

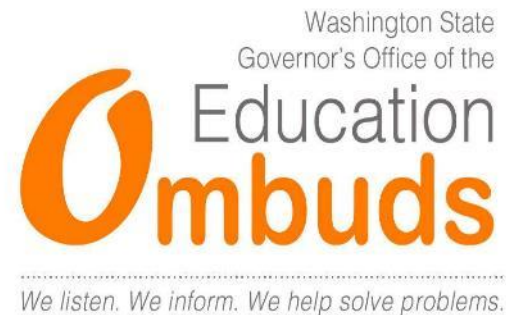
ASK AN OMBUDS OEO LUNCHTIME WEBINAR

WITH YASIN ABSHIR, ASSOCIATE EDUCATION OMBUDS AND
ROSE SPIDELL, EDUCATION OMBUDS

OCTOBER 10, 2017

Toll free: 1-866-297-2597

Online: 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.



QUESTIONS

- Did the **truancy** laws change again? What is new?
- What is OEO's position on OSPI's proposed school **discipline rules** and what effort is OEO making to support public participation in the ongoing rulemaking process?
- Ideas/suggestions for promoting **Disability History Month** in schools?
- What info does a parent have access to when a **HIB complaint** &/or a section 504 complaint is filed when the child was targeted b/c of disability and/or racial background? How can parent know whether an investigation actually happened and whether any action was taken?
- When is it appropriate to use "**Assistive Technology**" and what is "Assistive Technology"?
- Who is responsible for maintaining documents in a **student's file**?
- What are school districts doing to implement new changes to the federal Every Student Succeeds Act that direct extra efforts to prevent educational disruption for **foster youth** transferring schools?
- What about children and youth in **Kinship Care**? Are there resources for grandparents, aunts or other relatives caring for a child?

PLEASE share your FOLLOW UP and ADDITIONAL QUESTIONS via the CHAT or Q&A functions

QUESTION 1: HAS THE TRUANCY LAW CHANGED AGAIN?

Yes. And more may be on the way.

What's New?

- Continuing to shift emphasis away from courts, toward school and community based problem solving, including **Community Truancy Boards**;
- **School based problem solving** must include **IEP or Section 504 team** if there is one, and parents must receive notice of right to request an evaluation if a disability is suspected;
- Early, positive engagement when a student is absent for any reason (new **notices and requests for meetings when students are absent**);
- Emphasize **access to services** when a youth and family are referred to court.

Still to come? Possible further changes to **eliminate or reduce the use of incarceration** in juvenile detention in truancy and other “status offense” cases.

What is the same? **Relationships are Key** –to support students’ connection and sense of belonging in school; to support open communication when issues come up.

For details, see also, OSPI Bulletin 077-17:

<http://www.k12.wa.us/BulletinsMemos/Bulletins2017/B077-17.pdf>.

OEO ON OSPI'S PROPOSED SCHOOL DISCIPLINE RULES

Now is the time to weigh in!!

Check out the proposed re-write of the rules:

<http://www.k12.wa.us/StudentDiscipline/Rules/ProposedDisciplineRules.pdf>

Review **Highlights** of the Proposed Rules & Translations of those highlights in **10 additional languages**:

<http://www.k12.wa.us/StudentDiscipline/Rules/default.aspx>

Share your comments with OSPI in writing by November 13 or at one of 4 public hearings: DisciplineRuleComments@k12.wa.us

October 17, 2017 | 1:30–4:30 p.m., Spokane; October 30, 2017 | 3:00–6:00 p.m., Yakima; November 7, 2017 | 1:00–5:00 p.m., Renton; and November 13, 2017 | 1:00–4:00 p.m., Olympia.

COMMUNITY FORUM: **STUDENT DISCIPLINE**

Did you know student discipline rules are changing? Come learn about the changes and have your voice heard!

WHEN
Thursday, October 12
6:00 p.m.—8:00 p.m.

WHERE
Highline College
Mt. Constance Room, Building 8
2400 S 240th St, Des Moines, WA 98198



**Children are
welcome!**

The Educational Opportunity Gap Oversight and Accountability Committee (EOGOAC)

We are a legislative and community workgroup committed to closing racial opportunity gaps in Washington's K-12 public education system.

The term 'opportunity gap' refers to systemic inequity in education that structurally disadvantages certain demographics of students (e.g. students of color, low-income students, and students with disabilities).

