

Blackman/Jones Status Report
March 28, 2008

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7. Revise principal and teacher evaluations and the parent evaluation form; and
8. Provide compensatory education to class members.

Because the purpose of the ADR Agreement was to enhance both the District's compliance with these provisions and the overall quality of special education in the District, we have integrated discussion of the requirements of the Consent Decree and the provisions of the ADR Agreement. The Appendix to this report contains an item-by-item summary of the status of each of the ADR provisions.

This report describes both the progress that has been made to date and the challenges that have been encountered in complying with the Consent Decree and the ADR Agreement.

1. Issue Timely HODs and SAs

Currently, defendants are unable to accurately compute timely issuance of HODs. Pending the implementation of the web-based Docketing Case Management System ("docketing system"), compliance with the timeliness requirements in the Consent Decree will likely remain unknown. Defendants believe they have made progress toward issuing HODs and SAs within the 75-day timeline. This progress includes the use of a standardized continuance form that was jointly reviewed by the parties. This form takes into account all of the compliance/timeliness rules enumerated in Consent Decree paragraphs 31 and 32.

Defendants believe that the inability to verify the timely issuance of HODs in all cases is symptomatic of greater problems with the current functionality and processes of the Student Hearing Office. As the office continues to become more functional, we expect that a chief benefit of the reform will be timely issued HODs, as well as a docketing system that can accurately track progress in this area. Key reforms at the Student Hearing Office are described

in greater depth in Section 4 of this report and in the Appendix.

While the Consent Decree speaks to the timely issuance of both HODs and settlement agreements (SAs), the impact of SAs on the SHO's operations and compliance rates remains an issue that the current reforms have not yet addressed. Until the SHO is routinely and timely notified of the execution of SAs by DCPS or other local education agencies ("LEAs"), it will remain unlikely that the defendants will be able to fully measure Blackman compliance. OSSE and DCPS will develop a process for informing OSSE of settlement agreements.

2. Hold Resolution Sessions

During the ADR process, the defendants agreed to a blanket waiver of resolution sessions in all cases in which parents waived until such time as the District can implement a system to hold resolution sessions consistent with paragraph 33 of the Decree. Paragraph 33 asserts that "Defendants shall conduct the [resolution session] in a way that is consistent with the objectives of IDEA '04. The Defendants shall use good faith efforts to reach a mutually acceptable settlement, consistent with the IDEA and its implementing regulations. The [resolution session] is not to be used simply as a means to delay a due process hearing."

Pursuant to a plan described in Attachment D of the ADR Agreement, defendants agreed that by "April 4, 2008 DCPS would recruit, select, and train approximately 10 resolution specialists to conduct resolution sessions." Defendants began working on this program in earnest on February 18, 2008. To date, defendants have developed a position description, advertised to fill the positions in various media, and have contracted with SchoolTalk¹ to provide training to

¹ SchoolTalk is a nonprofit spin-off of DC Appleseed. DC Appleseed's mission is to address major policy issues (like special education) in the District of Columbia. In connection with DC Appleseed and DLA Piper's report, "A Time for Action: The Need for Resolving Special Education Disputes in the District of Columbia," DC Appleseed

resolution specialists. DCPS expects to begin holding a limited number of resolution sessions beginning in July and ramping up considerably by the beginning of the 2008-09 school year in late August.

DCPS will miss the April 4 deadline of hiring and training the resolution specialists but intends to complete hiring no later than April 14, 2008 and training no later than June 1, 2008. In accordance with paragraph 2 of Attachment D, DCPS submitted to class Counsel Ira Burnim a draft of the proposed operating procedures, policies, and protocols for resolution sessions. Additionally, plaintiffs have suggested, and defendants agree, that the resolution specialists should be an integral part of the outreach now underway to special education lawyers to resolve cases prior to hearing as was contemplated in the Backlog Reduction Plan and is described in the following section.

3. Implement timely HODs and SAs

The parties agreed during the ADR process to implement a Backlog Reduction Plan (BRP), which was filed with the Court on January 18, 2008. The goal of the plan is to address the implementation of HODs and SAs and “create what parties hope will be a robust capacity to secure early resolution of due process complaints before they become HODs or SAs.” The defendants contracted with Klemm Analysis Group (“KAG”) to assist with the initial stages of this effort. This section focuses on the following topics: early implementation challenges, dashboard implementation, attention to leading indicators (timely IEPs and evaluations), related service capacity, and DCPS and OSSE Special Education Departments.

A. Early Implementation Challenges

The first two months of the BRP were unsteady. The challenges were threefold. First, the

developed this organization to serve as a resource to DCPS and charter schools in training personnel on how to conduct effective early dispute resolutions between parents and school officials.

plan was not adequately staffed. At inception, a total of 6 individuals were specifically dedicated. Currently, 34 individuals are dedicated to the BRP. These staff include a mixture of DCPS (15), KAG (10), and OSSE (9) employees. The District reached this level of staffing on March 11, 2008. The defendants realize that it is questionable whether the plan is adequately staffed currently. Recently, plaintiffs asserted that additional (and highly talented) people are needed to staff and support the plan and related ADR activities. The parties have met to discuss this need and have ranked it as a top priority.

Second, DCPS pursued a strategy of emphasizing timeliness. This strategy was a departure from previous strategies and the staff members who had previously been assigned to case “closure” and satisfaction were unaccustomed to the new approach. Although the Decree contemplates that defendants will pursue the oldest cases first, KAG documented a pervasive trend in which many new complaints were “attached” to previous HODs and SAs. In many cases, the newer complaints and HODs /SAs were enforcements of previous orders and/or parts of a piecemeal strategy (whether intentional or not) in which issues were parsed out over several complaints which could be addressed in whole.

Third, DCPS failed to immediately address incoming complaints in a meaningful way. The plaintiffs claim that DCPS’ preoccupation with paper closure versus reaching out directly to parents and/or parent’s counsel was a considerable flaw in overall implementation. Beginning March 11, 2008, the defendants began an aggressive strategy of proactively reaching out to parent representatives, public defenders, and advocates to address issues prior to the filing of complaints and to settle incoming complaints immediately. DCPS received 100 complaints between February 2, 2008 and March 26, 2008. Of these, DCPS has issued 55 settlement offers (usually within 48 hours of receipt of the complaint), selected four to move to dismiss for

insufficiency or lack of jurisdiction, chose five to litigate, received fifteen acceptances of settlement offers, and continue to review the remainder for possible settlement. Many of the proposed settlements have been rejected by a single law firm based on allegedly insufficient offers of attorney's fees.

B. Dashboard Implementation

A key aspect of the BRP is to issue task "dashboards" to schools to help focus them on implementing HODs and SAs. DCPS expects to begin issuing these dashboards internally to the Backlog Reduction Plan staff on or around April 1, 2008. The defendants will likely not be able to issue these dashboards to schools until at least May. Part of the delay has been determining the right level of source data to be collected as well as KAG's analysis of how to maintain data integrity. The District's Office of the Chief Technology Officer (OCTO) has been working with KAG and DCPS since mid-February to develop the dashboards for electronic delivery to schools. The defendants believe that the late implementation of the dashboards so close to the end of the school year is problematic, but that pursuing the dashboards is still important and valuable to the overall success of the BRP as a management tool. The dashboards should help the District to deploy resources more efficiently and to locate "hotspots" to deploy the yet-to-be-constituted response team discussed in part C of the BRP. At this stage, the dashboards will start out as simple weekly reports generated by a database and sent to the schools via email or fax, as initially envisioned by the BRP. The database will first be accessed by central office employees working on the backlog reduction plan. The hope is to expand the capacity to schools via a more dynamic, web-based system over the course of the month.

C. Attention to Leading Indicators (Timely IEPs and Evaluations)

The District admits to not adequately putting into place a robust system to ensure that

IEPs and evaluations are developed timely and implemented well. Many have noted that if the District could issue IEPs on time, conduct assessments on time, and implement the provisions of the IEP with fidelity, the generation of due process complaints would diminish significantly.

The DCPS Office of Special Education is chiefly responsible for monitoring timeliness of IEPs and assessments and assisting schools with completing them. The chief strategy for compliance is currently quite limited and involves providing schools with reports of timeliness derived from ENCORE. Given the multiple problems with ENCORE data, defendants cannot be sure they know how many evaluations or IEPs are due. Although the defendants intend to link these tasks to the dashboard, simply providing schools with data and tasks is insufficient for actually getting the work done. Staffs (both central and school-based) continue to be stymied by a heavy workload and volume of both backlog tasks for HOD and SA implementation and current responsibilities. The struggle to address this issue adequately is at the heart of the Consent Decree and was noted in the Monitor's Interim Report issued December 19, 2006.

