

2011-2012



**ANNUAL
REPORT**

THE OFFICE OF THE EDUCATION OMBUDSMAN

Governor's Office – State of Washington



STATE OF WASHINGTON
OFFICE OF THE EDUCATION OMBUDSMAN
www.waparentslearn.org

January 18, 2013

The Honorable Jay Inslee
Honorable Members of the Legislature
Washington State Board of Education

I am pleased to submit the annual report of the Office of the Education Ombudsman (OEO), as required by RCW 43.06B.050. This report presents information about the activities of the Office of the Education Ombudsman during the 2011-2012 Fiscal Year.

Our dedicated staff has worked hard to resolve problems and conflict so that students stay in school and have the opportunity to benefit from all that the public education system has to offer. We have tackled hard issues and made a difference in the lives of many students this year.

We are honored to contribute to the academic success of Washington state students and are committed to continue to develop the first K-12 Ombudsman office in the nation.

Respectfully submitted,

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Director
Office of the Education Ombudsman

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Safe Schools Coalition
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Southwest Youth and Family
Department of Health

Washington State PTA
Commission on African American Affairs
Commission on Asian Pacific American Affairs
US Dept. of Ed. Office of Civil Rights
Council for Developmental Disabilities
Tree House
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I. The Office of the Education Ombudsman

The Office of the Education Ombudsman (OEO) is a state-wide agency established by the Washington state legislature in 2006. RCW 43.06B.010 established OEO's purpose as:

- To facilitate the resolution of complaints made by parents and students with regard to the state's public school system.
- To identify obstacles to greater parent and community involvement and recommend strategies for helping parents and community members participate effectively in education.
- To identify and recommend strategies for improving the success rates of ethnic and racial student groups with disproportionate student achievement.
- To provide information to students, parents and interested members of the public regarding the state's public elementary and secondary education system.
- To provide the Governor, the Legislature, and the Board of Education with recommendations for the improvement of the public education system.

Vision

Our vision is that Washington state students, families, and educators become empowered partners in a fair, equitable public education system that is responsive and accountable to all.

Mission

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

Advocacy

OEO does not advocate for any particular individual, but for fair and equitable processes for public school students.

Staff

Education Ombudsmen are professionals who have expertise in the fields of K-12 education, Special Education, education law, conflict resolution and family involvement in education.

Services

OEO complaint resolution services are free and delivered via telephone. Customers access OEO services by calling toll-free: 1-866-297-2597 or visiting OEO's website: www.waparentslearn.org. Telephonic interpretation service for over 110 languages is provided for customers whose primary language is not English.

Policies

- OEO services must be requested by parents or legal guardians or students who are currently enrolled or eligible to be enrolled in elementary or secondary public schools.
- OEO does not replace existing public school governance systems or local, state, and federal grievance or appeal procedures, and does not provide legal advice or representation.
- OEO maintains confidentiality around all records, materials, and information gathered in the course of resolving conflict, unless disclosure is otherwise required by law.
- To protect customer privacy OEO does not do business via e-mail or accept requests for services from third parties.

Complaints not Accepted

The Office of the Education Ombudsman does not accept or help resolve complaints involving allegations of educator professional misconduct or regarding elected officials, private schools, private organizations, businesses, colleges or universities.

II. The role of the Ombudsman

The Office of the Education Ombudsman (OEO) is an independent, expert body available to resolve disputes between families and schools when everything else has failed. OEO works to remove barriers to student academic progress and ensure that students have safe school environments and a fair chance to stay in school and graduate. Education Ombudsmen intervene to resolve complaints in an objective and confidential manner and work to resolve problems focusing on the student's best interest. Based on data collected, OEO also provides recommendations to school districts and public officials to close systemic gaps and prevent problems affecting students from re-occurring. Education Ombudsmen are guided by the principles of objectivity, independence, fairness and confidentiality.

Preventing lawsuits and saving time

Complainants who contact OEO have tried to resolve the problem by all possible means with no results. They are upset, discouraged, concerned, and many times angry at school officials. School officials are many times frustrated and discouraged as well. Ombudsmen de-escalate both parties and work to positively affect the dynamics of the disputants and the outcome of the complaint.

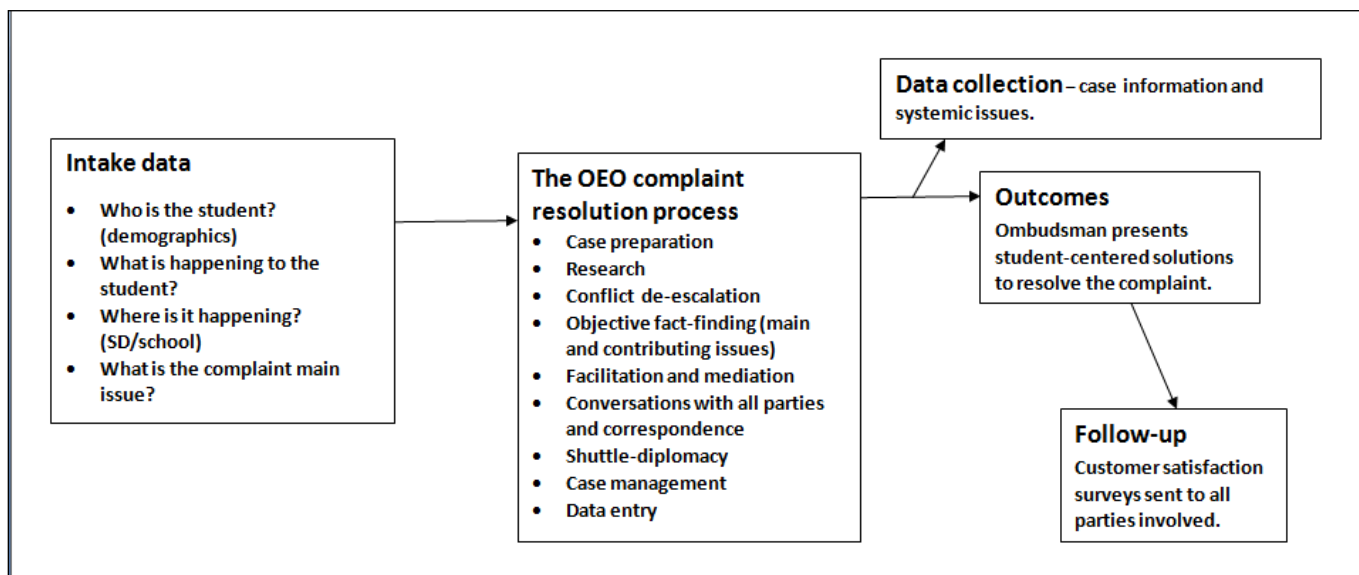
Ombudsmen utilize Alternative Dispute Resolution (ADR) methods to de-escalate conflict and resolve complaints. ADR is recognized by US and international judicial systems as a time-and-cost-saving alternative to litigation. OEO estimates that, since its inception, it has saved millions of dollars both to complainants and school districts by preventing lawsuits. Our 2011-2012 data shows that:

- 26% of complainants contacting OEO had consulted with an attorney regarding suing their school district.
- 16% of complainants had received an estimate from an attorney regarding the cost of suing their school district. Usually between \$20,000 and \$50,000 for each party.

The work of OEO not only prevents lawsuits but it is a time-saving tool for school officials. While the Ombudsman is handling a complaint, school officials have more time to focus on their work.

