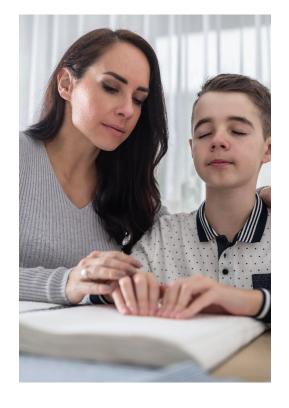




Education Ombuds

We listen. We inform. We help solve problems. Phone: 1-866-297-2597 Web: www.oeo.wa.gov





Annual Report 2021-2022

We work with families, communities, and schools to address problems together so that every student can fully participate and thrive in Washington's K-12 public schools.



To: The Honorable Jay Inslee, Governor

Chris Reykdal, Superintendent of Public Instruction

Randy Spaulding, Executive Director of the State Board of Education

Members of the Legislature

The Office of the Education Ombuds (OEO) underwent major transitions this year. Carrie Griffin Basas, who has been the Director for the past approximately six and a half years, embarked on a new opportunity. Nothing will surpass the happiness I feel for Carrie as she launches into her new journey, but there has been sadness associated with her departure. I'm thankful for Carrie's leadership and appreciative of her willingness to share space for the leadership of others over the years. Before Carrie left, she led us through one of the most exciting moments for us at OEO by obtaining sponsorship and passing of SB 5376. We appreciate the assistance this bill provides for ensuring information about OEO reaches communities in all districts. Thank you!

I also want to extend a thank you to the team here at OEO. We've navigated a couple of transitions in a very short span of time and we have a few more in our near future. The individual strengths within this team have undoubtedly contributed to our ability in meeting these changes with rigor, unwavering collaboration, and grace.

Prior to the start of the 2021-2022 school year, the OEO heard from students, families, educators, and other stakeholders through different areas of our work, about their hopes and fears for the upcoming school year. Schools and families alike shared their hope that returning to a fully in-person instruction model would increase access to learning, particularly for many students who have faced increased barriers to engagement since the COVID-19 pandemic. Conversely, a great deal of concerns were shared by historically and currently marginalized communities that returning to school would mean a return to a system still steeped in structural, institutional, and systemic racism and ableist practices. We saw examples of encouraging gains this school year, but also saw the fears of Washingtonians made real, despite declarations made that we would not return to "business as usual."

As students began to attend schools in person, OEO began to see a staggering increase in requests for conflict resolution. Our numbers continued to grow in the 2021-2022 academic year reaching our second highest in OEO history with 1,169 requests. This number is up from 627 requests in 2020-2021 and 617 in the 2019-2020 school year. In examining the top concerns that reached our office, Special Education came in as the number one area of concern. Discipline-related issues came second for Black students alone, highlighting the anti-Black culture that continues to plague our schools. Schools and families also reported a concerning increase in harassment, intimidation, and bullying.

The 2021-2022 school year also brought some exciting and encouraging news. We were able to connect with more callers who requested interpretation services. The number of callers requesting interpretation more than doubled this year. The creation of a language access technical assistance program and the direction for developing interpreter credentialing requirements that came with the passing of HB 1153 is another highlight that will likely help carry on this positive trend. We also saw a 27% increase in callers who requested disability-related accommodations. We see these increases as a promising sign that the people accessing OEO's services are becoming more reflective of Washington's diverse communities.