Notwithstanding the problems with IEP and evaluation timeliness, plaintiffs have asserted, and DCPS agrees, that the IEP process is itself flawed. The results of the current process may create programs for children that are unsound and may serve to exacerbate the child's disability. The parties are working on an expectations document (ADR paragraph 61)² to reform this process. To date, the parties have met and have agreed on a draft set of guiding principles, but have not yet addressed reforming the IEP process.

Likewise, the parties believe that there may be an over-reliance on the use of evaluations to obtain additional services for students whose eligibility has already been determined. For

² Paragraph 61 requires: "By January 15, 2008, the parties will agree on a schedule and process for identifying defendants' expectations for the delivery of special education and related services at the school level, as well as how those expectations might require changes in infrastructure at the school, regional, DCPS and "state" level. In this process, defendants will consider: means by which IEP process can be made more meaningful, the extent to which authority and resources should reside at the school level, and crafting appropriate financial incentives."

example, schools believe that if a student needs mental health services, an evaluation must be completed before the service can be provided to the student despite agreement by both the school and parent. As required by the Backlog Reduction Plan filed with the court, the defendants have crafted an “Immediate Services Policy” to eliminate this misconception and reduce the number of unnecessary evaluations. Though the parties have not been able to substantiate that this phenomenon contributes directly to the backlog of evaluations and the subsequent generation of complaints and HODs/SAs, the parties agree that such a policy may reduce potential litigation.

D. Related Service Capacity

The parties agree that failure to provide related services is a key trigger for due process complaints and worse: limited progress of children toward goals. The parties believe that creating “stand alone” services available to all students and a “ready force” of high quality related service providers for students with IEPs will be essential to improving the overall quality of special education services as well as reducing the backlog. The parties are unclear whether the District’s available public and private service providers, such as social workers and psychologists, can meet the demands for evaluation and direct service presented by both disabled and non-disabled students.

Since the implementation of the ADR and subsequent BRP, the parties have discussed extensively the capacity of related service provision. In partial fulfillment of ADR paragraph 50, DCPS submitted to Mr. Burnim and Clarence Sundram, Evaluation Team member, a plan for investigating related service capacity. The plan was returned as “off target” with the suggestion that DCPS focus on the following issues:

- Accountability for DCPS related services providers.
- Ensuring that adequate related service capacity is available to ADR Agreement projects, including SAM schools, mental health pilot schools, case managers, incentive seat

students, and the Backlog Reduction team (including their efforts to resolve compensatory education claims).

- Create “risk pool” (i.e., flexible funds) for purchase of services for DCPS neighborhood schools related to ensuring adequate capacity.
- Defining “quality” and measuring it.
- Providing ready access to a few related service sessions -- both to be responsive to parents/teachers and to assess the need for intensive or extensive services.
- An effective system for addressing related services lapses.
- Assessing a role for the Columbus evaluators.

Defendants will re-submit the plan to address the issues above.

The parties believe that the ADR projects related to mental health have been fruitful. On March 7, Knute Rotto, a contractor charged with investigating the mental health landscape for DCPS students, submitted to defendants an initial draft report for comment. The parties will use the suggestions in the report to fashion a significant reform targeted at struggling DCPS middle schools. In 2008-09 school year, Mr. Rotto, DCPS, and OSSE will begin a comprehensive school reform in which wraparound services, mental health services, and other related services will be coupled with a strong academic program—a model that has proved successful for a group of schools Mr. Rotto has worked with in Indianapolis.

E. DCPS and OSSE Special Education Departments

The plaintiffs have asserted that the ADR reforms do not seem to have affected the overall operation of the respective agencies’ offices of special education. The parties generally agree that until the core operations of these offices are in line with the reform teams that Tamera Lewis and Dr. Richard Nyankori manage, the benefits of the ADR reforms may be diminished and their reach to children in schools limited. The parties recognize that human capital issues have become more paramount and addressing them is a chief priority in the next month. All

recognize the direction that Ms. Lewis and Dr. Nyankori have provided to the effort, but the next step will be to ensure that rank-and-file staff are as invested in the reforms.

In the coming weeks, the Chancellor and Superintendent will engage class counsel in discussing how best to communicate to all staff about the reforms and the expectations required to address the backlog and to ensure that students' needs are consistently met with quality responses. The parties recognize that a blend of forceful management, incentives, and clear expectations are necessary to begin this process. Sustaining this process over time for new and existing employees will be a primary focus of this endeavor.

4. Reform the Student Hearing Office

Pursuant to the ADR Agreement, defendants retained Gail ImObersteg, an independent hearing office consultant, to guide the reforms in the Student Hearing Office (SHO). Her work has supported the SHO as OSSE works towards fully meeting the requirements and adhering to the operating principles enumerated in the Consent Decree. More detail regarding many of the reforms underway at the SHO is contained in the Appendix. Briefly, some of these actions include the following:

- a) **SHO Standard Operating Procedures Manual.** Revisions to portions of the current SOP Manual have been proposed and discussed with plaintiffs. The parties did not reach agreement regarding implementing these changes and the SOP remains unchanged at present. As required by the Consent Decree, the current SOP is posted on OSSE's website.
- b) **SHO Operating Principles.** While progress has been made, there are still improvements necessary regarding the manner in which hearings are held and

customers are served at the SHO. Many of the following items are discussed in the ADR Agreement status update in more detail.

1. **Training of Hearing Officers.** Within the current group of Hearing Officers there were a number who were not trained within 45 days of their appointment. The Hearing Officers were subsequently sent to a national training in Seattle and two additional trainings were held in DC, including sessions with national trainer. Hearing Officers have been provided electronic access to the Individuals with Disabilities Education Law Reporter.
2. **Scheduling of Hearings.** While this provision has been emphasized in meetings with Hearing Officers and in a training regarding use of the new continuance form, total compliance with this provision cannot yet be confirmed with certainty.
3. **Communication.** The SHO has identified a need to increase the number and capability of its staff to provide high-quality service to parties in the due process hearing system. The SHO will hire additional staff and the current SHO staff will begin attending the DC Department of Human Resources Workforce Development trainings and courses, including customer service training in April.
4. **Office Administration.** The SHO has instituted a number of reforms regarding office administration and will continue to do so. Please see the attached ADR Agreement status report for more detail. One area where the SHO has made little progress is in the maintaining of historical statistical data. OSSE will evaluate what steps are necessary to remedy this situation.

5. **Neutrality.** Particularly since the transfer of the SHO to OSSE, OSSE and SHO administrators have stressed both the neutrality of Hearing Officers and SHO staff and the independence of the SHO from DCPS and all other LEAs. Neutrality in both fact and appearance will remain a point of emphasis and a central theme in the continuing SHO reforms.

5. Maintain an accurate data system

The Decree requires that the Defendants achieve and maintain an accurate and reliable data system that will allow defendants to track implementation of HODs/SAs and to identify impediments to timely implementation of HODs/SAs. OSSE executed a contract with Public Consulting Group, Inc. on February 26, 2008 to design and implement a multi-functional Special Education Data System (“SEDS”). The SEDS is a comprehensive web-based application for the tracking and management of Special Education Data in the District. The SEDS has been developed through the identification of a collective set of system requirements collaboratively defined by the OSSE, DCPS, and the District of Columbia’s public charter schools. The SEDS will help educators leverage data to track the special education process, enable effective and efficient state reporting, and track student performance closely to allow more targeted interventions to improve student outcomes.

The SEDS will house and manage all data associated with the special education process, and will serve the needs of the OSSE and each of the LEAs (DCPS and charter schools) in the District of Columbia. Initial implementation of the SEDS is expected to be completed prior to the beginning of the 2008-2009 school year and, when fully functional, will manage every stage of the special education process including referral and eligibility, IEPs, transition, discipline,

transportation, Medicaid recovery and due process data such as HODs and related timelines. The SEDS is being implemented in conjunction with the District's larger effort to create a State Longitudinal Education Database, which is a warehouse of data related to youth, their families, and service providers.

The implementation will be guided by the OCTO under the direction of consultants Roger Richmond and Sherry Chen. OSSE will maintain the system and require its use by DCPS and by charter schools that use DCPS as their LEA for special education. Independent LEA charter schools have been invited to utilize the SEDS, but will not be mandated to do so, at least initially. Both OSSE and DCPS have full time staff dedicated to customization and implementation of the system. End user focus groups are being conducted weekly.