The Complaint Resolution Process

OEO's conflict resolution involves case intake, complaint management, data collection, outcomes and customer feedback. Each complaint is taken by phone and entered into the OEO data base and assigned to an Ombudsman. He/she assess the problem, researches and bring together all relevant parties involved in the complaint that may also include other professionals such as case workers, psychologists, physicians, attorneys, etc. to find the best solution for the student affected by the issue. Depending on the complexity of the problem a complaint intervention can extend up to 90 days.



Superintendent reports

OEO collects complaint data and disaggregates it by school district. At the end of every school year, school district Superintendents receive a report listing complaint interventions that OEO has handled in their school district that year. Superintendents are also always welcome to contact OEO to review updated complaint data and discuss complaint issues.

Legislative activities

Based on casework data collected every fiscal year, OEO identifies trends and patterns that become the basis for annual recommendations for the improvement of public education. Many of OEO recommendations have been included in legislation in previous years. For example: after experiencing a surge in bullying complaints in the school years 09-10 and 10-11, OEO sounded the alarm to state elected officials regarding the urgent need to improve anti-bullying school district policies and procedures. As a result, House Bill 2801 relating to anti-harassment/bullying strategies in public schools was introduced and passed in 2011. The bill requires school districts to improve their policies and add clear procedures to keep students safe in schools. It designated OEO as the lead agency to provide resources and tools to families.

OEO is also legislatively required or invited to participate in state and regional committees/task forces. Ombudsmen provide an independent, data-based perspective. During the Fiscal Year 2011-2012, OEO Ombudsmen participated in the following committees:

- The Education Opportunity Gap Oversight and Accountability Committee
- The Quality Education Committee
- K-12 Anti-bullying Committee
- Building Bridges Drop-out Prevention Committee
- The Language Access Task Force
- The Transitional Bilingual Review Committee
- PSESD Regional Family Involvement Action Team

Outreach and technical assistance

OEO Ombudsmen routinely participate in education-related special events and conferences to inform the public about the agency. They also conduct workshops and presentations to educate parents to better understand and navigate the education system and to teach educators how to prevent and resolve conflict with parents and how to better partner with families in public education.

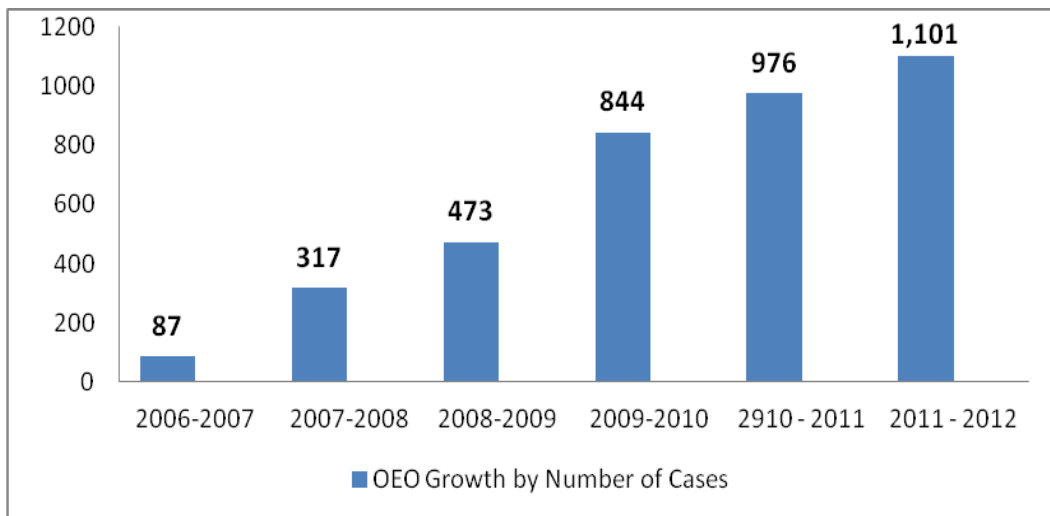
In 2011, OEO was the recipient of a Family Involvement grant from the Discuren Foundation to offer technical assistance to Oakwood Elementary school in the Clover Park School District so they can increase family involvement in the school. The project was very successful and in the beginning of 2012 OEO received a second grant from the Discuren Foundation to develop and test the parent preparation program called "Finding Your Voice." This program prepares immigrant and refugee families to better navigate the public school system and advocate for their children and it includes a train-the-trainer component. As a result of this grant, OEO has so far trained over 200 parents and 150 school staff. Materials for parent trainings were translated and parent information was delivered via interpreters.

Principal and school administrator training

The Seattle University's Educational Administration program (EDAD) partners with OEO to deliver an innovative month-long series of conflict resolution and family involvement in education classes for principals and administrators in-training. Now in its fourth year of collaboration, OEO Ombudsmen work closely with EDAD Director, Michael Silver to tailor a program to meet every year's student cohort's needs. The program has been well received and evaluated by the students.

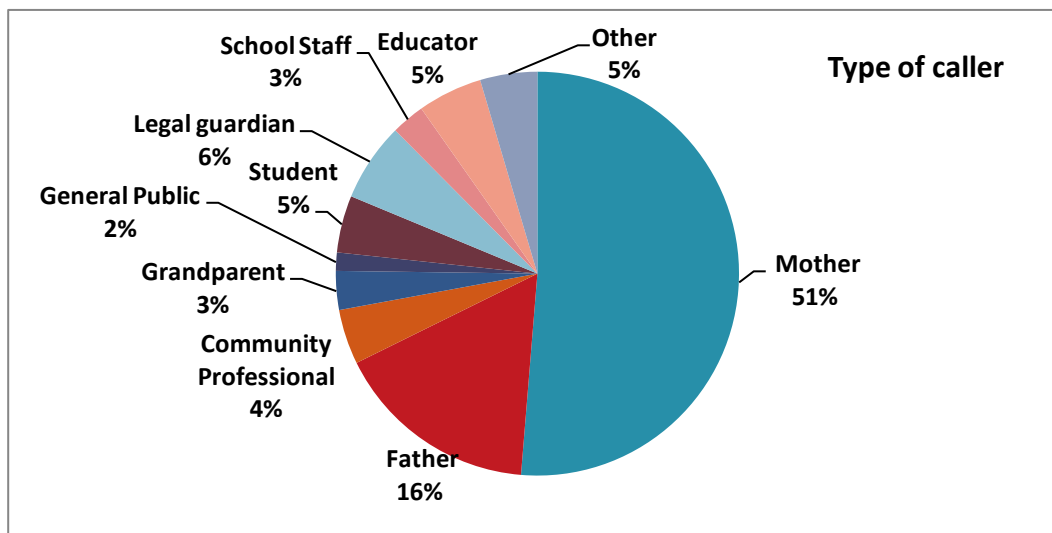
III. Complaint casework

Since the agency's inception in 2006, the number of complaints we have assisted with has steadily increased. The chart below shows intervention numbers over the course of six fiscal years. In the 2011- 2012 fiscal year, Ombudsmen intervened in a total of 1,101 cases from 144 school districts. OEO's total number of interventions increased by 13% compared to the previous year. Due to increased demand and budget and staffing reductions, the agency maintained a waiting list of 230 cases throughout the year.



Who contacted OEO

The majority of callers in 2011-2012 were mothers of public school students.



How customers heard about OEO

31% of all customers in 2011-2012 found out about OEO through the OEO website, 27% were referred by a professional such as a psychologist, doctor, attorney or social service provider. 19% were referred by OSPI, the State Board of Education or school district staff, 18% were referred by former or actual OEO customers and 5 % found OEO by calling 211.

Language Access

OEO contracts with a telephonic interpretation service, The Language Line, to better assist Limited English Proficient (LEP) callers. This service allows Ombudsmen to communicate with callers in a 3-way conference mode. In Fiscal Year 2011-2012, 14% of all callers needed an interpreter to communicate with an Ombudsman.