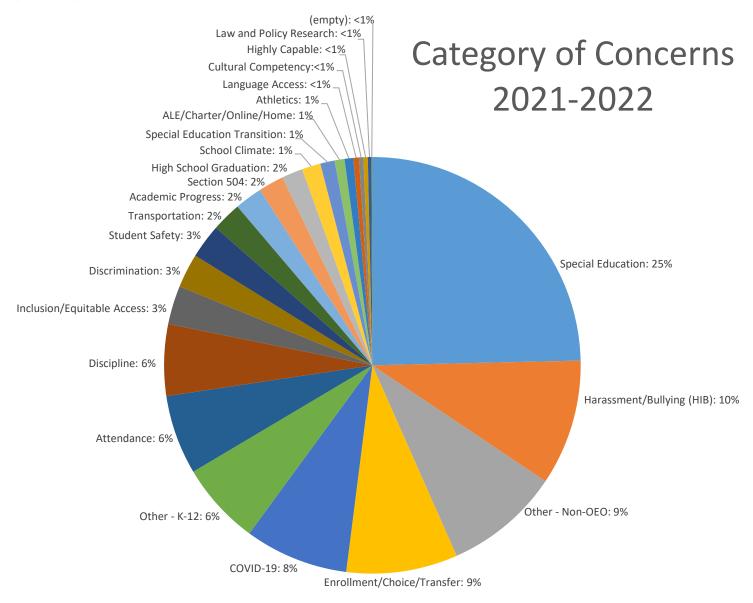
We enter a new school year with another renewed opportunity to disrupt cyclic attitudes and actions that lead to disparate outcomes for marginalized students. There have been a couple of instances this year where I've had the opportunity to see restorative resolutions take place with schools and families. These resolutions were deemed successful by both school staff and families. These opportunities are possible when we commit to working together to create them. I'm committed to receiving support and providing it as we strive to create an inclusive, equitable, and accountable education system.

Yordanos Gebreamlak, MSW

Interim Director

2021-2022 Data Overview

OEO received a total of **1169** education-related concerns during the 2021-2022 fiscal year, an increase of over 85% from the previous year, and on par with OEO's pre-Covid 19 case numbers from 2015-2016. The primary concerns were **Special Education**, **Harassment**, **Intimidation and Bullying (HIB)**, **Enrollment/Choice/Transfer**, **and Covid-19**.



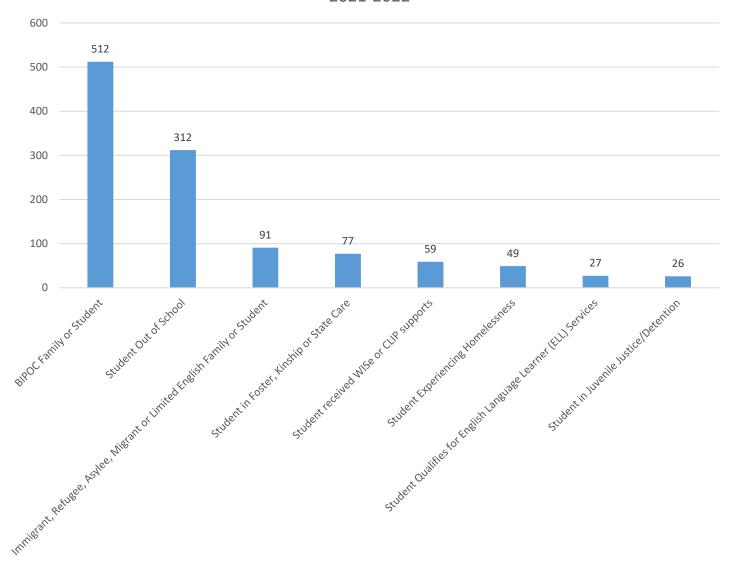
Education Concerns 2021-2022

As students returned to in-person learning for the 2021-2022 school year, families and community partners reached out to OEO to voice a variety of concerns, from special education placement and recovery services to student safety due to discriminatory harassment, intimidation and/or bullying. There were also concerns related to masking, vaccines, and COVID-19 safety protocol; enrollment, choice and transfer, and reports of students who went missing - who had been unenrolled, displaced, or otherwise unaccounted for.

OEO implemented year two of a 3-year strategic plan dedicated to educational justice focusing on racial justice and disability justice for specific populations most impacted by opportunity gaps and COVID-19. The chart to the right represents the breakdown of strategic populations who contacted OEO during 2021-2022.

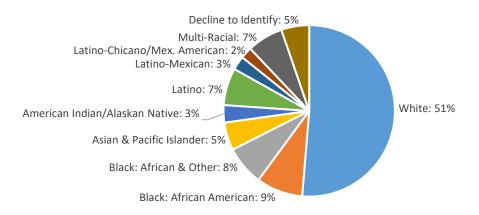
Of the 1169 concerns brought to OEO during 2021-2022, 627 (54%) involved OEO's 2020-2023 strategic plan populations, a 15% increase over last year.

of Strategic Populations Families or Students 2021-2022



Many of the families and students within the strategic plan populations were part of two or more specific populations.