<http://www.k12.wa.us/Workgroups/EOGOAC/pubdocs/CommunityForumFlyerInvite10-12-17.pdf>

QUESTION 3: DISABILITY HISTORY MONTH – ENGAGING STUDENTS

Curriculum:

- DRW's Portrait of the Whole Person:
<http://www.disabilityrightswa.org/disability-awareness-portrait-whole-person>

Short videos to spark conversation

- Dav Pilkey (Captain Underpants)
<http://www.readingrockets.org/calendar/ld>
- Cece Bell (El Deafo):
<https://www.youtube.com/watch?v=Cnj5STG0SZo>
- What Can You Do? Video PSAs from US DOL
<https://www.whatcanyoudocampaign.org/blog/index.php/video/>

Reading Lists:

- <http://www.ala.org/awardsgrants/schneider-family-book-award>
- <https://iris.peabody.vanderbilt.edu/books/>
- [http://www.ibby.org/fileadmin/user_upload/Disabled catalogue 2017-web.pdf](http://www.ibby.org/fileadmin/user_upload/Disabled_catalogue_2017-web.pdf) (international list)

WHAT DO YOU THINK HAS MADE THE MOST DIFFERENCE IN PEOPLE'S PERCEPTION OF PEOPLE WITH DISABILITIES?

People with Disabilities!

- **Lives Worth Living:** <http://www.pbs.org/independentlens/films/lives-worth-living/>
- **Rooted in Rights:** <http://www.rootedinrights.org/>
- **It's Our Story Project** – “Of, by and for.....people with Abilities.”
<https://www.youtube.com/user/itsourstoryproject>, including Jennifer Keelan reflecting on why awareness about the ADA matters, for all of us:
<https://www.youtube.com/watch?v=BF-hz5b4Eew>.
- **Kathy Martinez**, a brief article about her, and short video of her on Latinos with Disabilities: <https://www.fedinsider.com/shes-blind-but-she-envisions-the-possibilities/> & https://www.youtube.com/watch?v=r_50WA1OdTM

Help us Add More Voices! OEO/DRW/Rooted in Rights Student Voice Project is Inviting Students with Disabilities in Washington State to share their experiences. Interested? Contact OEO Director Carrie Basas at oeoinfo@gov.wa.gov.

HIB AND/OR SECTION 504, NON-DISCRIMINATION COMPLAINT & INVESTIGATION PROCESSES

Bullying & Discriminatory Harassment – how are they alike, how are they different?

<http://www.k12.wa.us/Equity/DiscriminatoryHarassment/DiscriminatoryHarassment.pdf>

Where/what to submit, what to expect?

It is up to the district to identify when a HIB complaint might also include allegations of a violation of the district's anti-discrimination policy, and to inform the family. (see WAC 392-190-059).

Key points for students, families: include details, facts as you understand them, and if you believe a student is being targeted because of race, ethnicity, disability, gender, sexual orientation, religion, national origin, explain that, and explain why.

And review your District's Policies & Procedures.

HIB & NON-DISCRIMINATION PROCESSES — WHAT IS WRITTEN?

HIB –Harassment, Intimidation & Bullying:

- any person may submit a **written Incident Report**.
- **If** the form “alleges unresolved, severe, or persistent” HIB, the school will investigate and when complete, will “respond ***in writing or in person***” to the parents
- Because of confidentiality requirements, a school might not be able to share details re any disciplinary action taken against another student, ***unless it involves a directive that the targeted student must be aware of in order to report violations.***

Non-Discrimination Policies and Procedures: Informal complaint resolution is often encouraged

(example) Formal Complaint - Level one – Complaint to the District – a complaint must include specific facts, conditions or circumstances alleged to be in violation; **the Compliance Officer will provide a copy of the procedure**, investigate within 30 calendar days, or district and complainant may agree to resolve in lieu of an investigation; **the officer shall provide the Superintendent with a full written report of the complaint and results of the investigation; ...**

WHAT CAN YOU EXPECT OR REQUEST – WRITTEN EXPLANATION, CONFIRMATION

- If you start with a verbal complaint, **ask whether there will be an investigation** under either HIB or Non-Discrimination Procedures or both (or neither if the school believes any bullying/harassment has been resolved and is not continuing).
- If you submit a **written HIB Incident Report**, and do not hear from the school about an investigation, **ask for an update and clarification regarding whether an investigation is or will be conducted**, and if so, what that investigation will include;
- If an investigation has been completed, **request copies of an investigation report**, including whether allegations were found to be factual, whether there was a violation, and if so, what steps the school/district has or proposed to take to address it
- Reach out to your District's **HIB Compliance Officer** and/or **Civil Rights Compliance Officer** (contact info for both is on OSPI's website).

ASSISTIVE TECHNOLOGY (AT) – WHAT IS IT?

WAC 392-172A-01025 - Assistive technology **device**. - any **item, piece of equipment, or product system** ... used to **increase, maintain, or improve the functional capabilities of a student eligible for special education**. (but not a surgically implanted medical device)

WAC 392-172A-01030 - **Assistive technology service**.... service that directly assists a student ... in the selection, acquisition, or use of an (AT) device. ... includes: (1) **evaluation** ... including a **functional evaluation of the student in the student's customary environment**; (2) Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices ...; (3) Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing; (4) Coordinating and using other therapies, interventions, or services with devices, such as those associated with existing education and rehabilitation plans and programs; (5) **Training or technical assistance for a student ... or, if appropriate, that student's family**; and (6) **Training or technical assistance for professionals**....