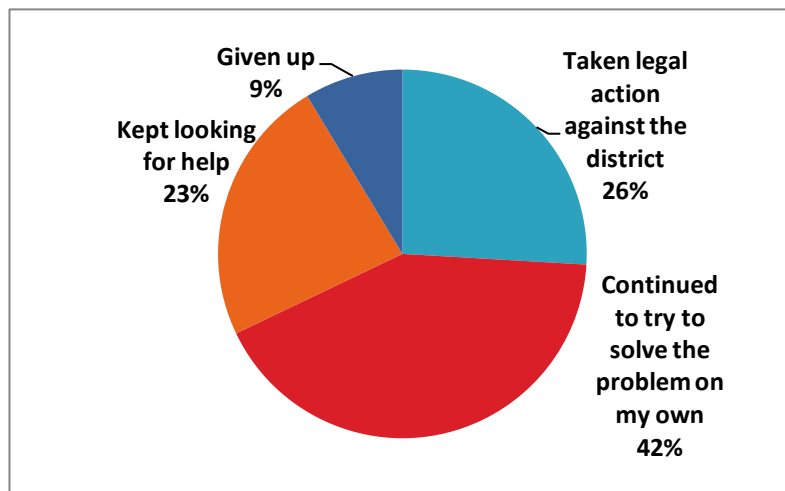


Customer Satisfaction

OEO strives to provide quality services for Washington students, families and schools. After resolving a complaint, OEO Ombudsmen provide a customer satisfaction survey to all parties he/she has worked with. During the FY 2011-2012 complainants returned 152 completed surveys. Survey responses indicate that what our customers' value most is the efficiency and the effectiveness of the services OEO provides:

- 97% of the respondents were completely satisfied with the work of the Ombudsman.
- 90% of the respondents said the Ombudsman resolved their complaint in a timely manner.
- 86% of the respondents said working with the Ombudsman will help their children's education in the future.
- 100% of the respondents were satisfied with the quality of the service they received.

When asked what they would have done if OEO was not here to help, 42% said they would have continued to try to solve the problem on their own, 26% would have taken legal action against their school district. 9% would have given up, and 23% would have kept looking for help.



Complaint Resolution Rate

Ombudsmen resolved 91% of all complaints received in 2011-2012. Within the 9% of complaints not resolved the most frequent reason was that the school district did not change their position regarding the issue. Other reasons include: the parent did not change their position about the issue, the district did not respond to OEO, the parent stopped responding to OEO calls, the parent decided not to pursue the complaint further.

Complaint Resolution Outcomes

The Ombudsman works with all parties involved until the problem is resolved or all parties agree that the situation has been improved for the student. Common resolution outcomes include:

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

Customers say

“Speaking to OEO turned out to be invaluable for me. The Ombudsman listened and advised with great clarity, professionalism, and consideration. She spoke to the school VP, attended a Manifestation Determination meeting by phone and helped point out to the school the rules and the best interest of my son. She is extremely knowledgeable, without her I would have struggled with the school administration much more and probably would be still struggling today. The outcome was positive due to her sharing her knowledge. Thank you OEO, I will never forget how you stood up for my child!”

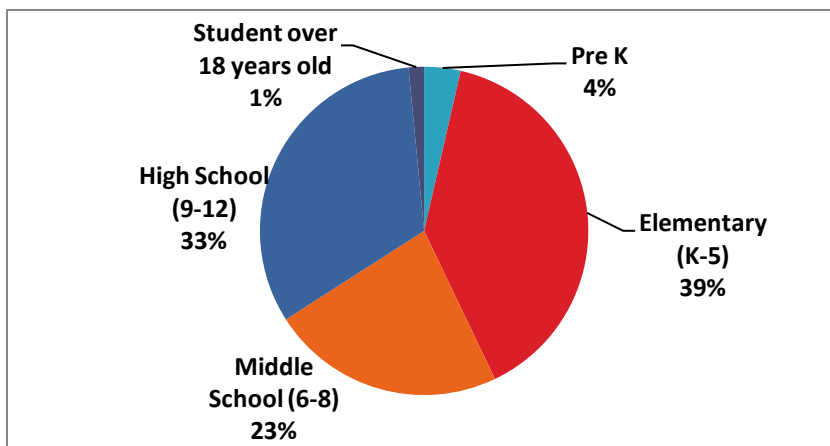
Case example

A 10 year old has been acting out in school frequently and has been short-term suspended several times. The parent believes that the cause of her daughter’s problems is that she is being bullied by older girls but adults at school are not responding when she tells them. The parent is angry about the lack of school response and school officials are very frustrated with parent. The student grades have plummeted and she is showing signs of depression both at school and at home. OEO uncovers factors both at home and at the school that are deeply affecting the student, such as: a recent divorce, parent health issues, a school climate that allows bullying/harassment behaviors to go unchecked and a history of conflict between the parent and school principal. OEO works with all parties plus a team of service providers to resolve each of the problems. OEO brokers an agreement between the parent and the school district for the student to start attending another elementary school in the same area. The school district also agrees to improve and implement their anti-bullying policies and the parent agrees to access tutoring, health and mental health services for the student and herself.

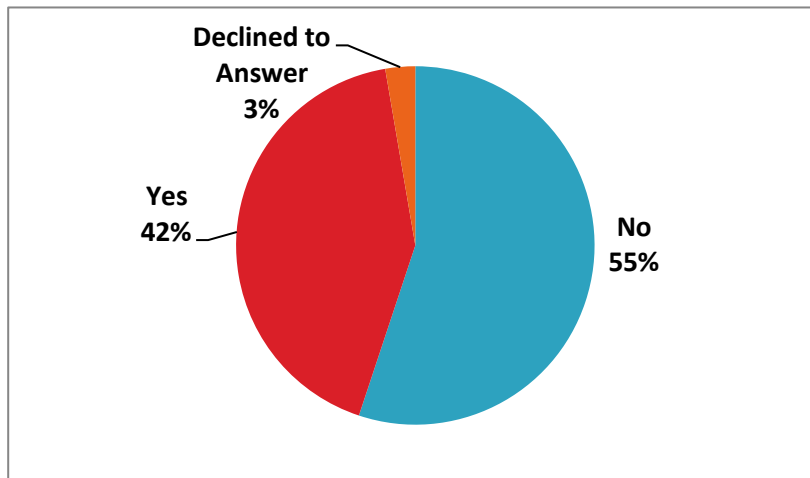
IV. Students served

OEO serves students that are enrolled or that are eligible to be enrolled in the K-12 public school system and collects demographic information of all students who are involved in complaints. Parents or legal guardians are asked to provide demographic information voluntarily. OEO served 1,101 students in the 2011-2012 Fiscal Year. The following charts illustrate the students' grade level, family income, gender, race/ethnicity and participation in special programs.