The system will be rolled out in two phases. Phase I entails the implementation of basic special education operations functions and reporting. Phase I will be available for teacher use beginning with SY 2008 – 2009. Initial training for system users will begin in May 2008. Phase II involves a launch of the HOD/SA tracking system, advanced educational progress tracking, and State/Federal reporting. Phase II will go live in January 2009 and be fully implemented by the 2009-10 school year.

6. Maintain a parent service center

Both the Consent Decree and ADR require the creation and maintenance of a community-based parent service center for the parents of special education students. Under paragraphs 67 – 69 of the Decree, the purpose of the parent service center is to “improve the effectiveness in responding to concerns raised by parents of students with disabilities and to assist in prompt resolution of disputes before a formal complaint is filed.” The plaintiffs and

defendants have continued to work with a national parent center expert, Paula Goldberg of the PACER Center, since November 2007 to select an appropriate vendor and design a scope of work for this project.

After extensive program review, including auditing financial records and corresponding with organizational leadership, Ms. Goldberg recommended to the parties in mid- January 2008 that Advocates for Justice in Education (AJE) be selected to create and manage a District-wide parent center. As the federally designated Parent Training and Information Center and Community Parent Resource Center in the District, AJE is best equipped with experience and resources to effectively run a successful DC Special Education Parent Service Center.

The ADR agreement required that defendants contract with an independent, non-profit provider for the parent resource center and that the Center be operational April 1, 2008. On March 17, 2008, defendants received a project proposal prepared jointly by AJE and Ms. Goldberg. The proposal has since been edited by the parties and a draft contract has been circulated for comment. Defendants expect to be under contract with AJE by mid-April. Once the contract is signed, the Parent Center will accelerate its outreach and advertising efforts to promote programs and services for parents. Immediately upon execution of the contract, AJE will begin hiring additional staff to expand their capacity to serve parents of children with special needs..

The defendants will contract with AJE for a period of one-year with two option-years, giving AJE the opportunity to build capacity over time and to increasingly engage the parent community. The decision to extend the contract beyond year one will be determined by an evaluation committee comprised of Ms. Goldberg; Ms. Lewis, representing defendants; and Mr. Burnim, representing plaintiffs.

7. Revise principal and teacher evaluations and the parent evaluation form

Under the Janey administration, work had been done to modify teacher and principal evaluations and the parent evaluation form. The Chancellor plans to significantly change the principal and teacher evaluation process. Members of Dr. Nyankori's special education reform team and Dr. Phyllis Harris' staff are working with the Deputy Chancellor for Human Capital to ensure the new process comports with the requirements in paragraphs 70 – 71 of the Decree.

Additionally, the Chancellor is proposing a new parent evaluation form that will be connected with larger system reforms. In accordance with paragraph 73 of the Decree, defendants will work with plaintiffs to make changes to the parent evaluation forms and process.

8. Provide compensatory education to class members

Pursuant to Attachment A to the ADR Agreement, the parties have equalized the Blackman/Jones compensatory education award for all current class members, as defined by the by the agreement. All current class members will be offered the choice of a laptop or desktop computer or the opportunity to discuss with an OSSE representative the selection of various services. As explained in the attached status report on the ADR Agreement, defendants have conducted a test mailing to a subsection of current class members, and the parties have agreed to pursue an alternative, multi-pronged outreach strategy through a community contractor to provide notice of award eligibility to the remaining current class members.

A. Challenges Under Original Approach and Alternative Strategy

This effort has been challenging. Two factors complicate distribution of awards. First, locating class members has been difficult. Addresses in District databases have a relatively high

degree of error. Defendants noticed that many addresses contained errors or listed places such as the central detention facility or government addresses for wards of the state. To get a sense of the accuracy of the mailing list, defendants decided to send out a test notice mailing to 380 current class members. From that mailing, approximately 67 orders have been received at the Best Buy processing facility and approximately 175 notices have been returned to OSSE by the U.S. Postal Service as undeliverable.

Second, the Decree requires defendants to send the mailings by return receipt. Given the reluctance of some class members to provide signatures for receipt, defendants sought to use a delivery method that confirmed delivery to a live address but required no signature. Recent changes in postal regulations made this option unavailable.

As detailed in the ADR Agreement status report, the parties have agreed to shift strategies to make meaningful contact with class members. The parties have elected to pursue an alternative strategy regarding mailing notices and follow-up with a community contractor. Based on discussions with the community contractor regarding effective communication strategies, the contractor will complete and time the mailing of notices with a near-simultaneous commencement of their community outreach effort on or about May 1, 2008. This multi-pronged approach will include, among other things, direct outreach through mail and phone and targeted community outreach through existing agency relationships (public schools, charter schools, non-public schools, and other child-serving District agencies).

B. Future Class Members

The parties anticipate they will reach agreement regarding handling the compensatory education awards of future class members in the near future.

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March 28, 2008

**Blackman Jones ADR Status Report
March 28, 2008**

ADR Agreement Requirement	Current Status	Next Steps
<p><u>Reducing the Initial and Subsequent Backlog</u></p> <p>9. Each provision of this agreement is designed to reduce the initial backlog (overdue HODs and SAs issued before 3/1/06) and the subsequent backlog (overdue HODs and SAs issued on or after 3/1/06), either directly or by reducing the number of HODs and SAs that are generated by defendants' failure to meet IDEA obligations.</p> <p>10. By January 1, 2008, the parties will agree on a "Backlog Reduction Plan." The plan will consider: the role of case managers in reducing backlogs; a role for Rebecca Klemm and her staff in reducing backlogs; changing the job descriptions of the staff currently working directly on reducing backlogs (<i>e.g.</i>, disposition specialists, placement specialists);</p>	<p>Plan Agreed upon, Implementation ongoing</p> <ul style="list-style-type: none"> • During the ADR process, it was agreed that the backlog reduction plan had to address not only the old HODs and SAs but also actively address complaints as they came in to stem the flow of HODs and create more collaborative communication with parent representatives. <p>Completed</p> <ul style="list-style-type: none"> • The Backlog Reduction Plan was agreed to between the parties and filed with the court on January 18, 2008. • The main tenets of the plan involve 1) contracting with Klemm Analysis Group (KAG) for data and logistical report for HOD implementation and early complaint resolution while 2) 	<ul style="list-style-type: none"> • DCPS and KAG will work with OSSE and plaintiffs to develop final documentation guidelines and protocols for the satisfaction of HOD/SA provisions. The deadline for this project is April 1, which at this point may be hard to meet. However, it is contemplated that a draft will be circulated by that time. • DCPS will work with KAG to deliver dashboards and regular reporting to the DCPS schools. KAG will additionally work with OSSE to deliver the same information to nonpublic and charter schools. • DCPS, OSSE and plaintiffs will engage in an ongoing discussion about personnel restrictions.

¹ Paragraph 139 of the Decree broadly exempts defendants from the District's procurement process in implementing the Decree.