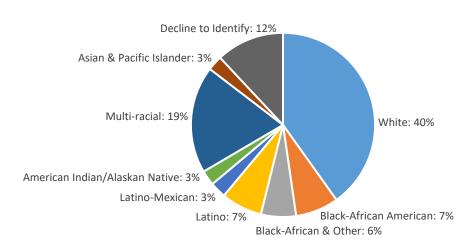
Caller Race/Ethnicity 2021-2022



*Due to small n-size in 2021-2022, Asian and Pacific Islander Student Groups are combined.

Not all callers provided student race/ethnicity information. Of that provided, we see the following race/ethnicity breakdown for students.

Student Race/Ethnicity 2021-2022



Top Concerns by Student Race	#1 Concern	#2 Concern	#3 Concern
American Indian / Alaskan Native	Special Education / Inclusion /	Harassment / Bullying (HIB) 24%	Enrollment / Choice / Transfer 18%
	Equitable Access 30%		
Asian & Pacific Islander*	Special Education / Inclusion /	Student Safety 20%	Discipline 10%
	Equitable Access 50%		
Bi- / Multi-Racial	Special Education / Inclusion /	Harassment /	Discrimination 14%
	Equitable Access 36%	Bullying (HIB) 22%	
Black: African American	Special Education / Inclusion /	Discipline 13%	Harassment / Bullying (HIB) 9%
	Equitable Access 45%		
Black: African & Other	Special Education / Inclusion /	Discipline 22%	Enrollment/Choice/Transfer 15%
	Equitable Access 37%		
Latino	Special Education / Inclusion /	Harassment / Bullying (HIB) 18%	Enrollment / Choice / Transfer 11%
	Equitable Access 38%		
White	Special Education / Inclusion /	Harassment / Bullying (HIB) 11%	Discipline 8%
	Equitable Access 41%		

How People Contacted OEO:

During 2021-2022, 77% of concerns were reported to OEO through OEO's toll-free phone number or email. OEO offers phone interpretation in 240+ languages for callers whose primary language is not English. OEO also has an online intake process, which is available in ten languages: Arabic, Chinese Simplified, Chinese Traditional, English, Korean, Russian, Somali, Spanish, Tagalog, and Vietnamese. 23% of concerns were submitted via online intake, of which 57% were from strategic populations. The online intake is available at: https://services.oeo.wa.gov/oeo.

86% of the people who contacted OEO during 2021-2022 were families with concerns for their children's education. The remaining 14% consisted of community and health professionals, educators and school professionals, and others.

Referrals to OEO:

Self-Referral: 40% Community Professionals: 10% OEO Website: 4%

Other: 12% Other Parents/Friends: 8% OSPI: 2%

Organizations Supporting OEO Strategic Medical Professionals: 6% OEO Outreach/Social Media: 1%

Populations: 10% Educators/School Professionals: 4%

Districts Collaborating with OEO on 15+ Issues included:

Seattle, 73; Kent, 45; Tacoma, 24; Clover Park, 23; Edmonds, 23; Federal Way 21; Mukilteo, 19; North Thurston, 19; Shoreline, 19; and Northshore, 18.

Opportunity Gap Populations

OEO often receives questions about education issues for specific groups of students impacted by opportunity gaps. The following chart identifies the top concerns reported to OEO from distinct Opportunity Gap Populations. While the top concern was Special Education across all groups, we see that other concerns included Harassment / Bullying (HIB), COVID-19, Discipline and Enrollment/Choice/Transfer issues.

For Students with Disabilities, within the top concern of Special Education/Inclusion/Equitable Access/Transition, focus was on IEP Issues, Evaluations, and Placement.

Opportunity Gap	#1 Concern	#2 Concern	#3 Concern
Populations			
Students with Disabilities	Special Education/Inclusion/Equitable	Harassment/Bullying (HIB):	COVID-19: 5%
	Access/Transition: 63%	6%	
Linguistically Diverse	Special Education/Inclusion/Equitable Access:	Harassment/Bullying (HIB):	COVID-19: 5%
Learners	48%	28%	
Students Receiving Free	Special Education/Inclusion/Equitable Access:	Harassment/Bullying (HIB):	Discipline: 8%
and Reduced Meals	54%	10%	
Students in the Foster	Special Education/Inclusion/Equitable Access:	Discipline: 14%	Enrollment/Choice/Transfer:
Care System or Without	51%		9%
Housing			

Language Access

8% of families contacting OEO spoke languages other than English in the home in 2021-2022. Those languages included: American Sign Language (ASL), Amharic, Cantonese, Farsi, Hindi, Italian, Japanese, Korean, Mandarin, Oromo, Other, Somali, Spanish, Tigrinya, and Vietnamese.