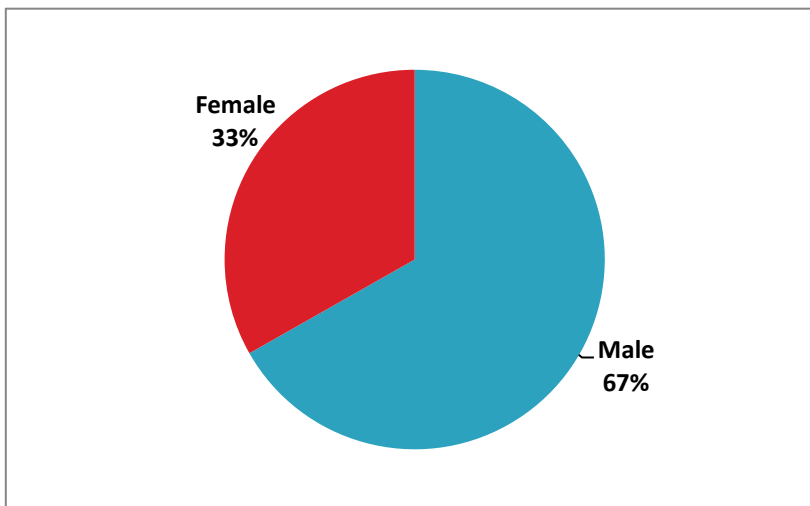
Student grade level

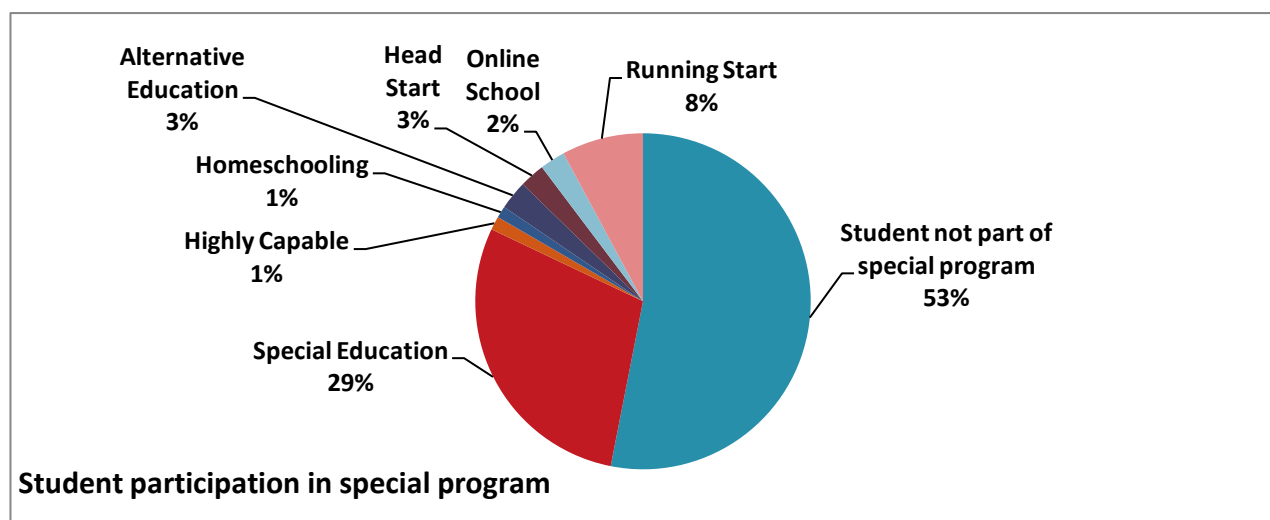
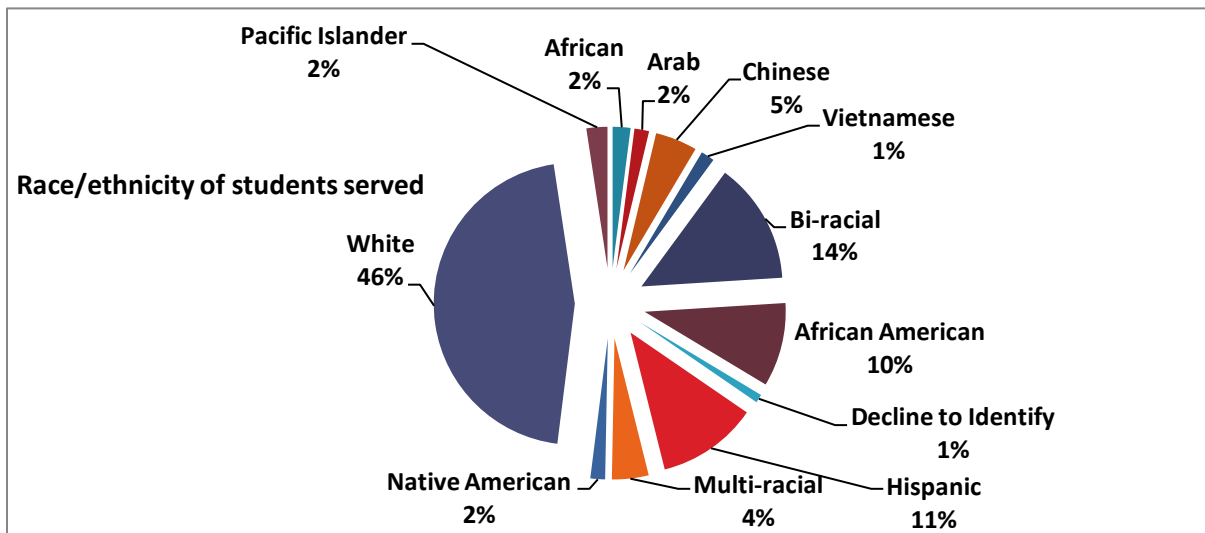


Student participation in the free/reduced meals program



Student gender





Case Examples

A Native American parent receives a letter from her son's school indicating that her second grader cannot continue to attend school until his hair is cut in compliance with the school's anti-gang policy. The parent is frustrated at the school and feels this is discriminatory. OEO researches the school policies: code of conduct, dress policy and gang policy. The gang policies are vague and open to interpretation. OEO also contacts the Governor's Office of Indian Affairs and finds out this is a cultural issue. OEO coaches the parent to put her cultural norms in writing for the school and mediates conversations between the parent and school officials. The student is admitted back into school without cutting his hair. The school staff and students learn about Native American cultural practices and improve their policies.