<p>and redeploying positions created and/or staff hired under paragraph 51 of the Decree. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the plan.</p> <p>11. The agreed Backlog Reduction Plan will specifically identify each staff person working directly on reducing backlogs, the job they perform, how the job will change (if at all) under the plan, and a schedule for any job changes.</p>	<p>simultaneously reforming DCPS policy, 3) increasing related services capacity and 4) increasing cooperation with parents and parent representatives.</p> <ul style="list-style-type: none"> • A six-month contract with Klemm Analysis Group was executed on January 17, 2008 with a six-month option to extend. • See <u>Attachment A</u> for further details about plan implementation. See <u>Attachment B</u> for a status update on requirements under the Backlog Reduction Plan. <p>Completed</p> <ul style="list-style-type: none"> • The plan contemplated detailing current staff to the backlog reduction effort rather than changing their job descriptions at this time. Staff would include KAG, DCPS and OSSE staff working together. <p>See <u>Attachment A</u> for full listing of staff.</p> <p>Currently, the staff working on the plan include:</p>	<ul style="list-style-type: none"> • DCPS and OSSE will continue to work together to issue a joint legal access folder policy. • DCPS and KAG will distribute dashboards to schools by April 1. • DCPS will work with DCPS OSE to ensure that IEPs and assessments that will come due in the next months as well as the summer are scheduled and completed to meet IDEA compliance. • The Backlog Reduction team will continue to create better communication between the departments and strengthen the principal's accountability for special education.
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<p>12. By February 1, 2008, the parties will determine whether an exemption from the District’s personnel system is needed to effectuate the Backlog Reduction Plan (<i>e.g.</i>, in order to timely change job descriptions, transfer staff devoted to reducing backlogs to other positions, and/or hire staff in positions devoted to directly reducing backlogs)¹. If so, the parties will immediately seek the Court’s approval of an order</p>	<ul style="list-style-type: none"> • <i>DCPS Staff:</i> <ul style="list-style-type: none"> - Three (3) DCPS SERT staff, - Seven (7) full time compliance specialists and one (1) compliance specialist supervisor - Three (3) dispute resolution specialists • <i>OSSE Staff:</i> <ul style="list-style-type: none"> - Eight (8) disposition specialists - One (1) compliance specialist • <i>KAG Staff:</i> <ul style="list-style-type: none"> - Ten (10) FTE working on complaint/HOD analysis, data entry and complaint resolution. <p>Completed.</p> <ul style="list-style-type: none"> • Prior to February 1, 2008, the parties decided that asking the court for an exemption from the District’s personnel system at this time was unnecessary. However, the parties may decide to revisit the issue in the future. 	
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<p>effectuating the exemption.</p> <p>13. The agreed Backlog Reduction Plan will identify whether and how the 70 FTE positions referenced in paragraph 51 of the Decree were created and filled.</p> <p>14. By January 15, 2008, defendants will report in writing to the Monitor providing a full accounting of their compliance with paragraph 51 of the Decree.</p>	<p>Not Complete</p> <ul style="list-style-type: none"> • The Backlog Reduction Plan did not identify whether the 70 FTE positions were filled. <p>Partially Complete.</p> <ul style="list-style-type: none"> • DCPS and OSSE are submitting an accounting of the 70 FTE positions with this status report. Currently, defendants can account for 68 out of 70 positions. <p><i>Current Status</i></p> <ul style="list-style-type: none"> • Staff assigned to the backlog reduction plan are currently working on**: <ol style="list-style-type: none"> 1) HOD implementation 2) Complaint resolution 3) Complaint and HOD analysis and triage 4) Special Issues (complex HODs) 5) IBL implementation and closure 6) Data and reporting <p>** See <u>Attachment A</u> for further details</p> <ul style="list-style-type: none"> • Staff have not yet been but will be 	
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	<p>assigned in the future to work on the legal access folder audit outlined in the Backlog Reduction Plan.</p> <ul style="list-style-type: none"> • One major project, the distribution of dashboards to the schools, has not yet occurred. Major delays occurred as the backlog reduction plan built up staffing capacity and knowledge of the type of data that should be collected. Now that there are more staff members and better collection of data, DCPS and KAG will create initial dashboards for distribution to the schools by April 1. • Since mid-March, the Backlog Reduction team and OGC are working more collaboratively as the complaint team has taken on the task of making settlement offers in appropriate cases shortly after receiving the due process complaint. • DCPS reached out to plaintiffs bar by letter and email to distribute information about a hotline number staffed by a high-level staff member that can be called by attorneys representing children in special education. • The Backlog Reduction plan has reached out further to Office of 	
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	<p>Schools staff and Office of Special Education staff to create more communication about the necessity of scheduling meetings and assessments prior to the end of the year. There has been a challenge in strengthening communication and creating clear accountability across many departments in DCPS.</p> <p><i>Policy Revision</i></p> <ul style="list-style-type: none"> • Policy revisions have been moving on schedule according to the timeline outlined in the backlog reduction plan. • The following policies have been drafted and are in review: <ol style="list-style-type: none"> 1) Suspension of Directive No. 530.6 2) Phaseout of MDT terminology 3) Compensatory education policy 4) Immediate Receipt of Services Policy 5) LAF policy 6) Independent evaluation rate policy 	
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<u>Charter Schools</u>		
<p>15. By December 14, 2007, defendants will file with the Court a statement accepting legal responsibility for ensuring timely hearings and timely implementation of HODs and SAs for charter school students. The parties agree that OSSE, as the District’s designated SEA for IDEA purposes, has ultimate legal responsibility under both federal and District law for ensuring timely hearings and timely implementation of HODs and SAs. The statement filed with the Court under this provision will address the issue regarding jurisdiction over charter schools raised in the Report and Recommendation of the Special Master regarding D.H. filed with the Court on July 31, 2007.</p> <p>16. Other provisions of this agreement commit defendants to developing a process for evaluating the special education and related services delivered at charter, as well as other, schools and a process at OSSE for resolving complaints about charter, as well as other, schools.</p>	<p>Completed.</p> <ul style="list-style-type: none"> • On December 14, 2007, defendants filed a statement with the Court accepting legal responsibility for ensuring timely hearings and timely implementation of HODs and SAs for charter school students. 	

<p><u>Compensatory Education</u></p> <p>17. Defendants will implement Attachment A, an agreement regarding compensatory education reached by the parties during the ADR process.</p> <p><u>ADR Attachment A</u></p> <p>By January 1, 2008 OSSE will propose, in writing, a work plan that, at minimum, includes [a specified list of information].</p>	<p>Partially Completed</p> <p>[Please note: Parties agreed that all Jan. 1 deliverables would be submitted on Jan. 2.]</p> <p>Completed.</p> <ul style="list-style-type: none"> • Please see <u>Attachment C</u>. Among the required elements of the work plan was draft text for the mailing for review and comment by plaintiffs and the Evaluation Team. OSSE incorporated comments and worked collaboratively with plaintiffs to finalize a letter and response card that was used in the test mailing described below. Please note, as also discussed below, that based on the results of a test mailing conducted by defendants, the parties are currently discussing revisions to the work plan designed to maximize the number of class members contacted and alerted to their right to receive Blackman/Jones compensatory education awards. 	<p>None.</p>
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<p>By January 1, 2008 OSSE will produce a list of all current class members that contains the most up-to-date contact information available to DCPS and/or OSSE including information from the school census and the transportation database.</p>	<p>Completed.</p> <ul style="list-style-type: none"> • An updated list of class members containing address information was delivered at the same time the work plan was delivered. This list contained addresses obtained from a combination of DC STARS and Encore. OSSE staff did not include transportation data at that time because it learned that many of the addresses in that database are the pick-up and drop-off locations for students, not the home address of parents or caregivers. OSSE has discussed integrating this information into the follow-up effort by the community contractor. 	<p>None.</p>
<p>By January 1, 2008, OSSE will compile and provide to plaintiffs two lists: 1) A list of all students who have become Blackman/Jones class members since the date the original class list was generated. 2) A list of all student for whom Klemm Analysis Group has been unable to determine whether the students are class members. In all cases where DCPS is unable to verify timely implementation of an HOD, the student will be considered a current class member.</p>	<p>Completed.</p> <ul style="list-style-type: none"> • As described above, the first list was delivered at the same time the work plan was delivered. At that time OSSE reported in the work plan that it was not aware of any student for which Klemm Analysis Group was unable to determine class membership. 	<p>None.</p>

<p>By February 1, 2008 OSSE, through its third-party vendor, will have mailed a notice of award to all current class members.</p>	<p>The deadline for this task was not met.</p> <ul style="list-style-type: none"> At this time OSSE has completed a “test mailing” to 380 current class members. This test mailing, which went out on February 14, was proposed to class counsel because OSSE had a number of concerns regarding the quality of the addresses. A manual review of the addresses had revealed both errors in addresses and “home addresses” that were found to be, for example, addresses for social service agencies, shelter homes, or in some cases the DC Jail. OSSE proposed a small mailing to test the quality of the addresses and the efficacy of confirming delivery. The recognition that many class members are also involved with other District agencies also strongly influenced the alternative outreach strategy OSSE will pursue through the community contractor. 	<ul style="list-style-type: none"> The Parties have elected to pursue an alternative strategy regarding the notice mailing and community contractor follow-up. Based primarily on discussions with the community contractor regarding effective communication strategies, the contractor will complete and time the mailing of notice with a near-simultaneous commencement of their community outreach effort on or about May 1. This multi-pronged will include, among other things, direct outreach through mail and phone and targeted community outreach through existing agency relationships (public schools, charter schools, non-public schools, and other child-serving District agencies).
<p>By February 1, 2008, OSSE will draft an appropriate RFP for this contract for the review of plaintiffs and the Evaluation Team.</p>	<p>Partially met.</p> <ul style="list-style-type: none"> OSSE delivered to plaintiffs a draft Scope of Work prepared by the community contractor on February 1, 2008. The Parties have also jointly met with the contractor to have a more detailed discussion regarding outreach methods. OSSE delivered the same draft Scope of Work to the Court 	<p>None.</p>

