



## **May 2009 Report**

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## Ombudsman for Public Education

The Office of the Ombudsman is a neutral, informal, and independent resource for 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 resource for citizens to resolve issues, the Ombudsman is charged with encouraging communication between residents and the Mayor regarding all levels of public education. This report is an account and analysis of the issues addressed by the Ombudsman in May 2009.

### May Issues Received

The Office of the Ombudsman responded to 75 individuals regarding public education issues during the month of May, and has responded to 641 issues during the 2008-2009 school year. Closed issues were resolved in an average of 9 days. Issues involving DCPS accounted for 79% of all issues received in May, while only 16% involved public charter schools. 53% of all issues were at the high school level, a higher percentage than in previous months. Of all cases received by the Ombudsman in May, 57% of issues were resolved within 15 days, a lower percentage than in recent months.

*Grade Dispute/Transcript* issues accounted for 27% of all issues received, a much higher percentage than in most months. The much higher frequency of *Grade Dispute/Transcript* complaints received is primarily due to one school-specific issue which resulted in seventeen residents bringing complaints to the Ombudsman. This issue will be discussed in further detail below (see “Case Study: Benjamin Banneker Academic High School Grading Scale”). The high frequency of complaints regarding this specific issue is further reflected in higher than average percentages of DCPS issues, high school issues, and of issues not closed within 15 days.<sup>1</sup>

*School Safety/Abuse/Bullying* issues accounted for 15% of all issues brought to the Ombudsman in May, while *Administration Concerns (Student)* represented 13% of issues (Figure 1).

### May Issue Breakdown

Number of issues received: 75  
 Average days to close: 9

**By source:**

DCPS – 79%  
 PCS – 16%  
 UDC – 0%  
 Other – 6%

**By grade level (if applicable):**

Pre-S/Pre-K – 4%  
 Elementary – 26%  
 Middle School – 16%  
 High School – 53%  
 Post-Secondary – 4%

**Most common issues:**

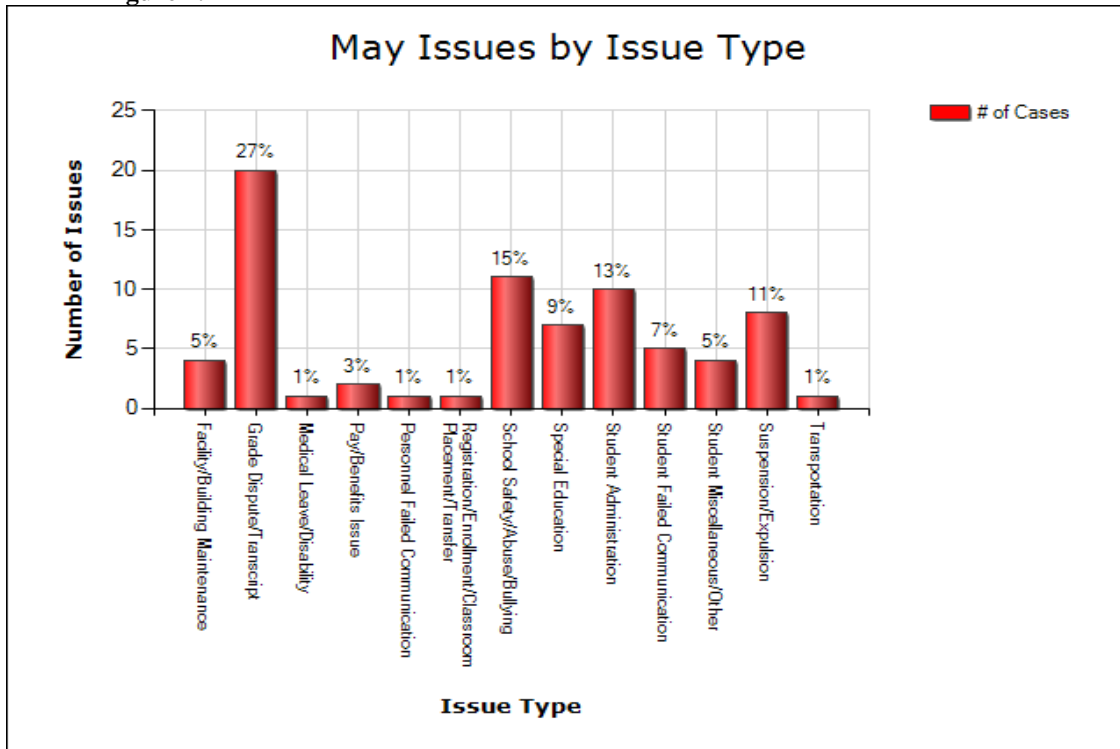
Grade Dispute/Transcript – 27%  
 School Safety/Abuse/  
 Bullying – 15%  
 Administration Concerns  
 (Student) – 13%