6% of families requested phone interpretation in the following languages: American Sign Language (ASL), Amharic, Arabic, Cantonese, Hindi, Korean, Mandarin, Oromo, Other, Portuguese, Somali, Spanish, Tigrinya, and Vietnamese.

Policy Recommendations

Over the last year, Washington made progress in some of the areas addressed in the 2021 Annual Report, including language access,¹ increased community engagement through fair compensation,² and strengthened supports for student attendance.³ We are still in an enrollment crisis with thousands of public-school students who remain missing or unaccounted for. The inequities in educational opportunities highlighted by the COVID-19 pandemic have not been addressed while the traditional in-person school model is ill-equipped to close that gap because discriminatory harassment, bullying, and peer conflict is skyrocketing and creating an educational environment that does not support learning.

We Need Leadership, Coordination, Funding, and Accountability to Find and Re-engage Students

Across the nation, schools report decreased enrollment of students. Thousands are missing and unaccounted for in every state, including Washington. The reasons why students have disengaged from school vary,⁴ but a near-universal sentiment expressed by stakeholders was frustration at the lack of a clear process to support re-engagement.

Drop-out prevention is the first necessary step. School districts must prioritize the identification, enrollment, and support of students who are eligible for special education services, experiencing homelessness, or in foster care to prevent unenrollment. We also need a system to identify students who have disengaged from education. At a minimum, each school district should be required to identify a specific contact who can receive any reports of students in need of identification and engagement. School district employees tasked with the mission of identifying and engaging students should receive support from the State, including funding, guidance, and training. To support the recent (and long overdue) sunsetting of provisions that allowed juvenile courts to incarcerate students for missing school, the Legislature granted juvenile courts authority to use its funding to provide case management services for students referred for truancy⁵ and appropriated funds for OSPI to use for truancy prevention measures. School districts have not yet received any legislative appropriations for this purpose, but heavily contribute to being front-line workers for prevention and response.

Student reengagement requires interagency cooperation. With the welcomed shift away from the punitive criminal response to truancy and towards prevention and case management, we have seen a wide variety of community engagement efforts. Some regions moved forward with creative, community-

¹ HB 1153 (2021-22), https://app.leg.wa.gov/billsummary?BillNumber=1153&Year=2021&Initiative=false, created a language access technical assistance program and directed the development of interpreter credentialing requirements.

² SB 5793 (2021-22), https://app.leg.wa.gov/billsummary?BillNumber=5793&Year=2021&Initiative=false, helped reduce barriers for people who are directly impacted by state policy to participate in the process by allowing state agencies to offer stipends to individuals with lived experience who dedicate their time to system improvement efforts.

3 WAC 392-401-045(d), required districts to establish "[a] process for outreach and reengagement for students who have been withdrawn due to nonattendance and there is no evidence that the student is enrolled elsewhere" rather than simply administratively unenrolling them after 20 days of absences.

⁴ Some students needed mental and behavioral health supports to address severe depression and social anxiety to engage in or attend school. Others lacked the academic supports they needed to catch up to their peers and felt hopeless about progressing further. Students who lived with another family member or ran away from home were particularly vulnerable because their parents struggled to get any information about, much less support for, reengagement. Several students expressed a desire to attend school, but felt that economic pressures or the lack of support from the school system prevented them from doing so. Families who needed to move and lacked a fixed address or permanent housing often missed a month or more of school before connecting with our office or a McKinney Vento Coordinator in their local district or school of origin.

⁵ \$7,000,000 was allocated juvenile courts to support case management of truancy, as well as the costs of processing truancy proceedings, children in need of services, and atrisk youth referrals. ESSB 5092, Section 115 (2021), https://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5092-S.SL.pdf?q=20220719082734.