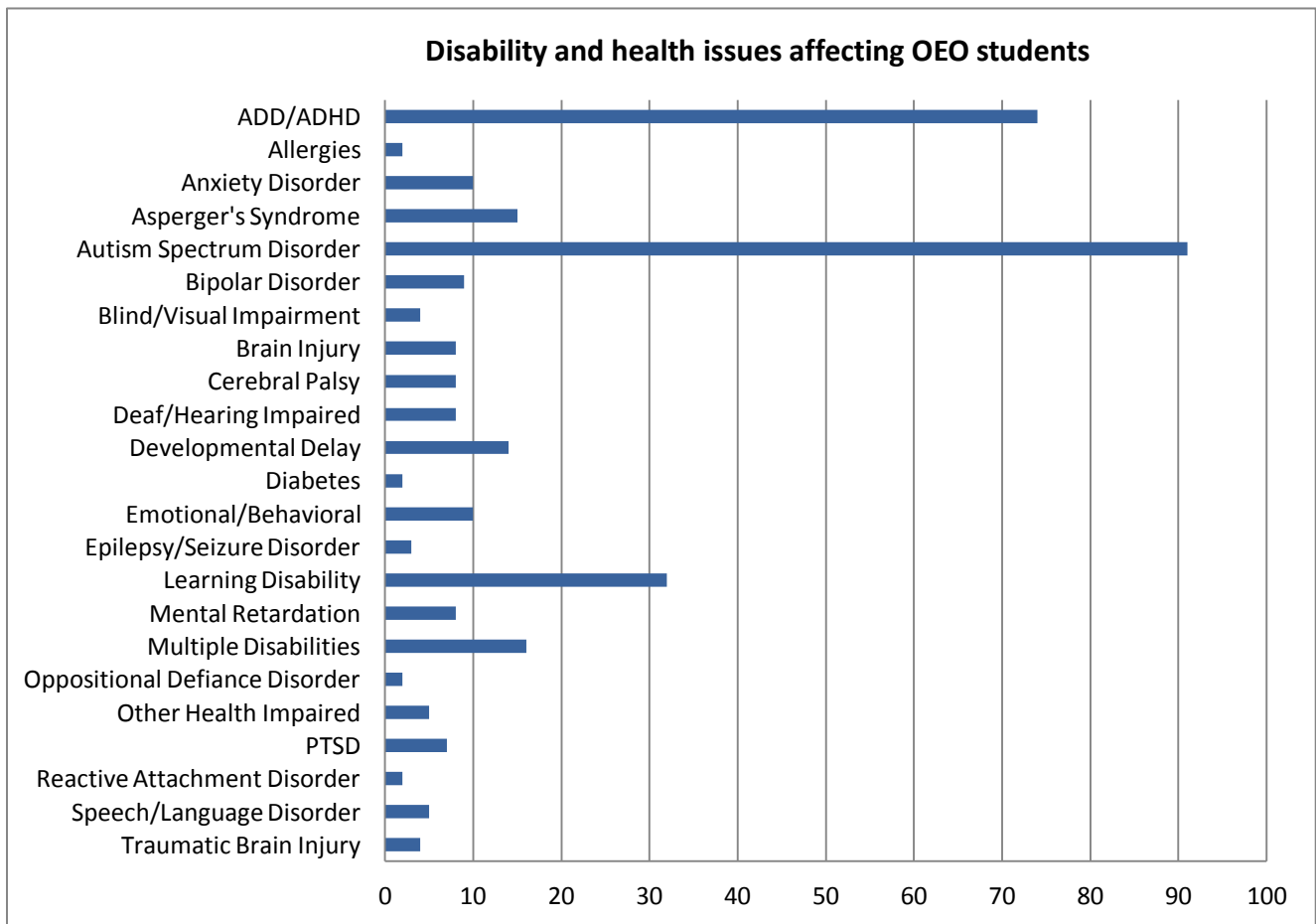
A group of recently arrived refugee high school students are not receiving breakfast and lunch at school even though they meet the free lunch criteria and had turned in their applications. The students have been waiting several weeks while the school determines their eligibility. OEO informs the school that food stamp recipients are automatically eligible for the free-lunch program and the application process for them was not needed. Since these students are receiving food stamps, all the school needs to do is cross-check the student names with the food stamp recipient list that the school receives each month.

Underlying issues

Complaints received by OEO are complex and in the majority of cases the *presenting problem* (the main reason why a parent/legal/guardian/student may contact OEO) is only one of many other contributing factors that play a role in the situation affecting a student. Ombudsmen have to uncover and iron out all issues to achieve results. Most common underlying issues affecting students are:

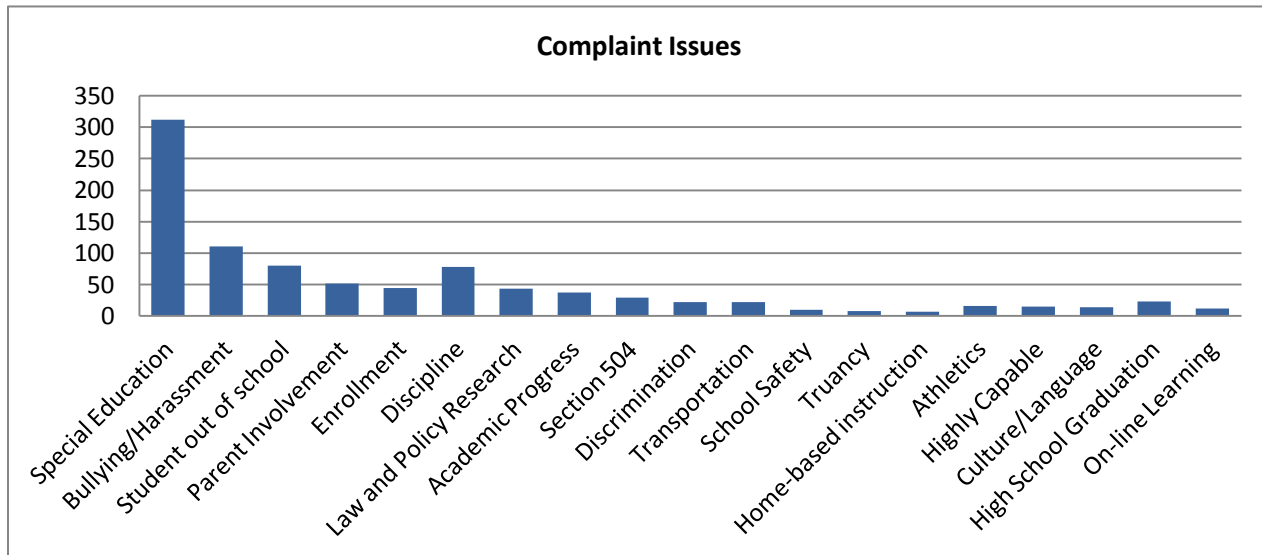
- Breakdown in home-school relationship/communication.
- Loss of parental trust in the system.
- Mental/emotional health issues (parents, students)
- Physical health issues (parents, students)
- Family circumstances (i.e. divorce, death, unemployment)
- Adverse situations at home (i.e. drug/alcohol addiction in the family)

OEO works with students with a variety of special needs. The following chart shows the types of disability and health issues impacting OEO students this Fiscal Year.



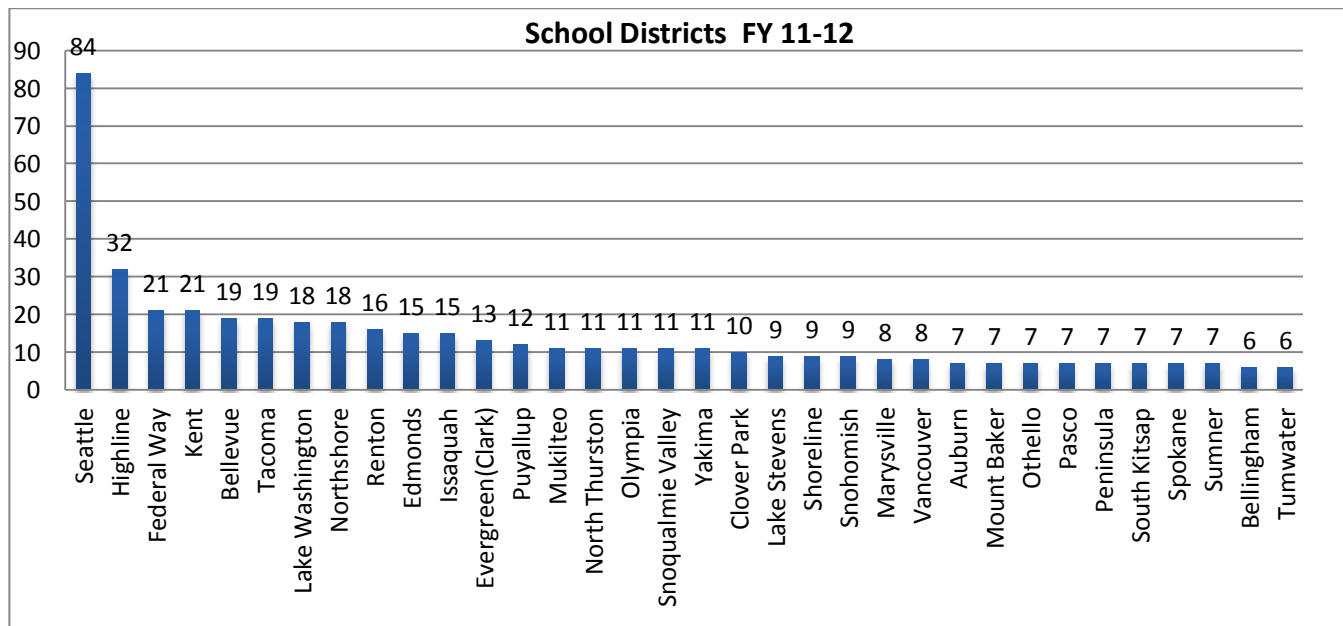
V. Complaint issues

In the 2011- 2012 fiscal year, Ombudsmen intervened in a total of 1,101 complaint cases. The five most frequent complaint issues were: Special Education, bullying/harassment, discipline (suspensions/expulsions), students not attending school and parent involvement.



