



WASHINGTON STATE

Office of the Education Ombudsman

www.waparentslearn.org

Public Policy Recommendations 2011

OEO is required by law to make annual recommendations to the Governor, the Legislature, and the State Board of Education for improvements in the education system. In the course of our work, we collect data and identify system-wide factors that contribute to a breakdown in fair and equitable processes which are fundamental to the academic success of all students. Our recommendations are based on the frequency and depth of complaint issues we handle and our conversations with educators, parents, and students.

1. Suspensions and Expulsions

Current state law does not require school districts to provide educational alternatives to students facing long-term suspension or expulsion. And the Washington Administrative Code leaves the door open for arbitrary decisions in schools regarding the length of student suspensions or the reasons for expulsions. According to OSPI's July of 2010 "Suspension, Expulsion, and Due Process Rules" document: "an expulsion is essentially permanent unless it is reversed or amended by a school official or the school board." Long term suspensions and expulsions are currently imposed on students at all levels of schooling, including students enrolled in early elementary school grades and reversals and amendments are hard to impossible to obtain.

The State of Washington is under a federal mandate to improve graduation rates and is committed to reducing the disparity of dropout rates for students of color. OSPI is currently responsible for Dropout Prevention and is examining ideas and initiatives to reduce the number of drop outs. Research used by the Building Bridges committee, headed by OSPI, shows a direct correlation between drop outs and frequent suspensions since students who experience instructional disruptions have serious difficulties returning to an educational setting and are more likely to stop attending school. These studies also verify that students of color have higher rates of long term suspension and expulsion than white students.

WAC 392-400-260 is the Administrative Code for long-term suspensions. Section 4 states that no students in Kindergarten through Grade Four shall be subject to long-term suspension during any single semester and no loss of academic grades or credit shall be imposed by reason of suspension. Section 5, states that no students Grade 5 and above, shall have a long-term suspension imposed in a manner which causes the student to lose academic grades or credit in excess of one semester. OEO has worked on numerous cases where this WAC was not being adhered to by the school district.

WAC 392-400-275 states that a student may be expelled. There is no wording in this WAC about alternative education except in section 4 which states that the school district shall notify the appropriate local and state authorities, including juvenile authorities, in order that such authorities may address the student's education needs. OEO has repeatedly found that this is not being followed. Some school districts no longer notify authorities of any expulsion. When authorities are notified, those authorities are not providing any alternative education.

Washington public schools are not obligated to educate students that have been long-term suspended or expelled. Expelled students can re-enter the system through alternative programs if available in their district or by applying for enrollment in another school district. Enrollment acceptance in a school district, other than where the student lives, is at the discretion of that district's administrators. Depending on various factors, including the severity of the cause of the expulsion, the student might not be accepted in other school districts.

However, if the student commits a crime and becomes part of the juvenile justice system, the student can receive instruction while in juvenile detention.

OEO understands that state discipline policies were designed to keep students safe in school, and we agree with that premise. However, the one-size-fits-all approach and the discretionary nature of decisions made by school administrators open the door to unfair practices. As we found when analyzing our data and state-wide data, these policies impact students of color and/or low-income students disproportionately.

Recommendations

- Create a state-level task force to examine existing language in school discipline State laws, RCWs and WACs to determine the impact on students, particularly disabled students and students of color as they are disproportionately represented in disciplinary actions. This task force should also recommend research-based frameworks that prevent and reduce the incidence of disciplinary actions for school districts to adopt.
- Amend State law to require school administrators to, before they expel a student, make an assessment of not only of the type of disciplinary infraction committed but also of the context in which it happened, the age of the student, the student disability (if appropriate), the student's family circumstances and to make provisions for the continuation of the student's education. Provide adequate resources for school districts for this task.
- Amend State law to require that long-term suspended and expelled students are able to continue their education by mandatory enrollment in an on-line school. Provide adequate resources for school districts.
- Amend State law to require that parental communication regarding disciplinary actions be provided in a language they can understand. Translated, as necessary. Provide adequate resources for school districts.
- Study the possibility of requiring high-schools to develop in-school suspension programs for suspended students with access to on-line classes. Provide adequate resources for districts.
- Many secondary students are being expelled or deemed sexual predators due to inappropriate public displays of affection (PDA) with other students. Develop sample policy regarding PDA for school districts to adopt and prevent these types of actions.

2. Communication Access

Ensuring that families correctly understand school proceedings levels the playing field for students from diverse ethnicities and cultures or students with disabled parents. This is a big contributor to the closing of the achievement gap. Research has shown that effective home-

school communication focusing on helping parents understand how the school system works is an essential component of student academic success.

Washington public schools have both an educational and legal responsibility to communicate effectively with parents and students and ensure that they understand their options and how their actions and school actions may affect their future. Both federal and state laws echo this imperative, by requiring that information be provided to families in a language they can understand.

Limited English-speaking parents (LEP), disabled parents, parents who speak colloquial English have complained to OEO that they are not able to make informed decisions about their children's education because they cannot understand what school officials are telling them – particularly when their children are involved in “high-stakes situations” at school such as expulsions, suspensions, Special Education, bullying, etc. LEP parents contacting our office report attending school meetings and signing documents without fully understanding the implications for their student. Many don't know that their children have a disability, are part of the Special Education program, and have an IEP.

LEP parents are many times provided with interpreters who do not know educational terminology or how the school system works in America. Under those conditions, interpretation can be inaccurate and there can be no guarantee that crucial information was understood by the parents.