<p>By March 1, 2008, follow up calls to class members will commence under the terms of the OSSE’s work plan.</p> <p>The contractor will begin work no later than 90 days after notice is mailed and will continue outreach efforts for a number of days, not less than 60 days, that will be agreed to between plaintiffs and defendants.</p> <p>Parties will attempt to reach agreement, by March 1, 2008, on Blackman/Jones compensatory awards for future class members.</p>	<p>Monitor on February 7, 2008 and had a follow-up discussion with the Monitor. Inadvertently, this draft scope was not sent to Mr. Sundram.</p> <p>As it is dependent on the completion of the mailing to all current class members, this deadline was not met.</p> <p>As it is dependent on the completion of the mailing to all current class members, this deadline has not yet arrived.</p> <p>The Parties are discussing this issue and anticipate reaching agreement.</p>	<p>None. However, phone calls to class members will be included in the outreach strategy of the community contractor.</p> <p>None. However the alternative multi-pronged community outreach strategy will supersede this requirement.</p> <p>The Parties will continue discussion this issue and will finalize an agreement.</p>
<p><u>Parent Center</u></p> <p>18. Defendants will contract with an independent agency to implement the provisions of paragraphs 67-69 of the Decree. Defendants will continue to work with Paula Goldberg, executive director of PACER in Minneapolis,</p>	<p>Completed.</p> <ul style="list-style-type: none"> • Advocates for Justice & Education (AJE), which currently serves as the federally designated Parent Training and Information Center and Community Parent Resource Center, 	<ul style="list-style-type: none"> • Upon execution of this contract, Advocates for Justice & Education will begin recruiting additional staff for the new Parent Center with the anticipation of having the following personnel in place when fully staffed.

<p>Minnesota, on describing expectations for the Parent Center and evaluating prospective contractors.² The Parent Center will serve all students with a disability or suspected disability and their families, whether in DCPS, a charter school, or a nonpublic placement.</p> <p>19. By February 1, 2008, defendants will enter into a contract with an independent agency to operate the parent center starting April 1, 2008. The contract will be for three years. During the pendency of the <i>Blackman/Jones</i> case, decisions about continuation and renewal of the contract will be made by a three person committee of: Paula Goldberg or her designee; an individual designated by defendants; and an individual designated by plaintiffs, who may be one of plaintiffs' counsel.</p>	<p>has been selected as the independent agency to serve as the DC Special Education Parent Center. AJE is an independent, non-profit organization that currently operates in historic Anacostia and in Columbia Heights. Through multiple site visits and a documentary review that included financial statements, AJE was found to have the infrastructure, experience, and community partnerships necessary to successfully take on the new responsibilities of this project.</p> <p>Partially completed.</p> <ul style="list-style-type: none"> • OSSE expects to execute a contract with Advocates for Justice and Education by mid-April, 2008. This will be a one year contract in the amount of \$800,000 with 2 option years. A copy of the initial proposal for this contract is included in <u>Attachment D</u>. This proposal has been edited by the parties and a draft contract has been circulated for comment. The contract will ensure that AJE will: <ul style="list-style-type: none"> ▪ Serve all students with a 	<p>Operation/Administration*:</p> <ul style="list-style-type: none"> ▪ Executive Director ▪ Deputy Director for Programs ▪ Deputy Director of Operations ▪ Data & Report Manager ▪ Communications Assistant <p>Direct Services:</p> <ul style="list-style-type: none"> ▪ Parent Services Coordinator* ▪ Site Coordinator (bilingual)* ▪ Project Coordinator ▪ Education Support Specialist (3.5 FTEs) ▪ Outreach Worker (2 FTEs) ▪ Intake/Client Reception (2 FTEs) ▪ Policy Analyst * <p>In its current capacity, AJE provides support, training, and advocacy to parents and families of students with disabilities. Over the next three years, AJE will substantially increase their capacity to serve parents and families.</p> <p>*Time and salary allocations will be less than 100 percent.</p>
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² If Ms. Goldberg or any other consultant named in this agreement is unable to serve or continue to serve as a consultant, the parties will agree on the consultant's replacement.

	<p>disability or a suspected disability and their families, whether in DCPS, a charter, or a nonpublic placement; and</p> <ul style="list-style-type: none"> ▪ Participate in quarterly monitoring by the ADR committee: Tameria Lewis, DC representative, Ira Burnim, Blackman/Jones representative, and Paula Goldberg, national expert on Parent Centers. 	
<p><u>Joint Statement</u></p> <p>20. By February 1, 2008, the parties will prepare a joint statement on (a) the “diligent efforts” required by paragraphs 7(a) and 52 of the Decree and (b) whether defendants will promulgate a written policy to guide staff in making “diligent efforts” under paragraphs 7(a) and 52, and if so, by what date and through what process. If the parties cannot agree on a joint statement, the written statement will identify and explain the parties’ disagreement.</p>	<p>Not completed.</p> <ul style="list-style-type: none"> • Parties have exchanged draft statements regarding the “diligent efforts” required by paragraph 7(a) and 52 of the decree and continue to have discussions regarding the potential need for a written policy on this topic. 	<ul style="list-style-type: none"> • Parties must complete discussions on this issue. • It is anticipated that the parties will come to agreement on this issue and defendants will issue written policy guidance to staff.
<p><u>Staffing</u></p> <p>21. By February 1, 2008, defendants will hire ten staff to work for Tameria Lewis and Richard Nyankori on</p>	<p>Partially complete.</p> <ul style="list-style-type: none"> • At the time of the report, DCPS had hired six additional staff to work for Dr. Nyankori and OSSE had hired 2 of 	<ul style="list-style-type: none"> • Parties will prioritize decisions about staffing when evaluating overall ADR strategy.

<p>implementation of this agreement. Four additional staff will be hired to work for Tameria Lewis, and six additional staff will be hired to work for Richard Nyankori.</p> <p>22. If the parties determine that an exemption from the District’s personnel processes is needed to implement paragraph 21 above, the parties will immediately seek the Court’s approval of an appropriate order to this effect.</p> <p>23. A plaintiffs’ representative will participate in the hiring process for the ten staff. Plaintiffs will have no formal say in the hiring process; however, the views of plaintiffs will be seriously considered.</p> <p>24. By February 1, 2008, the parties will attempt to reach agreement on whether additional staff are needed to implement the Decree or this agreement and, if so, in what positions and how such positions should be created and/or staff hired.</p> <p>25. By February 1, 2008, defendants will evaluate and report to plaintiffs whether implementation of the Decree or this agreement requires</p>	<p>4 additional staff to work for Tameria Lewis. A third individual staff member has been identified and is completing the hiring process.</p> <ul style="list-style-type: none"> • The parties are currently contemplating whether additional staff will be necessary to fully implement the Decree. • Due to some difficulty in processing applicants expediently through DC HR, the parties are considering whether personnel exemptions are necessary, should additional staff be necessary to carry through commitments in the Consent Decree. 	
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<p>further exemptions from the District’s personnel process in addition to any exemption that may be required to implement paragraph 21 above. If so, the parties will immediately seek the Court’s approval of an appropriate order to this effect.</p>		
<p><u>Case Managers</u></p> <p>26. Defendants will contract for a case management program that will be operational on or before April 1, 2008. The initial budget for the program will be at least \$3 million (on an annual basis). Prior to the commencement of operations, defendants and plaintiffs will brief class counsel for <i>Petties</i> on the mission of the case management project, including any measurable performance indicators. Defendants and plaintiffs will brief <i>Petties</i> counsel on the project six months after the start of the project.</p> <p>27. The program will be consistent with Attachment B, a draft scope of work for the contractor.</p> <p>28. Defendants will continue to use Narrell Joyner and Michael Terkletaub as consultants for the case</p>	<p>Completed</p> <ul style="list-style-type: none"> • On March 13, 2008, OSSE executed its contract with First Home Care, consistent with the draft scope of work annexed to the ADR agreement but reflecting extensive subsequent discussions with Plaintiffs and the Evaluation Team around program design. First Home Care is one of the District’s Mental Health Core Service Agencies and is already a major provider of children’s mental health case management services in the city. The executed Scope of Work for the contract is attached to this Status Report as <u>Attachment E</u>. This is a one year contract in the amount of \$3.4 million with four option years. • The purpose of case management is two-fold: First, case managers will, it is expected, play a role in better outcomes for students with IEPs 	<ul style="list-style-type: none"> • After the initial training week, the case managers will begin to build their caseloads through case reviews with the schools and family outreach. • For the remainder of this school year, the case managers will focus on becoming familiar with families and students, the IEP process, school staff and service providers. During the summer vacation, it is expected that case managers will take on further students, as students move schools, enter and exit litigation and are referred by DCPS and nonpublic schools. The program is expected to be working at full capacity at the start of the next school year.

