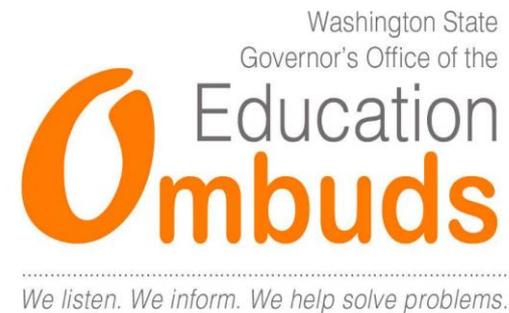


# ASK AN OMBUDS OEO LUNCHTIME WEBINAR

WITH ROSE SPIDELL, EDUCATION OMBUDS  
AND CARRIE BASAS, DIRECTOR

APRIL 11, 2017

155 NE 100<sup>th</sup> Street, Suite 210  
Seattle, WA 98125  
1-866-297-2597  
[www.oeo.wa.gov](http://www.oeo.wa.gov)



# WHAT IS THE OFFICE OF THE EDUCATION OMBUDS?

The Office of the Education Ombuds (OEO) is an agency within the Governor's Office created in 2006 by the Washington State Legislature to address barriers to student achievement and reduce the opportunity gap.



# ROLE OF THE EDUCATION OMBUDS

- Ensure **fair & equitable processes**
- Focus on **removing barriers** to student achievement
- **Provide information** about public education system
- Help **resolve disputes** between families and schools, collaboratively through informal facilitation and mediation
- Make **annual recommendations** to improve outcomes for all students

Call us toll free! 1-866-297-2597

## QUESTIONS

- What are the rules or guidelines around parents observing in the classroom?
- What could a parent or family do if they receive a call, or several calls, to pick up a child whose behavior is out of control? Is that a suspension?

# OBSERVING IN THE CLASSROOM

- ✓ Request and review the building/district policy
- ✓ Make a plan
- ✓ Observe
- ✓ Follow Up

# CLASSROOM OBSERVATIONS – SOME REFERENCES

**WA State Law: RCW 28A.605.020** Parents' access to classroom or school sponsored activities—Limitation.

Each district must adopt a policy to allow parent access to their child's classroom and/or activities, provided that observations shall not disrupt the class or learning.

<https://app.leg.wa.gov/rcw/default.aspx?cite=28A.605.020>

## **Federal Law: Every Student Succeeds Act**

Title I Schools shall develop, jointly with parents, a compact that addresses the importance of ongoing communication between teachers and parents by, among other things, providing: “reasonable access to staff, opportunities to volunteer and participate in their child's class, and observation of classroom activities....”

20 USC 6318(d), (<https://www.law.cornell.edu/uscode/text/20/6318>).

# CLASSROOM OBSERVATION – WHEN A PARENT IS A MEMBER OF AN “IEP” TEAM

From US Department of Education’s Office of Special Education Programs (OSEP):

The IDEA does not provide any additional general right of parents to observe a classroom. The issue may be addressed by state or local policy.

**...we encourage school district personnel and parents to work together .... and**

...there may be situations where, if a parent requests an IEE (Independent Education Evaluation), the evaluator may need to be given access to observe the child.

<http://www2.ed.gov/policy/speced/guid/idea/letters/2004-2/mamas052604placement2q2004.pdf>.

# EXAMPLES OF DISTRICT POLICIES

- Often under the **Community Relations** Series of **Board Policies & Procedures**
- Look for “**Family Engagement**,” “Parent Involvement” and/or “**Safe and Orderly Learning Environment**”
- **Call** the school or district office if you can’t find what you’re looking for.

Bellevue SD Family Engagement Policy and Procedure 4130 and 4130P  
<http://www.bsd405.org/wp-content/pdf/policy/4130P.pdf?x25683>

Spokane Public Schools, Safe and Orderly Learning Environment Policy and Procedure 4200 and 4200P:  
<https://weba.spokaneschools.org/polpro/View.aspx?id=424>

## CALLS TO PICK UP A CHILD EARLY

- Is the child being removed from the instructional setting?
- Because of behavior?