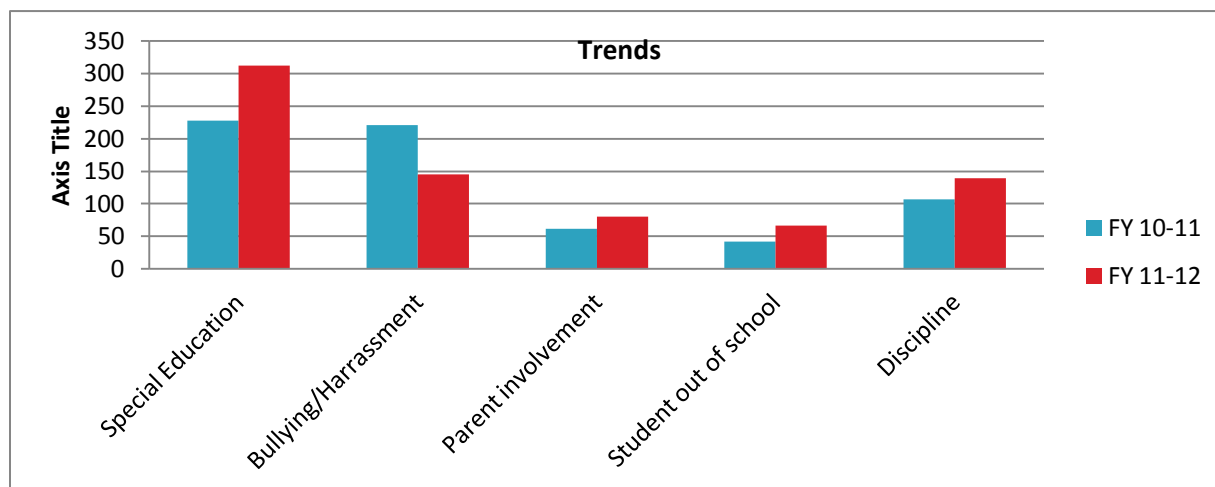
School districts served

OEO worked with 153 school districts in 2011-2012. School districts with more than 5 complaints include:



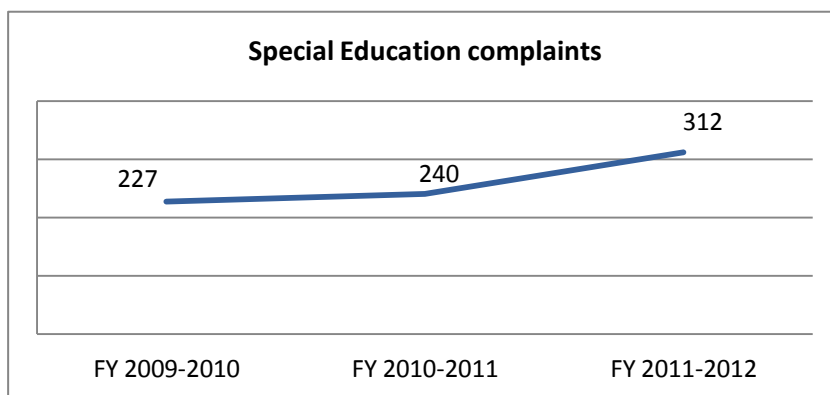
VI. Trends

While the number of bullying/harassment and cyber-bullying complaints decreased in Fiscal Year 2011-2012, the number of complaints regarding Special Education, parent involvement, students not attending school and discipline increased.

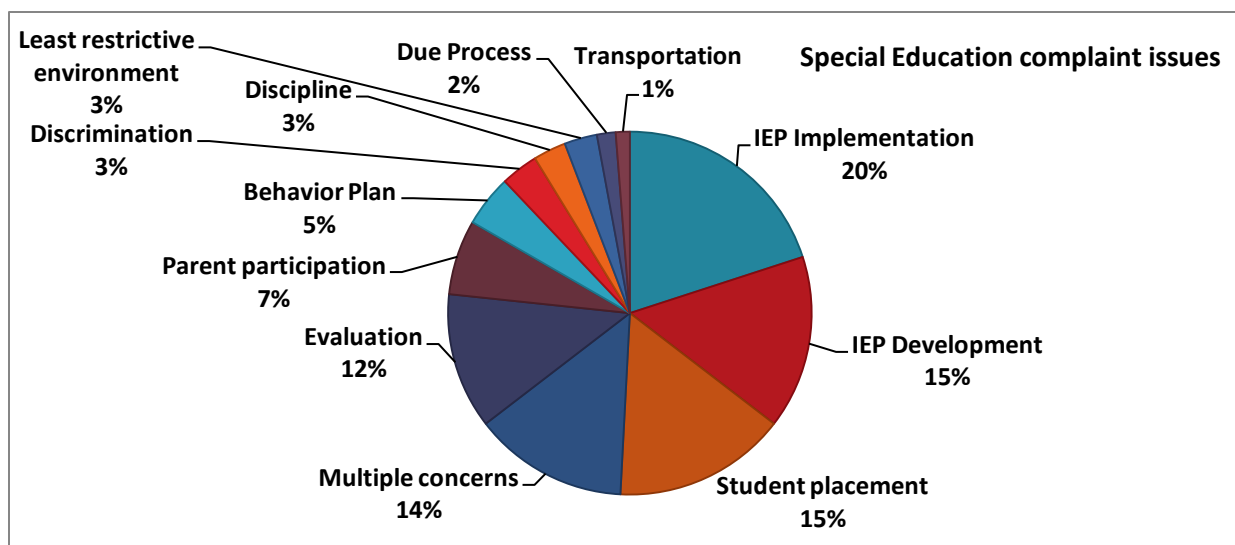


Special Education complaints

The number of Special Education complaints grew by 30% this Fiscal Year compared to the previous year. Special Education cases are complex in nature and frequently involve various issues. OEO Ombudsmen specialize in addressing all issues relevant to the situation.

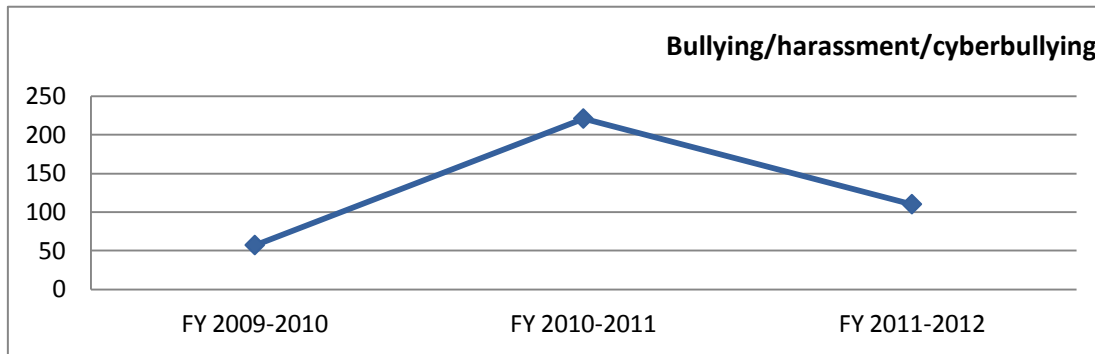


The most common Special Education complaint issues in FY 2011-2012 were related to: IEP implementation, IEP development, student placement, multiple concerns, and evaluation.