<p>management program. Defendants will also use these individuals in evaluating the program.</p> <p>29. By August 1, 2008, the parties will try to reach agreement on revisions to and/or expansion of the program.</p>	<p>without resorting to litigation. Case managers will become experts in the services the students on their caseload receive or do not receive, and will have a direct line of communication with those at DCPS and OSSE who have the authority to remedy any gaps or problems in service delivery. Second, the case managers will bring, on a monthly basis, accurate ground-level information to the reform leaders and class counsel. The information drawn from the case managers is will inform high-level decisions around access to related services and wraparound services, addressed elsewhere in this Status Report.</p> <ul style="list-style-type: none"> • Throughout January and February, OSSE and DCPS worked with First Home Care, Plaintiffs, Mr. Sundram and consultants Narell Joyner and Michael Terkeltaub to design the contours of the program. The key features of the case management program are as follows: <ul style="list-style-type: none"> ○ In this first year, the case managers will serve 450 students, or 15 students per case manager, when at full capacity. ○ The program will have eight 	
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	<p>“home base” DCPS schools, all of which encounter a high volume of due process litigation—two middle schools, one special education center and five elementary schools, two of which are SAM schools. Students with IEPs in these schools who are struggling in any way or who have made a formal complaint at any time will have priority access to case managers.</p> <ul style="list-style-type: none"> ○ Case management is always voluntary on the part of families. ○ When any student with a case manager moves schools, whether to a charter, nonpublic or other DCPS school, the case manager will move with him or her. ○ Case management capacity is being reserved for students participating in the Incentive Seats pilot next school year, for referrals from nonpublic schools when a student of theirs is to transfer back to a DCPS or charter school, and for students identified by those working on the Backlog Reduction Plan. 	
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	<ul style="list-style-type: none"> • FHC has hired thirty well-qualified case managers, including a number of parents of District students with IEPs, plus a Program Director and supervisors. All case managers are skilled in working with children, families and in the community; many also bring specific school and human services experience • The new case managers will receive a full week of training beginning March 24, 2008. This training will be conducted by several individuals including Narrell Joyner, Michael Terkletaub and OSSE and DCPS special education reform team staff. 	
<p><u>Nonpublic Unit</u></p> <p>30. By February 1, 2008, defendants, in collaboration with plaintiffs, will develop a plan for the Nonpublic Unit. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the plan.</p> <p>31. Defendants will seriously consider plaintiffs’ proposal that the Nonpublic Unit be abolished and its functions reside elsewhere. Under</p>	<p>Not completed.</p> <ul style="list-style-type: none"> • Defendants have worked closely with plaintiffs to develop a plan to reform the nonpublic unit, but have not yet finalized this plan. • In order to ensure that the plan developed pursuant to paragraph 30 is as well designed as possible, and is informed by the experiences and expertise of nonpublic school stakeholders, OSSE, in conjunction 	<p>The Parties expect to finalize a plan for the reform of the Nonpublic Unit no later than May 1, 2008.</p>

<p>plaintiffs’ proposal, bill payment would be performed by OSSE’s business department under the supervision of the CFO. Program evaluation would be performed by OSSE as part of a larger (and integrated) effort to evaluate -- using a unified process and set of expectations -- DCPS schools, charter schools, and private placements. “Folder” schools would be responsible for participating in the IEP process.</p> <p>32. No change to the Nonpublic Unit will be made unless it is reasonably certain that the special education system’s performance will be improved by the change.</p>	<p>with the District of Columbia Association for Special Education (DCASE), has conducted a series of focus group meetings with representatives of nonpublic schools, Blackman Jones Class Counsel and Petties Class Counsel on the following topics:</p> <ul style="list-style-type: none"> ○ Billing, record-keeping and Medicaid ○ Rates and rate-setting ○ IEP process at nonpublic schools ○ Assessments, related services and compensatory education provision for DC students in nonpublic school placements <ul style="list-style-type: none"> ● These focus group meetings have been well attended and have provided essential insight to the parties to consider in developing a comprehensive reform plan. ● On March 11, 2008, the parties submitted a draft of their current thinking regarding the elements of an NPU reform plan to Petties Special Master Baach and Petties class counsel. An initial discussion of this issue was held with Petties representatives and Special Master Baach on March 13, 2008. 	
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	<ul style="list-style-type: none"> • A follow-up meeting to further discuss these issues was held on March 19, 2008. • Petties counsel submitted written comments on the NPU discussions to date on March 22, 2008. 	
<p><u>Program Evaluation</u></p> <p>33. Beginning in January 2008, defendants, in collaboration with plaintiffs, will design a process, to be implemented on a significant scale by the beginning of the next school year (8/08-6/09), for evaluating the provision of special education and related services to students in DCPS schools, charter schools, and private placements. The process will evaluate fidelity to the expectations for the delivery of special education and related services at the school level developed pursuant to paragraph 61.</p> <p>34. Information from the program evaluation process will be used to help manage D.C.’s special education system and to inform D.C.’s reform efforts.</p> <p>35. Defendants will employ Paul Vincent of the Child Welfare Group in</p>	<p>Project is on schedule.</p> <ul style="list-style-type: none"> • The Parties have agreed to use a Qualitative Services Review program, or “QSR”, to fulfill the requirement that defendants develop a process for evaluating the provision of special education services to District students. • QSR is an established system evaluation technique. In a QSR, reviewers take a short time period, usually no more than two business days, to focus on a specific consumer: reviewers interview the consumer, his/her family and his/her service providers, then develop ratings using a scoring protocol to build an overall picture of both the experience of that person and the functioning of the whole system. QSR’s power is that it reflects overall system performance from a child and family perspective. • Paul Vincent, of the Child Welfare 	<ul style="list-style-type: none"> • OSSE is currently preparing for its first usage of QSR. Paul Vincent’s team, including expert reviewers from around the country, will host a training session on April 3 and 4, 2008, and will conduct an initial 24-case review of students with IEPs in the weeks beginning April 21 and May 5. The goal of this small-scale review will be to introduce special education stakeholders to the interview technique and scoring, to detect trends to the extent possible with a small number of cases, and to work on formulating a unified set of “guiding principles” for the system based on lessons learned by the reviewers. The 24 students to be reviewed will be selected at random from those with IEPs in a set of approximately six DCPS, charter and nonpublic schools.

<p>Montgomery, Alabama, as a consultant to this effort.</p> <p>36. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the process.</p>	<p>Policy and Practice Group in Montgomery, Alabama, is a national leader in generating system change through the QSR process. Additionally, Mr Vincent and his group are particularly skilled in using QSR to formulate basic “guiding principles” by which all members of the system must operate. QSR was instrumental in Hawaii’s transformation of special education under the <i>Felix v Cayetano</i> Consent Decree. In the District of Columbia, the technique is already regularly used by the Department of Mental Health and the Child and Family Services Administration in their efforts under the <i>Dixon</i> and <i>LaShawn</i> cases respectively.</p> <ul style="list-style-type: none"> • OSSE, as the bearer of state monitoring responsibility, is committed to employing the QSR method to drive rational and balanced monitoring of all school settings serving children with special needs, alongside federally required quantitative methods of monitoring. 	<ul style="list-style-type: none"> • Each expert reviewer in Mr. Vincent’s team will be “shadowed” by a DC special education stakeholder, the goal being for the “shadows” to learn and carry out the technique themselves after seeing it done. <i>Petties</i> stakeholders have been invited to act as shadow reviewers as well as <i>Blackman</i> and other special education concerned parties. • The initial QSR, including the final report from Mr Vincent’s group and a debriefing, is scheduled to conclude no later than the end of June, 2008. At this stage, OSSE will work with Mr Vincent, DCPS and Plaintiffs to produce a larger-scale QSR plan for SY 08/09 as contemplated in paragraph 33 of the ADR Agreement.
<p><u>Pilot Schools</u></p> <p>37. Beginning in January 2008,</p>	<p>In Progress.</p> <ul style="list-style-type: none"> • On January 7, Dr. Sailor, creator of 	<ul style="list-style-type: none"> • Meeting has been scheduled w/ Blair