**Closed within 15 days:**

YES – 57%  
 NO – 43%

<sup>1</sup> The issue is not yet resolved, resulting in all seventeen cases remaining open.

Figure 1.



### Special Education Issues in May

As illustrated in Figure 1 above, *Special Education* issues accounted for nine percent of the issues received by the Ombudsman in May. While only the fourth most common issue received by the Ombudsman during the month, this represents the second highest monthly percentage that special education issues have accounted for in the 2008-2009 school year (Figure 2). Only October had a higher percentage of special education issues. This is a noteworthy trend both to observe the relative increase of special education issues received in May, but also because of a general decrease in the percentage of special education issues overall.

Four of the seven total special education issues in May came from public charter schools, while the remaining three came from DCPS schools. In nearly all cases, while the parents had been unsatisfied with the responsiveness of the schools beforehand, schools were able to either quickly act upon requests or take steps to handle the concerns. It is not known whether parents misrepresented the responsiveness of schools when parents contacted them directly, or whether the intervention of the Ombudsman caused schools to expedite attention.

Of the four public charter school issues, three came from parents feeling that their school was not sufficiently responsive when they requested evaluations for their children. Two of the students were being retained because of inadequate progress, and all three parents stated that they had previously requested evaluations without action by the school. Upon further communication with the school and the parent, one parent's request was quickly resolved. The two parents whose children were retained were less satisfied with the result of communication, but in each case the school appeared to be within the required 120 days to perform evaluations. A fourth parent was unhappy with the results of an IEP and placement meeting earlier in the year, where

she had requested a one of one educational aide for her child. Upon discussion with the Ombudsman, she determined she had not fully communicated with the school and set up a meeting for further discussion.

Of the three DCPS issues, one parent contacted the Ombudsman because a special education aide allegedly called an elementary student names. It was not clear whether the alleged name-calling was related to the student's disability. Upon being informed of the issue through the Ombudsman, the school principal promptly held a meeting between parent and employee, and the parent reported that she felt the issue was resolved. A second parent felt her child diagnosed with Emotional Disturbance was a danger to himself and others in his current placement. The Ombudsman contacted the school special education coordinator, who agreed with the parent's determination that the student was not in an appropriate placement. The coordinator had coordinated with the DCPS Office of Special Education and considered an emergency placement, but all had determined that a placement change so near the end of the school year was not in the best interest of the student. A placement was determined for the following school year. The Ombudsman helped communicate that message back to the parent, who was pleased with the result and future placement. A third parent felt that her high school student had not received appropriate special education services. After facilitating communication with the DCPS Office of Special Education, the parent still felt her child was not receiving appropriate services. The Ombudsman assisted the parent in making a complaint to the State Complaint Office in the Office of the State Superintendent for Education.

Overall, the special education concerns that came to the Ombudsman in May were responded to quickly by the appropriate agencies once communicated jointly by the parent and Ombudsman. While parents were not always pleased with the results, particularly in cases where students had been retained, it appeared that public charter, DCPS, and OSSE personnel were generally responsive and capably equipped to respond to the issues.

Based on preliminary analysis, data suggests that the Ombudsman has received noticeably fewer special education complaints during the 2008-2009 school year than in the 2007-2008 school year. While trend analysis is somewhat limited by the lack of data prior to December 2007, when the Office of the Ombudsman became operational, on average 10.8% of the issues brought to the Ombudsman were special education-related in the 2007-2008 school year. In contrast, only 5.3% of issues received in the 2008-2009 have been special education-related (Figure 2). Furthermore, the pattern in the percentage of special education issues received by month for the current school year mirrors the pattern in 2007-2008. Peak percentages in both years were found in December, January, and May, but with smaller peaks in 2008-2009 (Figure 3).<sup>2</sup> This may suggest that special education concerns are more frequent in those months. Additionally it appears that the Ombudsman has received a smaller percentage (and fewer in real numbers) of special education issues in 2008-2009. While it is premature to attribute this to any specific factors, the possibility that this trend reflects improved efforts at special education evaluation and services on the part of all educational agencies should not be ignored. The Ombudsman will further investigate this potential trend in the end-of-year report using an entire data set.

