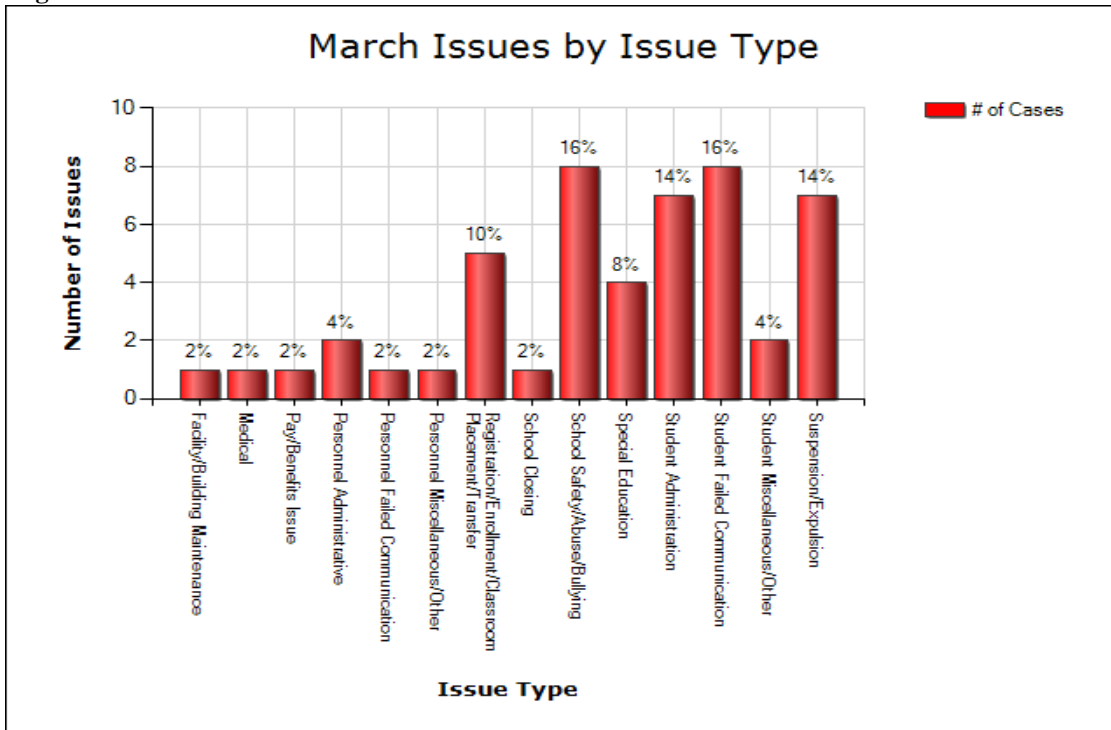
Most common issues:

Failed Communication (Student) – 16%
School Safety/Abuse/Bullying – 16%
Administration concerns (Student) – 14%
Suspension/Expulsion – 14%

Closed within 15 days:

YES – 61%
NO – 39%

Figure 2



The following three case studies are examples of issues received by the Ombudsman during the month of March. Case studies 1 and 2 highlight instances of schools neglecting to follow clearly stated policies pertaining to student suspensions and expulsions. Case study 3 is an example of an issue involving the University of the District of Columbia.

Case Study 1: Suspension procedure at DCPS middle school

The Ombudsman received multiple issues concerning the behavior, school culture, and suspension processes at a DCPS middle school. One parent with two students at the school claimed that the school sent one child home during the school day without contacting the parents, a clear violation of DCPS policy.² The parent alleged this was the third or fourth instance of the child being sent home during the day, all without written notification. The parent’s other child had been suspended the week before, and had been out of school for a week. In all cases, the parent alleged not to have received the mandatory written notification of suspension and right to an appeal hearing.

The same week, another parent at the same school reported that her student had been sent home from school after refusing to take her jacket off in class. The school called the parent and informed that the student was being suspended and sent home with a “walking pass” in the event the student was questioned by police.

² According to Title 5, DCMR §2502.10, “no minor student, subject to disciplinary action, shall be allowed to leave the school grounds during school hours until the student’s parent or guardian, or other responsible adult, has been contacted and given a reasonable opportunity to arrange for proper supervision of the student.” In practice, schools should contact the parent or guardian immediately upon a student’s suspension and request either that the adult pick up the student or provide a supervised location for the student until the end of the school day.

The Ombudsman provided to the parents information pertaining to the current DCPS discipline policy, encouraged them to follow up directly with the school principal to share their concerns, and informed them of their right to have a formal hearing regarding the suspensions. In addition, the Ombudsman contacted the school principal directly to review the incidents, and informed the Chancellor and Instructional Superintendent of the concerns regarding the specific school. Both issues were resolved quickly by DCPS after notification. The first parent was quickly provided with the necessary written notification of suspension and right to an appeal hearing. (The principal stated the forms had been mailed previously and not received.) The second parent was informed the student was not suspended and could return to school the next day.

Case Study 2: Encouraged withdrawal by threat of expulsion at public charter school

The parent of a student at a public charter high school contacted the Ombudsman with the complaint that she had been encouraged to withdraw her daughter or face expulsion from the school due to an incident. The parent reported that a school administrator requested she withdraw her student from the charter school. If she did not, the school would expel the student, causing the incident and issue to be recorded and included on her student record. Faced with these options, the parent withdrew the student, and decided to enroll her in the neighborhood DCPS school. She visited the neighborhood school but was referred to the instructional superintendent's office due to the confusion surrounding her departure from the charter school.