⁶ \$178,000 was allocated for OSPI for truancy reduction efforts. ESSB 5092, Section 1501 (2021), https://lawfilesext.leg.wa.gov/biennium/2021-

^{22/}Pdf/Bills/Session%20Laws/Senate/5092-S.SL.pdf?q=20220719082734 and

based, youth-centered programs while others struggled to establish a relationship between schools, students and their families, community-led organizations, and courts. The outcomes of the different regional approaches should inform future policy adoption.

Currently, it is impossible to measure the effectiveness of the varying local approaches or the adequacy of funding because the fund allocations do not specify a reporting plan for prevention and case management, such as the actions taken, the outcomes, or even the number of students who received direct assistance. To maximize flexibility for schools and their partners to support student engagement, state leaders must set metrics for measuring success and create a plan for monitoring progress toward our stated goals of educational access and equity.

COVID RECOVERY FUNDS MUST BE ALLOCATED BASED ON A STUDENT-CENTRIC MODEL

Services to support students' educational losses resulting from the COVID-19 pandemic and school shutdowns are inconsistent at best and nonexistent at worst. Our current K-12 students, on average and as a class, are academically behind their cohorts from previous years who did not suffer similar disruptions to learning. This additionally and disproportionately impacts populations who are already systemically marginalized. State and federal governments allocated significant COVID-19 recovery funds towards resolving these issues. The Office of the Superintendent of Public Instruction made federal emergency relief funds available to school districts through grants. When grants are awarded, students who could benefit from services are not informed of the availability of these funds and may not see any direct or timely benefits from this funding. For example, research into the best teaching methods does not meet the students' current needs for additional educational support. Administrative concerns like possible future budgetary constraints and wage suppression influence the allocation of these funds to the detriment of student learning.

To foster transparency, accountability, and positive student outcomes, the State should prioritize developing a publicly available and searchable database of educational services that connects individual students to the services available in their region. School districts can take prompt action to help students and prevent the achievement gap from growing through steps such as: increasing hourly wages to overcome the lack of paraprofessional staff; building learning opportunities with community organizations through public-private partnerships; and contracting with private individuals or organizations for supplemental instruction, tutoring, or other services delivered directly to students. To fill in any gaps left by local school districts, the State could contract for core curricular tutoring services and vacation academies available for open enrollment to all students. In the long term, our education system should target services and offer long-term assistance, progress monitoring, and support to the individual students who have been most impacted by COVID-19 for at least the next 5 years. But the perfect cannot be the enemy of the good. We must act now to prevent further degradation of educational opportunities for this generation of students. This begins by prioritizing funding for direct instructional services for students and notifying their families of the educational opportunities that are available.

⁷ C.f. https://crpe.org/whack-a-mole-school-systems-respond-to-disrupted-learning-in-2021/, https://edworkingpapers.com/sites/default/files/ai22-521.pdf, and https://edworkingpapers.com/sites/default/files/ai22-521.pdf, and https://edworkingpapers.com/sites/default/files/ai22-521.pdf, and https://edworkingpapers.com/sites/default/files/ai22-521.pdf, and https://edworkingpapers.com/sites/default/files/ai22-521.pdf, and https://www.mckinsey.com/industries/education/our-insights/covid-19-and-education-an-emerging-k-shaped-recovery.

⁸ According to the latest report from the Bureau of Labor Statistics, the U.S. has nearly double the number of open jobs than people available to fill them. July 6, 2022, Bureau of Labor and Statistics, Economic News Release https://www.bls.gov/news.release/jolts.nr0.htm. Full-time teaching assistants in Washington earn an average annual salary of \$42,130. See https://esd.wa.gov/labormarketinfo/occupations, but the educational support jobs that remained unfilled in many school districts during the 2021-2022 school year were not full-time, lacked benefits, and had a starting hourly wage as low as \$16 per hour (or \$1.51 more than Washington's minimum wage) for a 3-hour workday. It is unsurprising that school districts could not fill such positions when other employers or industries offered more competitive employment prospects.

We Need a New Approach on Preventing and Responding to Discriminatory Harassment, Intimidation and Bullying (HIB), Co-designed by Students, Families, Community groups and Educators

Reports of harassment, intimidation, and bullying (HIB) rose to unprecedented levels this year. When schools closed their physical doors, students missed out on the organic social emotional learning that takes place in classrooms and on playgrounds. When schools reopened, the shock of peer interaction exacerbated or caused mental health issues for students. With students and staff experiencing increased stressors from the shutdown and the infection risks of in-person schooling, we heard about an increase in concerning behaviors from families and educators. In too many of these cases, bullying escalated to physical violence and student injuries. Our ombuds struggled to help families and schools reach satisfactory resolutions to these cases, despite families' attempts to access established processes intended to address bullying or harassment.