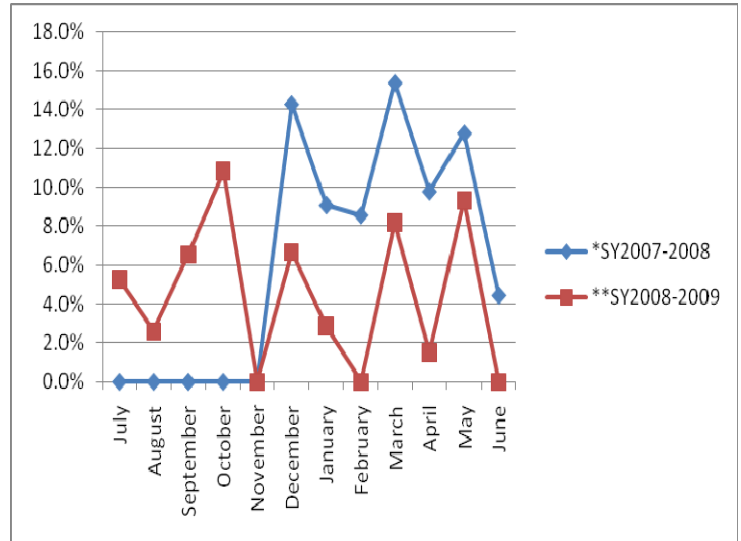
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<sup>2</sup>October is excluded in this statement because of the lack of data in October 2007.

**Figure 2.**

Percentage of Special Education Issues		
	*SY2007-2008	**SY2008-2009
July	N/A	5.3%
August	N/A	2.6%
September	N/A	6.5%
October	N/A	10.8%
November	N/A	0.0%
December	14.3%	6.7%
January	9.1%	2.9%
February	8.6%	0.0%
March	15.4%	8.2%
April	9.8%	1.5%
May	12.8%	9.3%
June	4.4%	N/A
<b>Total</b>	<b>10.8%</b>	<b>5.3%</b>

**Figure 3.**



\* Data not available until December when the Office of the Ombudsman became operational.

\*\* June data not yet available.

### Issue Highlight: *Grade/Transcript Dispute*

The most frequent complaint received in May was regarding the grading scale employed at Benjamin Banneker Academic High School (BBAHS). A case study of the issue, as well as analysis and recommendations provided to DCPS, follows.

#### *Case Study: Benjamin Banneker Academic High School Grading Scale*

Benjamin Banneker Academic High School (BBAHS) is one of the District of Columbia Public Schools' (DCPS) city-wide select admission high schools, and is continually one of the highest achieving secondary schools in the District. On the 2008 DC-CAS test, 97% of Banneker students scored proficient or higher in Reading and 98% in Math. Since its founding in 1981, BBAHS has employed a rigorous, challenging grading scale to evaluate the grades of students. The grading scale at Banneker is more challenging than at all other DCPS schools. The school has made no secret of that fact, requiring all Banneker parents and students to sign an enrollment contract upon attendance acknowledging that they are aware of and accept the more rigorous scale.

The Ombudsman received complaints from seventeen Banneker parents in May expressing complaints with the school’s current grading scale.<sup>3</sup> Parents stated that the current grading scale needs to be revised, claiming that the grading scale appears to be in violation of the district-wide grading policy enacted in a 2007 amendment to the DC Municipal Regulations.<sup>4</sup> Parents further argued that the current grading scale puts Banneker students at a competitive disadvantage in pursuing college admissions and scholarships by presenting a lower grade point average than their scores would receive at all other DCPS schools (and many schools nationwide).