<p>defendants, in collaboration with plaintiffs, will develop a plan to create, by the beginning of the next school year (8/08-6/09), two clusters³ of schools that will be exemplary in their delivery of special education and related services. The plan will include using, in each pilot school, the School-Wide Applications Model, with a track record of improving the academic performance of special education students, as well as their regular education peers, in urban school districts with a high percentage of low-income students. The program relies on, among other things, a school-wide positive behavioral support model.</p> <p>38. By December 1, 2008, defendant, in collaboration with plaintiffs, will develop a plan for expanding the pilot to at least four additional clusters of schools.</p>	<p>Schools Wide Application (SAM) model, visited DCPS and met with Blackman/Jones team to begin planning two clusters for SY08-09.</p> <ul style="list-style-type: none"> • Schools Wide Application (SAM) consultants, Dr. Wayne Sailor and Roger Blair visited 8 schools to meet with school leadership teams and gain confirmation for entrance into the pilot. • 7/8 schools are currently confirmed: Murch ES, Simon ES, Beers ES, Hendley ES, Noyes ES, and Raymond ES. Principal Presswood is the 8th principal to confirm participation in pilot, however, his school placement for next year is yet to be decided. • Schools have received the “Self Assessment Tool” to measure the perceived progress on the “15 Key Features” in the SAM program and initial data is being collected using the SAMAN Instrument by designated SAM research staff at Noyes ES, Raymond ES and Simon ES. 	<p>Roger to discuss special circumstances for Dr. Presswood’s school and staff.</p> <ul style="list-style-type: none"> • The remaining schools will be assessed the week of April 7 by Blair Roger. • The SAM Kick-Off is scheduled for May 14th at the Shakespeare Theater for schools to begin developing their implementation plans. • 4 day Professional Development needs to be scheduled for August. • Need to post Instructional Specialist and RTI Coach positions.
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³ A “cluster” in the School-Wide Applications Model is a group of schools: four elementary schools; two elementary schools and one middle school; two middle schools; or one high school.

	<ul style="list-style-type: none"> • Visits to Ravenswood Schools District were staffed by representatives from SERT, OSE and plaintiff’s counsel from March 10-15. • Posting and resume collection has begun for a SAM staff assistant in the OSE. 	
<p><u>Initiative to Reduce Private Placements</u></p> <p>39. Beginning in January 2008, defendants, in collaboration with plaintiffs, will develop a plan to create, by July 1, 2008, a mechanism for providing incentives to high quality schools to increase their capacity to serve special education students. The plan will focus on approximately 5-10 high performing schools. Priority will be given to creating capacity in these schools to serve students now in private placements or at risk of being placed in a private school.</p> <p>40. The purpose of this pilot is to provide additional choices to D.C. families. Defendants will not in any way use this pilot to coerce families, through an HOD or otherwise, into giving up or forgoing a private school</p>	<p>In Progress.</p> <ul style="list-style-type: none"> • 3-5 seats have been committed by principals from each of the following schools: Murch ES, Hyde ES, Janney ES, Eaton ES, Lafayette ES and Key ES. • Focus group was held on March 4 to begin initial planning for the incentive seat pilot. • School Capacity Template has been created to help place incentive seat students with existing supports, as well as tailor a program to fit their needs. • Targeted candidates to fill incentive seats include complaints from Rock Creek Academy and new complaints from DCPS schools. 	<ul style="list-style-type: none"> • Next focus group is scheduled for April 4th to discuss school capacity and next steps. • Template will be disseminated and collected to drive the focus group scheduled for April 4. • The process for referring, placing and budgeting for incentive seat candidates needs to be streamlined. • Additional seats in Middle School and/or High School need to be considered to meet the 50 seat quota.

<p>placement for their child.</p> <p>41. If a participating family is dissatisfied with a placement provided under this initiative, the student will be permitted to return to the student’s prior placement in the next school year.</p> <p>42. The pilot schools will commit to meeting students’ needs in the most inclusive manner appropriate to the student’s needs. Schools will receive a percentage of the amount that would have been spent on a nonpublic placement to invest in the creation of services desired by the family and to enrich the local school’s offerings. It is anticipated that each participating school will serve approximately 10 students under the pilot.</p> <p>43. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the plan.</p>		
<p><u>Contract Schools or Programs</u></p> <p>44. Beginning in January 2008, defendants, in collaboration with plaintiffs, will develop a plan to create, by the end of the current</p>	<p>In Progress.</p> <ul style="list-style-type: none"> • Contract, or partnership schools, are high on the DCPS overall school reform agenda for the upcoming school year. Phillips Academy, a 	<ul style="list-style-type: none"> • Representatives from SERT and Office of Special Education (“OSE”) will schedule a visit to observe the Phillips Academy program.

<p>school year, contract schools and/or contract programs within schools. It is anticipated that the plan will rely on high quality performing private schools as contractors. The plan will be crafted so as not to increase the number of, or strengthen the role of, segregated settings.</p> <p>45. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the plan.</p>	<p>high-quality nonpublic school, is negotiating with DCPS to either become a charter or contract school in the former Gibbs Elementary school space. They propose to run an ED program with varying grade levels.</p>	
<p><u>Mental Health Services</u></p> <p>46. By April 1, 2008, defendants will improve the delivery of mental health services to students in accordance with a plan developed in collaboration with plaintiffs. The plan will expand capacity and, as appropriate, modify existing services. Defendants will devote to implementation of the plan at least \$500,000 for the current school year and at least \$3 million for the next (8/08-6/09) school year.</p> <p>47. Unless otherwise agreed by the parties, the plan will give priority to the provision of improved mental health services during the next (8/08-6/09) school year to: students in the pilot schools referenced in paragraphs</p>	<p>Partially Complete.</p> <ul style="list-style-type: none"> • The District of Columbia has identified and obligated the \$3.5 million required for the expansion and improvement of mental health services to students in the D.C. public schools. • OSSE executed a contract with Knute Rotto of Choices, Inc. on January 14, 2008, for the purposes of identifying and evaluating the current landscape of mental health services available to all children in public schools. Mr. Rotto is also expected to assess the District’s use of Medicaid to finance these services and provide recommendations for increasing federal reimbursement. A copy of the scope of work for the contract is included as <u>Attachment F</u>. 	<ul style="list-style-type: none"> • Continue discussions with stakeholders and finalize the Mental Health Services Assessment report. • Continue meeting with District agencies and Plaintiffs to finalize the academic, social, and mental health components of the DCPS “Full Purpose” school model, which will be implemented in eight middle schools next fall. • Develop and finalize the implementation plan, budgets, staffing components, training schedule, and evaluation criteria for the middle schools pilot program. • Finalize discussions with Plaintiffs

<p>37-38 above; students in the pilot referenced in paragraphs 39-42 above; and students on the caseloads of case managers.</p> <p>48. Defendants will use Knute Rotto of Choices, Inc., in Indianapolis, Indiana, as a consultant. By January 1, 2008, defendants will contract with Mr. Rotto. Mr. Rotto’s scope of work will include identifying and evaluating mental health services and evaluations presently provided in schools or as a related service, and making recommendations for improvement, as well as evaluating defendants’ use of Medicaid to finance these services and recommending strategies for increasing federal reimbursements.</p> <p>49. Defendants’ plan will consider the available mental health resources in the District and describe how these resources will be used on behalf of students. As appropriate, the plan will be developed in collaboration with DMH, CFSA, and DYRS.</p>	<ul style="list-style-type: none"> • Over the last two months, Mr. Rotto has met with over 50 individuals representing the following stakeholders: psychologists working in private and public organizations, core mental health service providers, non-profit organizations, lawyers and advocates from private and public entities, 11 District of Columbia government agencies, and principals, special education coordinators, and mental health providers in 4 District of Columbia Public Schools (DCPS), and 5 public charter schools. Mr. Rotto has also conducted a documentary review of various school and mental health white papers and reports, financial documents, and DC Medicaid regulations. • The information gleaned from this process is being consolidated into a written report. This report is designed to provide stakeholders with what is essentially a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of existing mental health services available to students enrolled in public schools. • A draft of this report was submitted to the parties and Mr. Sundram on March 	<p>regarding additional aspects of the plan beyond the middle school full purpose school pilot, such as ensuring improved student access to mental health services in all schools by streamlining process for referral to MCOs and DMH service providers.</p>
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	<p>7, 2007 and we are currently in the process of reviewing the draft and collecting comments from various stakeholders.</p> <ul style="list-style-type: none"> • As the evaluation of existing services and the Medicaid system is not yet final, we have not yet finalized the plan to improve and enhance mental health services. However, significant preliminary work has been done towards the development of the plan to expand capacity and, as appropriate, modify existing services for students within the District of Columbia. • Eight DCPS middle schools have been identified to serve as a pilot for school-wide reform focused on meeting academic, social and psychological needs of both general and special education students. The Deputy Mayor of Education, OSSE, and DCPS are working together along with other District agencies to further develop the various components of this school-wide reform which will encompass supports for school administrators, teachers, and related staff. • The vision for this cohort of schools is to create “Full Purpose” schools that 	
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	<p>not only improve the academic achievement of these students, but create a school environment where students feel accepted, parents are involved, and all the necessary supports and resources for academic and behavioral success are accessible to ALL students.</p> <ul style="list-style-type: none"> • Finally, a major focus of the pilot will be to develop enhanced in-school mental health services and “wrap-around” care for those students with intensive mental health needs in the eight pilot schools and across the school system. 	
<p><u>Other Related Services</u></p> <p>50. By March 1, 2008, defendants, in collaboration with plaintiffs, will develop a plan for evaluating and improving the provision of related services other than mental health services, including development of an effective process for identifying and addressing related service lapses.</p>	<p>Partially complete</p> <ul style="list-style-type: none"> • A draft Related Service Plan was submitted on March 1st and reviewed by Ira Burnim and Clarence Sundram. Based on their feedback DCPS is crafting a short term and long term plan for related services. • The short term plan involves establishing workload requirements for providers, determining how related services will be provided at SAM Schools and mental health pilot schools, and creating a mechanism for DCPS to immediately address service 	<ul style="list-style-type: none"> • Draft will be resubmitted using input from Ira Burnim and Clarence Sundram • DCPS is working with outside sources (grad schools) to augment the staffing need.