Incidents of discriminatory harassment—targeting students on the basis of race, sexual orientation, gender, and disability—represented a significant percentage of all HIB cases. State regulations require school staff to proceed under the discrimination complaint procedures when a HIB complaint or investigation uncovers a potential allegation of discriminatory harassment. Yet we heard from students and families who experienced the pain of discriminatory harassment. We also heard related concerns about bias or animus in schools' and districts' responses to reports of possible harassment or bullying. School staff often failed to understand families' concerns of discriminatory harassment and did not fully investigate or respond to them as such.

Over ten years ago, our state legislature required every school district to adopt policy and procedure prohibiting HIB and discrimination. However, the interpretation of the statute¹⁰ and the implementation of school procedures renders the law largely ineffective at protecting students. The lack of clear and effective communication around investigations and their outcomes creates barriers to trusting relationships and negatively impacts student wellbeing. The connection between bullying and discrimination is not widely understood. We urge the State to take this opportunity to revisit the approach to prevention of and response to harassment, including discriminatory harassment, intimidation, and bullying. And to do so guided by the insights and ideas of students, families, and community members who have been directly impacted by discriminatory harassment or are at the highest risk for being targeted for harassment, intimidation, and bullying in schools.

⁹ School staff must notify the district's non-discrimination coordinator and the complainant that their complaint will also proceed under the discrimination complaint procedures, WAC 392-190-059(2), give the complainant a copy of the discrimination complaint procedure in a language the complainant can understand, and (most meaningfully) conduct a prompt and thorough investigation into the allegations in the complaint. WAC 392-190-065(4).

¹⁰ Our case work revealed that many schools interpret the definition of HIB in RCW 28A.600.477 as narrowly as possible to avoid acknowledging the existence of HIB or addressing it

Work with Policy Committees and Stakeholder Groups

In addition to the annual report, OEO shares policy recommendations and improves experiences for students and families while serving on many Policy Committees and Stakeholder Groups, such as:

Becca Task Force

Coalition on Inclusive Emergency Planning

Children of Incarcerated Parents

Department of Health Disability Stakeholders Group

Disability Policy Consortium

Diversity, Equity, and Inclusion Deputies Action Group

Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC)

HB1295 Institutional Education Advisory Group

Office of Administrative Hearings Suitable Representative Advisory Committee

OSPI Dispute Resolution Group

OSPI Family Engagement Framework Workgroup

OSPI School Reopening Workgroup

OSPI Special Education Advisory Committee (SEAC)

OSPI WAKids Review Subcommittee

Project Education Impact

School Safety and Student Well-Being Advisory Committee

Social Emotional Learning Advisory Committee

Washington State Coalition for Language Access (WASCLA)

WSSDA Book Censorship Working Group

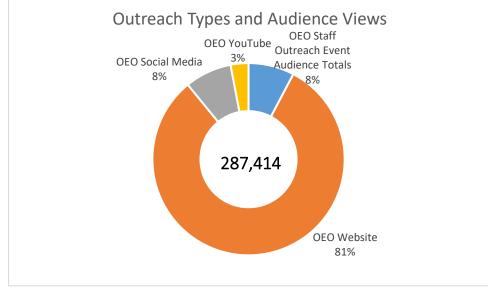
Workplace Strategy Council

Outreach to Families, Students, Educators, and Community Stakeholders 2021-2022

Outreach Type	# Views
OEO Staff Outreach Event Audience Totals	22,189
OEO Website	233,938
OEO Social Media	22,652
OEO YouTube	8,635
Total	287,414

OEO Website

The OEO website is now available in **20 languages**: Amharic, Arabic, Chinese Simplified, Chinese Traditional, English, French, Hindi, Khmer, Korean, Marshallese, Punjabi, Russian, Samoan, Somali, Spanish, Swahili, Tagalog, Tigrinya, Ukrainian and Vietnamese. (Dari and Pashto will be added in the coming year.) Visit https://oeo.wa.gov/en and select from the language picker to view the translated pages.