The Banneker grading scale is shown below compared to the scale in place for all other DCPS schools:

<b>Banneker AHS grading scale:</b>	<b>DCPS grading scale mandated in DC Municipal Regulations:</b>
95-100 = A	93-100 = A
88-94 = B	90-92 = A-
77-87 = C	87-89 = B+
70-76 = D	83-86 = B
Below 70 = F	80-82 = B-
	77-79 = C+
	73-76 = C
	70-72 = C-
	67-69 = D+
	64-66 = D
	63 and below = F

The parent group attended a school meeting in May, also attended by an Ombudsman representative, to propose a review of the grading policy. The group also brought their complaints to the Instructional Superintendent and Chancellor. After being made aware of the parents’ concern and legal inquiry, the Instructional Superintendent responded that the DCPS General Counsel’s office would conduct a review the DC Municipal Regulations, as well as information pertaining to the founding of the school, and provide an opinion to the group based on the results of the review. A completed review or recommendation has not yet been released.

## **Analysis/Recommendations**

The Banneker case study provided is a summarized version of events. The issue has generated discussions between parties and within parties, as well as correlating time spent researching the issue. Both DCPS and the Ombudsman have received more opinions from Banneker parents and alumni since May. The majority of over twenty current Banneker parents from a student population of 400 who have contacted the Ombudsman in May or June feel the grading scale is

<sup>3</sup> Additional parents contacted the Ombudsman in June wishing to revise the current grading scale. Also in June, the Ombudsman was contacted by dozens of Banneker alumni expressing their support for keeping the current grading scale. The opinions and complaints of these residents will be included in this analysis, but for reporting purposes the data will be associated with the June report.

<sup>4</sup> District of Columbia Municipal Regulations, §2200.7;

[http://os.dc.gov/os/frames.asp?doc=/os/lib/os/info/odai/title\\_5/amendments/chapter\\_22-all.pdf](http://os.dc.gov/os/frames.asp?doc=/os/lib/os/info/odai/title_5/amendments/chapter_22-all.pdf)

unfair to students. They see other DCPS schools, most nearby jurisdictions, and many districts across the nation, with grading scales more advantageous to producing higher grade point averages.<sup>5</sup> Some parents have threatened a lawsuit against DCPS based on the belief that the scale is in conflict with the DC Municipal Regulations.

Meanwhile, over fifty Banneker alumni have mounted a campaign to retain the more challenging grading policy based on their experiences at the school, sending correspondence to both DCPS and the Ombudsman. In samples of this correspondence, Banneker alumni credit the grading scale with helping the school set a rigorous standard of achievement, which they believe improves academic success and prepares students for collegiate study. Some questioned why students and parents would consider lowering a standard that has been in place since the school's founding and been a part of its academic success, particularly when all parents and students signed agreements accepting the grading scale upon enrollment.

There are two simple questions at the heart of the debate about the grading scale at Benjamin Banneker Academic High School.

- 1) Is it legal?
- 2) Is it fair?

Determining the legality of the grading scale is the clear first step to resolution, as the Banneker grading scale and the district-wide grading policy in the DC Municipal Regulations appear to be in conflict. For its part, DCPS has committed to a review of the issue. If determined to be in violation of District regulations, DCPS should be expected to expeditiously take steps to resolve the conflict in policies. If the review finds Banneker's grading policy in compliance with regulations, the question should move to one of the policy's fairness to current and future Banneker students. This is a question in which reasonable people may disagree, but both sides deserve an audience in which to present their cases for consideration. In an email sent in early June to the DCPS Chancellor, Instructional Superintendent, and General Counsel, the Ombudsman recommended that DCPS provide the Banneker community with:

- 1) A rendering on the legality of the grading system at Banneker, and
- 2) Dialogue to establish a forum (broadly defined) where the school community can discuss the merits of the current grading system and other proposals

The Ombudsman continues to monitor this issue, specifically the results of the DCPS review, with the hope that continued communication and dialogue between the two sides will result in a fair process for the determination of the future grading policy at Banneker. Because the Ombudsman is by structure an informal resource, the office would no longer be involved should the issue be moved to a legal proceeding.

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<sup>5</sup> Fairfax County Public Schools (FCPS) recently voted to change their district-wide grading scale to a one similar to the scale listed in the DC Municipal Regulations. The change was due in large part to a community organization advocating for the change. For more information see <http://www.fairgrade.org/>.