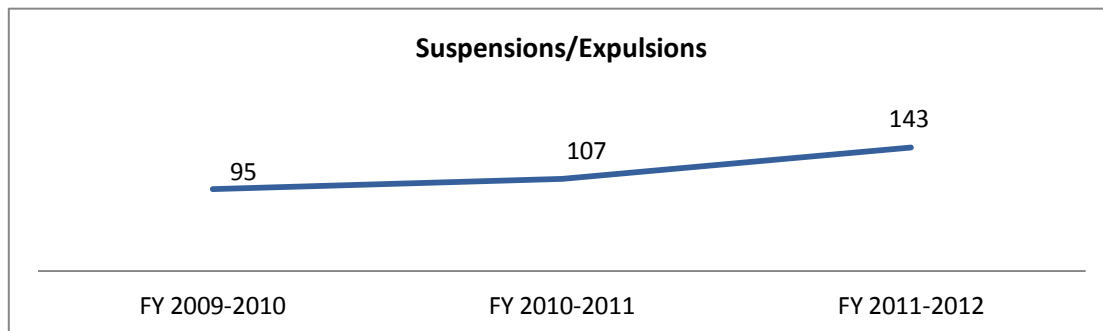
Bullying/harassment complaints

The number of bullying/harassment complaints we received this fiscal year decreased by 51% as a result of Washington school districts adopting improved anti-bullying policies and procedures as required by HB 2801. After experiencing a surge in bullying complaints in the school years 09-10 and 10-11, OEO sounded the alarm to state legislators regarding the urgent need to improve school district policies and procedures. As a result, House Bill 2801 addressing anti-bullying strategies in public schools was introduced and passed in 2011. The bill required school districts to adopt model policy and procedures developed by OEO, OSPI and WSSDA to better respond to student bullying, harassment, intimidation incidents. All districts adopted new or improved policies by 2012.



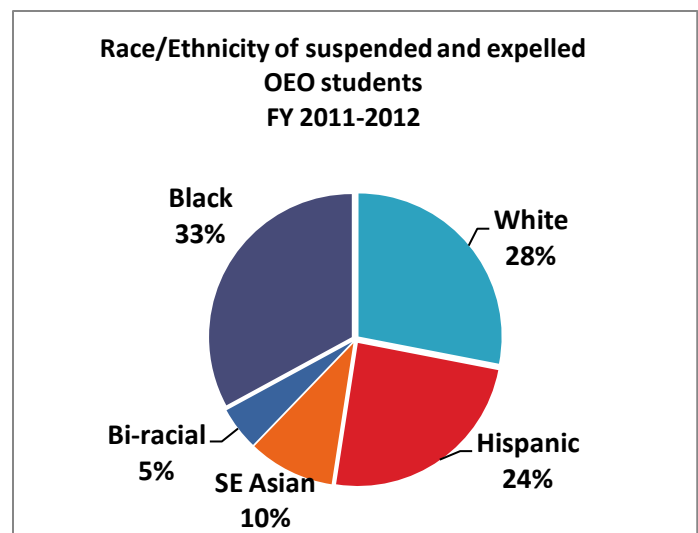
Suspensions and expulsions

The number of complaints regarding expulsions and suspensions received by OEO has grown steadily in the last few years. Through the years, the majority of these cases have been related to the implementation of schools' zero tolerance policies. During the 2011-2012 Fiscal Year OEO intervened in 143 serious discipline cases, this number represented an increase of 13% over the previous fiscal year.

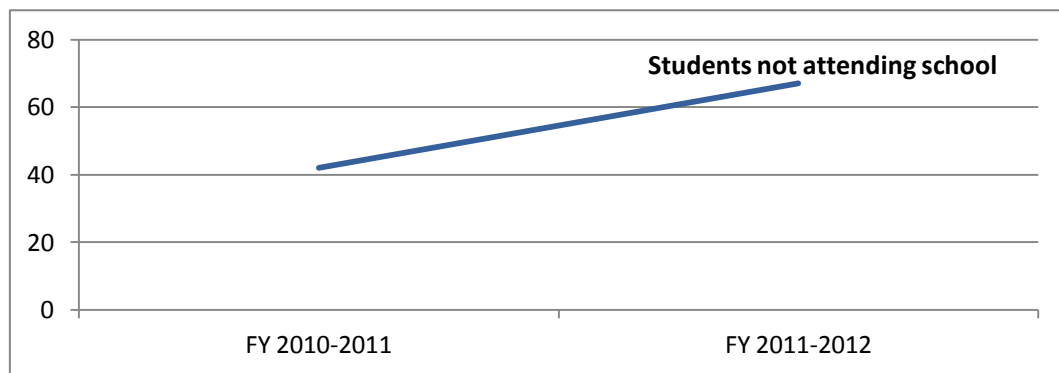


The majority of suspended and expelled students OEO assisted this year were students of color.

Students out of school

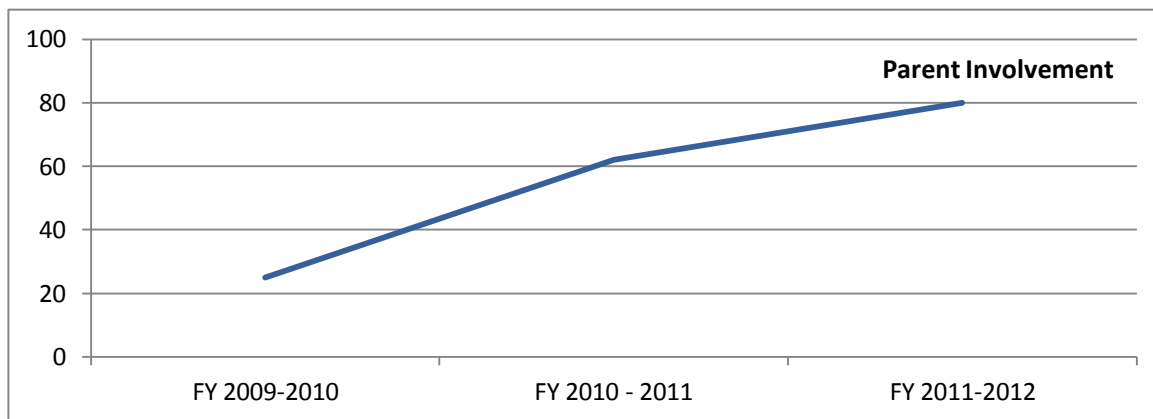


In Fiscal Year 2010-2011, OEO began collecting data regarding cases involving students not attending school, although enrolled in a public school or eligible to be enrolled. While not all of these students have dropped out, many of them are kept at home by their parent for a variety of reasons (including conflict with school officials), many stop attending because of fear for their safety (such as retaliation or bullying) and others stop attending because of health or mental health issues. The number of these types of complaints almost doubled from FY 2010-11 to FY 2011-2012.