Worse yet, OEO has found that school districts utilize students as interpreters during important meetings with limited English proficient parents. These meetings are often critical for the academic achievement of the student and the burden of communicate important information is placed on the student him/herself. OEO has found students as young as 8 years old being asked to interpret for their parents. These students have not yet developed appropriate vocabulary in both English and their home language and should not be placed in onerous situations like these. Not only this is an undue burden to the student but it also undermines parental authority.

Although federal laws¹, provide guidance to school districts to “communicate with parents in a language they can understand” this has not been made a requirement for high-stake meetings when parents need to make important decisions affecting their children.

Recommendations

- Require and provide resources for the Office of the Superintendent of Public Instruction to develop a state-wide Center for School-Home Communication. This center will provide school districts with a menu of resources, translated common documents, and develop a program to train and certify professional education interpreters. Provide adequate resources.
- Require school districts and provide adequate resources to adopt policies and procedures in compliance with federal and state laws guidelines for communication with LEP and other parents: Title VI of the Civil Rights Act of 1964, RCW 49.60 (Washington Law against Discrimination), ESEA Title I, Part A (Improving the Academic

¹ Title VI of the Civil Rights Act of 1964, RCW 49.60 (Washington Law against Discrimination), ESEA Title I, Part A (Improving the Academic Achievement of the Disadvantaged), ESEA Title I, Part C (Migrant & Bilingual Education), ESEA Title III (Language Instruction for LEP & Immigrant Students), Revised Code of Washington 28A.180.040 (2), Washington Administrative Code 392-160-010 (2).

Achievement of the Disadvantaged), ESEA Title I, Part C (Migrant & Bilingual Education), ESEA Title III (Language Instruction for LEP & Immigrant Students), Revised Code of Washington 28A.180.040 (2), Washington Administrative Code 392-160-010 (2). To comply with these laws and policies, at a minimum, School districts should provide oral interpretation and translated documents and appropriate accommodations for communications with parents and family members whose children are involved in high-stake situations such as: expulsions, suspensions, bullying, special education, truancy, student health (physical/emotional) and access to educational programs such as Highly Capable.

School districts should also be required to provide LEP parents with qualified interpreters and translators who have knowledge of the K-12 education system and its terminology.

3. Parent/Family Access to Special Education Classrooms

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 setting is currently not federally legislated but left to individual state laws and school district policies.

In addition, pursuant to the Individuals with Disabilities Education Act, parents may be entitled to a second opinion about the efficacy of their child's program and ask for an independent evaluation. Those evaluations are often conducted by an outside professional who requires access to observe the student at the school. Such evaluations can only be collaborative and productive when the evaluator can observe how the student functions and interacts in the actual learning environment in order to take advantage of the opportunity of an independent fresh look at the school program.

Unfortunately, in our state many district policies related to classroom access result in a barrier which prevents parents and/or their private evaluators from observing students in the special education setting.

Having discussed this issue with many school officials, OEO understands their concerns, such as: the privacy⁷ of the other children in the classroom, the potential disruption of the learning environment, the student “acting up” when being observed, and teachers’ concern that parents would in effect evaluate them.

However, this impasse directly impacts students by causing serious delays in solving problems, identifying concerns and modifying IEPs.

Since the inception of the OEO, Ombudsmen have addressed a great number of disputes and conflicts between parents and schools regarding access to special education classrooms. These cases require persistence and the ability to navigate through districts’ written and unwritten policies, confusing processes, and arbitrary decisions that render some cases impossible to resolve in a manner that fully benefits the student.

We believe that parents, as equal partners with schools, must be involved in decisions that affect their children and must have timely and reasonable access to observe their children’s classrooms, particularly in cases where a child is unable to communicate what may be happening within the educational environment.

Recommendations

OEO recommends an amendment to the current RCW (28A.605.020) that governs Parent Access to the Classroom. It currently it reads: "Every school district board of directors shall, after following established procedure, adopt a policy assuring parents access to their child's classroom and/or school sponsored activities for purposes of observing class procedure, teaching material, and class conduct: provided that such observation shall not disrupt the classroom procedure or learning activity." A language change should be enacted as follows:

"To ensure that parents of children with disabilities can participate fully and effectively with school personnel in the consideration and development of an appropriate educational program for their child, each school district shall, upon written or verbal request by a parent, afford timely access to the child's current program or any proposed educational program prior to any IEP meeting or meeting to discuss the child's educational program, in any case no later than 10 days after the parent's request.

This includes access to any current or proposed educational program by an independent educational evaluator or a qualified professional retained by or on behalf of a parent. Such observations may be for the purposes of assessing the child's performance, viewing the child's current educational program, considering the appropriateness of the child's placement, services, or least restrictive environment being provided to or proposed for the child. The school district may limit interviews of personnel having information relevant to the child's current educational services to meetings or conferences scheduled separately from the observation in the current or proposed classroom, program or placement."



The Office of the Education Ombudsman (OEO) is the first agency of its kind in the nation. It was established by the state legislature in 2006. OEO is situated within the Office of the Governor, independent from the public education system.

OEO provides families and K-12 public schools an avenue through which they can get an impartial review and resolution of a problem, dispute or complaint that is affecting the academic progress or the learning environment of a student. Other functions of OEO include: making recommendations for state/local statutory and administrative improvement, promoting family involvement in education and identifying strategies to close the achievement gap.

OEO is committed to excellence in public education and to the fair treatment of all students in public schools.

Mission

OEO's mission is to promote equity in education and support the ability of public school students to fully participate and benefit from public education in the State of Washington.

Vision

OEO envisions Washington state families, students, communities, and educators as empowered partners in a responsive, accountable, and equitable public education system, focused on student academic success.

Student Focus

OEO is impartial. Education Ombudsmen advocate for fair and equitable processes that support student academic achievement.

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