The Ombudsman contacted the charter school administrator to relay the parent's concerns. The school stated that the parent had withdrawn the student voluntarily, and provided the signed withdrawal form. The Ombudsman provided referral information to the parent to contact the instructional superintendent's office, who was able to quickly enroll the student in her neighborhood school. The parent intended to work with a community advocacy group to re-enroll the student at the charter school for next school year.

Case Study 3: University of the District of Columbia graduation policy

A University of the District of Columbia student contacted the Ombudsman with a concern that the university had changed its graduation policy. The student was a senior two credits short of fulfilling course requirements, and stated that in past years the university allowed students just short of fulfilling course requirements to participate during commencement. These students would then complete their required credits over the summer. The student had been informed by the university that this year only students who have met all requirements for graduation will be permitted to participate.

After receiving mixed messages from the university, the Ombudsman assisted the student in contacting the university's Provost. The Provost stated that the school's official graduation policy had always been that students could only participate in commencement activities if they had completed all requirements, but that previous administrations had made exceptions to the official policy to let students just short of fulfilling requirements participate. The current administration, concerned by the number of students participating in commencement that did not ever return to complete requirements, determined that it would adhere to the official policy. The Provost provided information showing that the decision had been made in a timely manner and communicated to the school community.

After communication with the student and Ombudsman, the Provost requested the student's department chair re-examine her individual graduation status. Upon re-examination, the student was found ineligible to participate in commencement activities.

Analysis/Recommendations

Many of the issues received by the Ombudsman come with drastically different perspectives of the same situation. Case studies 1 and 2 are excellent examples of this dynamic. In case study 1, the first parent claimed that his children were sent home during the school day, suspension documentation had not come from the school, and the principal had neglected to return his last seven phone calls. When contacted by the Ombudsman, the principal stated that students are only sent home during the school day with parent consent, suspension documentation had already been mailed, and the parent and principal talk regularly. After inquiry, it appeared that the principal and parent did in fact communicate frequently, but the parent had been unable to speak to the principal regarding this issue. In addition, suspension papers did not reach the parent and DCPS central office until shortly after the Ombudsman's contact.

In the situation of the second parent of case study 1, the school *did* call to notify her that the child was being sent home, implicitly receiving consent. But the policy requires giving the parent a reasonable opportunity for parents to arrange supervision. By giving the impression the working parent had no other option but to agree, the school failed to adhere to the spirit of the regulation. Further, the parent reported the school stated the student was suspended multiple days, which the school either retracted or never communicated (depending on the version).

In case study 2, the Ombudsman had no way to verify the parent's claim that she had been encouraged to withdraw her child from the public charter school. The school stated it was a voluntary withdrawal, and provided the Ombudsman with the signed withdrawal form. However, the effect of the withdrawal was to bypass the formal suspension or expulsion procedure, which often causes a disruption in mid-year enrollment at a new school.³ The Ombudsman has received sporadic complaints of "encouraged withdrawals" before, and will continue to monitor the issue.

As with most things, the true picture of issues that reach the Ombudsman generally falls somewhere in between the two perspectives. Parents may not receive an accurate account of events from their students or may impart their biases in their accounts of a conversation or process. Similarly, school administration often feels they have already dealt with an issue appropriately and thus may neglect to provide the proper space and time to hear the parent's concerns. These are challenges that affect all types of parent/administration interactions, and are bound to occasionally arise despite the best of intentions on both sides. However, the existing DCPS and charter school policies involving *Suspension/Expulsion* are so clearly stated (though imperfect) that situations like case studies 1 and 2 should be mitigated by a strict adherence to the procedures. While a school and parent may disagree with consequences levied by a school, there should be no dispute over the process. The Ombudsman will further explore this issue for

³ See the Ombudsman's January 2009 report highlighting the issue of mid-year enrollment at <http://ombudsman.dc.gov/>.

recommendations in the end of school year report, but feels that the components of a better implemented suspension procedure⁴ include:

- A widely-distributed, reader-friendly description of the suspension/expulsion procedure for parents and employees to mutually receive
- Strict accountability of principals in ensuring their entire staff knows and complies with the suspension procedure
- Transparent inquiries by appropriate personnel upon reports of non-compliance with suspension procedure
- Explicit understanding that schools are not to allow or encourage disenrollment as an alternative to the suspension or expulsion procedure

Reaching Out: Ombudsman joins the Mayor's Service Liaison Office

The Ombudsman's mission is to ensure that the District of Columbia public education system is open, accessible, fair, and transparent for all District residents. To achieve this goal, the Ombudsman works as an active link between residents and the Mayor to provide information; coordinate communication; and provide informal mediation, investigation, or other appropriate services necessary to ensure that residents' issues are being heard and addressed. In an effort to more widely extend the services provided, starting in April the Ombudsman will pilot an initiative to staff an Ombudsman Specialist part time at the Mayor's Service Liaison Office within the DC Superior Court. The Specialist will provide assistance to help the court system improve coordination with DCPS, public charter schools, and the University of the District of Columbia.

⁴ A suspension procedure is only part of an overall student discipline policy, which would include a robust list of alternative intervention options to out of school suspension.