Parent involvement

OEO collects data of complaints regarding barriers to the participation of parents in the education of their children. The most common complaint issue in this category relates to complaints from limited English speaking parents (LEP) about schools not providing them with adequate interpretation and/or translation for high-stake meetings about their students or the school asking the student to interpret for their parents. The second most common issue involves parents who have been denied access to their student's Special Education classroom by the school. In these cases, parents wanted to observe the behavior of their special needs students in the classroom setting or bring a professional such as a psychologist to observe with them. The number of complaints in both of these categories has continued to rise in the last 3 years.



VII. Annual recommendations

As required by statute, OEO collects data from complaint casework, analyzes trends and patterns, and issues annual recommendations to legislators for the improvement of the public education system. The following recommendations are based on trends discussed in this report.

- A. **Revise discipline laws and zero tolerance policies** - long-term and short-term student suspensions lead to missed instructional time which students may not necessarily recover. This contributes to low achievement and to students dropping out of school. Expelled students are not entitled to further educational services in Washington state and re-enrollment is hard to obtain and at the discretion of school administrators. Similar to national data and OEO data, state data shows that students of color are more likely to be suspended or expelled than their white counterparts. **We recommend that the legislature establishes a short-term, state-level task force to review state disciplinary policies and state-wide data, identify alternative disciplinary methods and preventive programs, and make policy recommendations to the legislature.**
- B. **Enact Family Engagement in Education legislation** - Families are an untapped resource in our state to improve student achievement. Schools in Washington practice what we call “random acts of engagement” for lack of guidance and guidelines as to how best outreach and engage families and in particular families of color. State legislation on this matter would contribute to prevent adversary situations between parents and school officials and foster collaborative partnerships for student achievement. The National PTA has issued sample standards of family engagement for schools that have been integrated into legislation around the nation. **We recommend that the legislature enacts a Family Engagement in Education Act for Washington state.**
- C. **Language access in schools** – Limited English speaking parents are not provided trained interpreters for high-stakes meetings at schools when they are called to make critical decisions on their students’ academic future. Worse, in many cases their own students are called to act as interpreters. Schools do not have guidance regarding what important documents should be translated and who to call to interpret during parent meetings. Federal and State legislation govern this area. **We recommend legislation that requires that all school districts adopt Language Access policy and procedures in order to better serve limited English speaking students and their families.**
- D. **Parent Access to Special Education classrooms** - Current state and district policies related to classroom access have resulted in barriers which prevent parents and/or their private evaluators from observing students in the special education classroom and parents across the state report great frustration with these impediments. While one of the purposes of the IDEA Amendments of 1997 is to “strengthen and expand the role of parents of children with disabilities in their identification, evaluation, and educational placement,” the determination of who has access to observe children in the special education classroom is currently not federally legislated but left to individual state laws and school district policies. **OEO recommends an amendment to the current RCW (28A.605.020) that governs Parent Access to the Classroom to allow parental access to special education classrooms and programs.**

VIII. Case examples

A student has dropped out of school because he is being harassed and discriminated against by a group of students. His parents complain to the school administrator but he denies that these actions are taking place. Normally parents would appeal to the next level of authority in a school district however, in this small school district; the next level of authority is in fact the same person. The parents contact OEO for an independent assessment of the situation, OEO helps the parents and school administrator iron out their differences and focus on what is best for the student. Together they develop a safety plan so that the student can come back to school.

A 5th year High School senior with an IEP has plans to graduate and attend a vocational program at a Community College but she is continually picked up for minor offenses by the school SRO and is now before a juvenile court judge, facing a juvenile detention sentence, although there are no drugs or violence involved. OEO assists the parent to request a continuance from court to have time to find a lawyer specializing in educational advocacy issues. Represented by an attorney, the student prevails before the court and is released to continue her education. OEO then continues to coach the parent on supporting the student to stay in school and assists the family to access services for students with disabilities at the Community College. The student is on track to graduate in June as she planned.

A refugee teenager in her second year in high school is being sexually harassed. Her concerned parents keep their daughter home from school for periods of time as it is acceptable in their culture to do so for safety reasons. The student has fallen behind in her classes and her absences are leading to a truancy petition. Since the student is afraid to name her tormentors, the school is unable to take action. Working directly with the student, OEO finds out that the student would much rather be at school than at home and is agreeable to transfer to another school in the district. OEO works with the school district and parents to expedite a transfer and continues to work with the student to connect her with tutoring and counseling support.

A Kindergartener who has a chronic illness has not started school because of his parents concern that he will not receive his medication appropriately at school. OEO speaks with school officials who report that they have been trying to get the student enrolled. They have a nurse who will administer the student's daily injection but the parents insist the injections must be given only in certain part of his body. This is not possible under school safety guidelines. OEO facilitates a meeting between, the parents, district officials and the student's physician. The physician approves injections administered on the student's arm. The parents bring up other concerns and OEO continues to facilitate several meetings until an Independent Health Plan is developed and signed by the parents. The student is now attending school.

A student who has broken the law is removed from the school and sent to an alternative school. Because of the contentious behavior of the student's parents at the school building, the school district has placed a restraining order on them and is not responding to requests for information about the alternative school placing. The student's two siblings remaining at the school are being harassed by other students. OEO works with the parents and the school to get information about the student's new school and coaches them to communicate with the new school appropriately. Meanwhile, the student's sibling has dropped out of school because of cyber-bullying. OEO works with the school to review the implementation of their anti-bullying policies and to understand the pressures on the siblings including the fact that their parents cannot pick them up at school due to the restraining order. OEO facilitates several meetings between school officials and the family and together they develop a family-school communication agreement and a safety plan for the sibling to return to school.

IX. What customers say about OEO

“This was an incredibly difficult and long issue that we were pursuing with my school district. If not for the Ombudsman it would have not been resolved. This concerned our child’s education and we are completely indebted to the OEO for making a positive outcome possible.”

“Having the OEO as a resource will save our state millions in legal actions. I feel so strongly about the positive work you do.”

“Thank you so much for helping me to be an advocate for my son and now I have helped my son to be his own advocate.”

“It was a very positive experience. Just having an independent person to talk with at an incredibly difficult time was help and a comfort. I’m so grateful for the OEO’s existence.”

“I work for an agency that provides services to youth. OEO has been a wonderful resource for me and the families we serve. The Ombudsman was very helpful regarding connecting to appropriate people at school or district levels.”

“I do not know what would have happened to my daughter without the OEO’s help. We would have gotten lost in the system. I can’t thank you enough. You saved my daughter.”

“In contrast to other ‘free’ help that I have endured/received through the mental health/public school systems, the advice offered by the OEO was practical, effective and relevant. Thank you OEO!”

“The Ombudsman did an incredible job—insight, information and guidance were spot on. The OEO did a great job at answering questions and supporting my student.”

“It was very helpful to have someone helping to provide my daughter with the evaluation to get the proper diagnosis and assistance. Without the support from the OEO I would not have been able to effectively communicate and do the things necessary for my daughter’s 504 Plan which is now in place.”

“As a Principal, I really appreciated the work of the Ombudsman. She provided a much needed ‘mediation’ and acted as a communication link between the district and a parent with an issue. The Ombudsman was objective and was a clear communicator.”

“WA State ARC referred me to the OEO. I did not know this service was available to me. It was my first contact with your office and my experience was extremely positive. I was feeling so very alone and lost and the OEO’s help was exactly what I needed plus more!”

“It was so helpful to have someone listen and inform me of my student’s legal rights. “

“I felt all alone. By making this phone call to the OEO, the Ombudsman advised me where I could find the laws about my rights and called the school to arrange a meeting and they are working on following the IEP for my son.”

“The Ombudsman was very timely in addressing my questions/concerns and gave me info on policies that helped me be better prepared when I met with the school district. He was an excellent resource!”



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