During 2021-2022, the OEO website has received over **233,930 views**, a 30% increase from the previous year, many of which were in Tagalog and Chinese languages.

The OEO website was viewed with the following language browser settings in order of frequency – English, Chinese Traditional, Vietnamese, Spanish, Korean, Tagalog, Russian, Chinese Simplified, Japanese, Khmer, French, Arabic, German, and Portuguese.

Top pages viewed included **35,795 views of OEO's <u>Attendance and Truancy</u>** page, **30,439 COVID 19 Resources for Families page** in Tagalog, **12,742 views of the OEO Welcome** page, and **8,177 views of the One Out of Five: Disability History and Pride Project.**

OEO Social Media

OEO continued to use social media to share information to a larger audience with its limited resources. OEO's Facebook page, https://www.facebook.com/WAEducationOmbuds, reached over **22,650** viewers during 2021-2022, over 50% increase from the previous year – due mainly to the McKinney Vento flyers that were published in the first quarter. OEO also had over **8,630** views on its YouTube channel, and added new webinars such as:

<u>Disability Teaches Us: Reframing Possibilities: Meaningful Inclusion: Undoing Ableism In Schools</u>

<u>Disability Teaches Us: Reframing Possibilities: Meaningful Inclusion: Collective Action</u>

Disability Teaches Us: Reframing Possibilities: Meaningful Inclusion: Not If, But How

Planning Ahead for the Year for IEP Team Members

IEP Goal Progress Reports

Planning Ahead for 3 Year Re-Evaluations

Visit the OEO YoutTube channel over the coming months, as OEO will be publishing several short videos explaining various components of special education.

Outreach through OEO Staff-Led Events

OEO staff participated in **398** virtual presentations, workshops, webinars, blog posts, and outreach events this year, reaching more than **22,189** people. Of those 398 events, **367** (**92%**) targeted OEO's Strategic Plan Populations.

OEO offered presentations in English, Spanish, and Tigrinya. OEO also offered presentations in English where interpretation was provided in the following languages: American Sign Language (ASL), Amharic, Arabic, Mandarin, Oromo, Russian, Somali, Spanish, Tigrinya, Ukrainian, and Vietnamese.

Presentations reached immigrant, refugee, asylee, migrant, and linguistically diverse families, as well as people of color, families experiencing homelessness, students and families involved in kinship or foster care, students receiving WISe and CLIP services, students in juvenile legal systems or detention, and students out of school.

OEO often reached blended audiences of families, community professionals, educators, government leaders, and others.

One Out of Five: Disability History and Pride Project

In the fall of 2018, OEO launched its learning resource for celebrating disability history and pride in Washington State called <u>One Out of Five:</u>

<u>Disability History and Pride Project.</u> At the end of June 2022, the *One Out of Five: Disability History and Pride Project* student videos had received **18,056 views** on the OEO YouTube Channel.

Disability Teaches Us Webinar Series

OEO also continued a webinar series on Disability Justice, called "Disability Teaches Us." OEO partnered with WA PAVE and Inclusion for All to present three additional webinars featuring guest speaker Priya Lalvani, Ph. D., which can be viewed on the OEO YouTube Channel:

Disability Teaches Us: Reframing Possibilities: Meaningful Inclusion: Undoing Ableism In Schools

<u>Disability Teaches Us: Reframing Possibilities: Meaningful Inclusion: Collective Action</u>

<u>Disability Teaches Us: Reframing Possibilities: Meaningful Inclusion: Not If, But How</u>

OEO Publications

OEO produced the following new or revised publications, which are available on the OEO website:

- McKinney Vento Flyers Supporting Students Experiencing Homelessness in <u>English</u> and <u>Spanish</u>
- Education Ombuds Awareness Bill SB 5376 Materials for Schools posted in the News and Events section of the <u>OEO Homepage</u>

How Satisfied Are Our Stakeholders?

• Of the 20% of returned surveys for Ombuds, 85% liked their experience with OEO.

Contact Us

OEO values continuous improvement and the trust of the families, students, and educators that work with us. Please reach out if we can be of assistance.

Questions and/or comments about this report can be sent to:

3518 Fremont Avenue North, #349 Seattle, WA 98103

Or emailed to: oceanger-wa.gov

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- YouTube: https://www.youtube.com/user/TheWAEdOmbudsman



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