ASSISTIVE TECHNOLOGY –WHEN IS IT APPROPRIATE/NECESSARY?

For a student with an “IEP” (Individualized Education Program) this requires an individualized determination.

- Consider the student’s needs (academic and functional needs);
- Is it necessary to support the student’s placement in a least restrictive environment?
- Is it necessary to support a student’s access to specially designed instruction or general education curriculum?
- Is it necessary as part of a transition plan, preparing for life after high school?

If an IEP team determines a student requires AT to receive a “FAPE” then the IEP must include a statement describing the service, and any AT needs in an IEP must be provided at public expense.

- ✓ Check your child’s IEP
- ✓ Check the most recent evaluation
- ✓ Talk with the IEP team
- ✓ Talk with the teachers

STUDENT RECORDS — KEEPING THEM CONFIDENTIAL, CURRENT, COMPLETE, AND ACCURATE

“Education records” is generally defined as those records that contain information directly related to a student and which are maintained by the district or by someone acting for the district.

The specifics of which records are stored where may vary. Districts may distinguish between “Cumulative Records” stored in one place, and “Supplementary Records” which might be kept in a separate file (paper or electronic). Some districts also have policies that refer to a student’s “special education file.”

When a student does have an IEP, the district must make sure that each person responsible for providing services in the IEP has access to it.

STUDENT RECORDS — KEEPING THEM CONFIDENTIAL, CURRENT, COMPLETE, AND ACCURATE

Questions to bring back to your school/district:

- How does the school and district keep records?
 - Who is the “records custodian” (responsible for maintaining the records, keeping them up to date)?
 - When my child moves from one class to another, or to another school, which records are shared with the new teacher or school?
- If there is information in a separate report that is critical to a teacher’s understanding of how to support a child with an IEP, talk with the IEP team about how to incorporate that information into the IEP.

ESSA & YOUTH IN FOSTER CARE — WHAT ARE DISTRICTS DOING TO SUPPORT EDUCATIONAL CONTINUITY?

ESSA Added Specific Protections for Students in Foster Care so they can:

1. Stay in their School of Origin

When entering care, or moving from one home to another, students can stay in the same school unless it's not in their best interest, and school districts and Children's Administration are expected to work together to plan for transportation to make this a real option for children and youth.

2. Get Enrolled Immediately

If a student in foster care does need to change schools, the student should be enrolled in the new school, in an appropriate classroom, and participating fully in school activities right away.

3. Get Extra Academic Help

Children and youth in foster care are “categorically eligible” to receive Title I, Part A services, whether or not they are otherwise available in the student's school.

<https://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

ESSA & YOUTH IN FOSTER CARE — WHAT ARE DISTRICTS DOING TO SUPPORT EDUCATIONAL CONTINUITY?

- What is happening with transportation? How are districts making this work?
- How is it working with Title I, Part A supports? Are schools able to match students with supports they need?
- Are schools, families, social workers, Foster Care liaisons, able to connect quickly and consistently to plan how to support a child or youth experiencing a change in home placement?

What's working? What's challenging? Where could you use more information or support?

KINSHIP CARE — RESOURCES, DEFINITIONS, ISSUES

Kinship Care: refers to the care of children by relatives (or sometimes by close family friends), and can be formal, or informal.

Some children living with relatives are under the placement and care responsibility of child welfare and are placed in out of home care by child welfare (i.e. *foster care*). Many more live with relatives ***without any formal legal involvement*** of child welfare, or formal legal relationship (legal guardianship or nonparent custody).

Find **information and resources on Kinship Care** at:

<https://www.dshs.wa.gov/altsa/home-and-community-services-kinship-care/kinship-care>

ENROLLMENT, INVOLVEMENT FOR STUDENTS IN KINSHIP CARE STUDENT RESIDENCY; “PARENT” ACCESS

WAC 392-137-115 defines “student residence” as where the student lives the majority of the time, *which can be different from the parents*.

“Parent”, as defined by FERPA and IDEA, can include Kinship Caregivers:

- Under FERPA, “parent” is defined as: a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or a guardian
- Under IDEA, WAC 392-172A-01125, “parent” can mean “an individual acting in the place of a biological or adoptive parent including a grandparent, stepparent, or other relative with whom the student lives, or an individual who is legally responsible for the student's welfare.

Connect with the school – work out what is essential for enrollment and how you will collaborate going forward.

- Additional Questions?
- Thoughts?
- Requested themes for next month?

Please share your Feedback on this Webinar!

OEO Webinar Survey:

<https://www.surveymonkey.com/r/october10AAO>

Thank you for your participation!

www.oeo.wa.gov

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