# When is “Sending Home” the same as “Suspending”?

Some References:

From School Discipline Rules:

Defining “Suspension” as “**a denial of attendance**” (other than for the rest of the immediate class period) for discipline purposes, from any class, or from the full day. WAC 392-400-205(2), <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-400-205>

From Special Education Rules:

Explaining schools may “**remove**” a student “**who violates a code of conduct**” from the current placement, **to another setting, “or suspension”** ... WAC 392-172A-05145(2)(a), <http://apps.leg.wa.gov/WAC/default.aspx?cite=392-172A&full=true#392-172A-05145>

# When is “Sending Home” the same as “Suspending”?

Some Cautions:

From OSPI Decision in Citizen Complaint (No 14-36)

When a district removes a special education student from school for a stated period of time, but does not characterize that removal as a ‘suspension,’ it must be determined whether that action was in fact a disciplinary one (that is, used as a form of corrective action or punishment).

<http://www.k12.wa.us/specialed/DisputeResolution/SECCD/CCDecisions2014/SECC14-36.pdf>

# When is “Sending Home” the same as “Suspending”?

Some Cautions:

From the US Department of Education:

Improper use of different forms of removals can be “disciplinary removals” including,

- Calling home to pick up early;
- A pattern of office referrals;
- Extended time excluded from instruction (e.g., time out); or
- Extended restrictions in privileges;
- Sending children out of school with a condition for return, such as a risk assessment or psychological evaluation; or
- Regularly requiring children to leave the school early and miss instructional time (e.g. via shortened school days).

<https://www2.ed.gov/policy/gen/guid/school-discipline/files/dcl-on-pbis-in-ieps--08-01-2016.pdf> (pages 13, 14).

# WHAT TO DO: DISCUSS, ASSESS & ADDRESS BEHAVIOR

**Functional Behavior Assessments** look at the reasons why a behavior is occurring, and help guide development of an intervention plan to address behaviors that interfere with learning

**Behavioral Intervention Plans** outline steps and strategies for reducing behaviors that interfere with learning and teaching skills and strategies to replace those with appropriate behaviors

For more, see:

[http://oeo.wa.gov/wp-content/uploads/manual\\_students\\_with\\_disabilities.pdf](http://oeo.wa.gov/wp-content/uploads/manual_students_with_disabilities.pdf)

And

<http://www.k12.wa.us/SpecialEd/Families/Behavior.aspx>

# OEO.WA.GOV

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Governor's Office of the  
**Education Ombuds**

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*We listen. We inform. We help solve problems.*

**Request Our Services**  
Read about our role, services, and Frequently Asked Questions to see if we can help you.

# PUBLICATIONS

Publications and Resources  
for Families

Annual Reports to  
Legislature

## What Every Parent Needs to Know

*A series of four handbooks for parents and caregivers with children in elementary and secondary public schools in Washington state.*



### Basic Education Rights and Opportunities in Public Schools

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### How to be an Education Advocate

[English](#) | [Español \(Spanish\)](#)



### Discipline in Public Schools

[English](#) | [Español \(Spanish\)](#)



### Protecting the Educational Rights of Students with Disabilities in Public Schools *(Updated July 2012)*

# REQUESTING SERVICES



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*We listen. We inform. We help solve problems.*

Request Our Services

– Forms

Referring to OEO

Please be sure to read about [our role](#), [services](#), and [Frequently Asked Questions](#).

Read a brief overview of how Ombuds are [Working With Families](#).

## How to request our services

**By Phone** – Call us toll free at 1-866-297-2597 to set up a confidential appointment with an ombuds. Our staff can access phone interpretation for more than 150 languages.

**Online** – Fill out our [Online Intake Form](#) and someone will get in contact with you to set up an appointment with an ombuds.

**By Fax or Mail** – Download a [Request for Ombuds Services](#) form and the [Permission to Contact the School](#) form (this form allows OEO to discuss the student's situation directly with school and district staff). Mail completed forms (address is printed on the forms) to OEO or fax

# PHONE INTERPRETATION IN 240+ LANGUAGES AND DIALECTS

OEO uses CTS Language Link to connect with phone interpreters and has forms available in multiple languages.

OEO Forms available in:

- ✓ Spanish
- ✓ Amharic
- ✓ Arabic
- ✓ Chinese
- ✓ Korean
- ✓ Punjabi
- ✓ Russian
- ✓ Somali
- ✓ Tagalog
- ✓ Vietnamese

# PLEASE & THANK YOU!

Please share your Feedback on this Webinar!

Link to survey: <https://www.surveymonkey.com/r/SJDGRFK>

Thank you for your participation!

[www.oeo.wa.gov](http://www.oeo.wa.gov)

[oeoinfo@gov.wa.gov](mailto:oeoinfo@gov.wa.gov)

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