<p>51. By March 1, 2008, defendants, in collaboration with plaintiffs, will develop and implement a written policy that identifies the process and criteria that DCPS will itself use to award compensatory education when related services are not adequately provided. The process, which will be tied to the IEP process, will involve parents and respect their views.</p> <p>52. The policy developed pursuant to paragraph 51 will not be used to avoid or impede hearing officers awarding compensatory education or avoid or impede hearing officers determining the nature and amount of compensatory education that may be</p>	<p>gaps.</p> <ul style="list-style-type: none"> • The long term plans involves a larger reorganization of related services centered on establishing a performance reporting system, defining quality service, and determining the best service delivery model. • D.C.'s biggest issue around related services right now is the lack of resources within the Blackman Jones Team to devote to related services. • Partially complete; parties have agreed to new timelines in ADR agreement • By March 1, a compensatory education policy tying compensatory education into the IEP process was drafted and vetted through DCPS and Ira Burnim. OSSE will also review the policy. 	
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<p>due.</p>		
<p><u>Data</u></p> <p>53. Defendants will use their best efforts to develop an accurate and reliable data system in conformity with paragraphs 60-65 of the Decree. By January 1, 2008, defendants will identify the date by which they expect to have an accurate and reliable data system that meets the requirements of the Decree.</p> <p>54. Defendants will continue to contract with Rebecca Klemm to maintain the “Klemm data base” until a new data system is developed, and its functionality and accuracy is confirmed.</p>	<p>In progress and On Schedule</p> <p>On January 2, 2008, Defendants submitted a statement to plaintiffs detailing the following timeline for the procurement and implementation of an accurate and reliable special education data system.</p> <ul style="list-style-type: none"> • Beginning in July 2008 OSSE will begin to roll out a basic version of a state special education data system to a limited number of schools. Among other things, this basic system will permit users to create and track compliance with IEPs and to both order related services and track the provision of those services. This basic system will primarily consist of off-the-shelf software and will not yet contain an independently designed legal module (see below). • By the beginning of the 2008-09 school year, the basic data system will be rolled out to all DCPS schools. It is also anticipated that by this time the basic data system will be rolled out to all charter schools that elect to have DCPS serve as their LEA. OSSE is currently evaluating the manner in which this data system will be offered 	<ul style="list-style-type: none"> • Project development Schedule: <ol style="list-style-type: none"> 1. Review Teams of process flow, requirements, configurations (current – 5/27/08) 2. Phase I configuration complete (5/27/08) 3. Phase I training begins (5/27/08) 4. Phase I pilot cutover (6/18/08) 5. Phase I full cutover (8/28/08) 6. Phase I training complete (9/30/08). <p>The SEDS development team will contact DCASE to ensure clear communication and coordination with concurrent DCASE IT development projects.</p>

	<p>to and/or required for charter schools that function as their own LEAs. OSSE will keep plaintiffs informed of any developments in this area.</p> <ul style="list-style-type: none"> • By January 2009 the data system vendor will deliver to OSSE a legal module that will allow the tracking and implementation of HODs and SAs. This module will be designed to conform with DC's unique special education legal environment in addition to all federal and state requirements. The legal module will also be designed to interface on a limited basis with the SHO docketing system. • By the beginning of the 2009-10 school year the legal module will be rolled out to all participating schools. <p>OSSE has now executed a contract with PCG, Inc to design and implement the Special Education Data System (SEDS) according to the following project plan and schedule:</p> <ol style="list-style-type: none"> 1. Award to PCG made on 2/26/08 along with public announcement by Deborah Gist and Mayor Fenty. Contract award amount \$4.3 million. 2. Project Launch on 2/27/08 <ol style="list-style-type: none"> a. Review Teams including representatives of the user 	
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	<p>community (in LEAs and OSSE) convened daily around specific special education functions and processes. (3/10 – current)</p> <p>b. Executive kickoff meeting including Superintendent Deborah Gist, Chancellor Rhee, Josephine Baker, Vivek Kuundra, and PCG CEO convened to relate sense of urgency and prioritization of this project for the District. (3/18/08)</p> <p>c. Project team kickoff including Project Team, Executive Stakeholder staff representatives meeting to discuss overall protocols and process for managing implementation. (3/18/08)</p>	
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<p><u>Student Hearing Office</u></p> <p>55. Defendants will secure a consultant to help them improve the operations of the Student Hearing Office. The scope of work for the consultant will be consistent with Attachment C to this agreement.</p>	<p>Completed.</p> <p>A consultant, Gail ImObersteg, Esq., was hired and completed Phase I of her contract. As described below, she has now begun work on Phase II as well. In addition to providing a brief summary of Ms. ImObersteg’s work, the following is a general overview of some of OSSE’s ongoing efforts to improve the operation at the Student Hearing Office (SHO).</p> <hr/> <p><i>Continued Work of Expert Consultant</i></p> <ul style="list-style-type: none"> • Phase I of the contract for consulting services of Ms. Gail ImObersteg, Esq., has been completed. Under this contract, Ms. ImObersteg, Esq. has, among other things: 1) Reviewed current SHO practices, soliciting both Hearing Officer and SHO staff input; 2) Reviewed and reported on administrative records and on an assessment of Hearing Officer Determinations (HODs); 3) Developed a model pre-hearing agenda, checklist and HOD format for Hearing Officers; 4) Developed evaluation criteria of HODs and administrative records; 5) Reviewed written policies, procedures and directives on the docking system project, reporting deficiencies in the system and on proposed business 	<ul style="list-style-type: none"> • Begin work with vendor on docketing system on April 7, 2008. • Hold input session with attorney stakeholders on April 9, 2008. • Continued work on all of the reforms listed in the Current Status the section.
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	<p>processes; and 6) Conducted Meetings and Discussion with Hearing Officers. (<u>Attachment G</u> contains three of Ms. ImObersteg, Esq.'s reports: 1) Report on the Review of Administrative Records and Hearing Officer Determinations; 2) Hearing Officer Qualifications, Functions, and Responsibilities; and 3) Evaluation of Special Education Hearing Officers for the District of Columbia.)</p> <ul style="list-style-type: none"> • Phase II of Gail ImObersteg Esq.'s services have begun. Phase II of the contract for consulting services is designed to build on the systemic changes effected in Phase I and to implement adopted recommendations to transform the SHO, and the hearing system itself, into high functioning systems. Phase II includes an intensified effort to identify and change systemic deficits in the conduct of pre-hearings, hearings, and decision writing and to provide resources to individual Hearing Officers to support them in their efforts to perform consistent with standard and best legal practices. • To provide the Hearing Officers a dedicated resource, Mrs. ImObersteg, Esq. has secured the 	
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	<p>services of another expert in the conduct of special education hearings, Mr. Lyn Beekman, Esq. Mr. Beekman will be observing individual Hearing Officers in the conduct of pre-hearings and hearings and will be reviewing decisions to provide them feedback to enhance their performance. His assistance is intended to be short-term and will be performed in a manner that ensures decisional independence.</p> <ul style="list-style-type: none"> • Phase II will also include the recruitment, selection, and training of Hearing Officers and a revised contract to align with the transformation of the system. Based on the expansion of the functions and responsibilities of the position of Chief Hearing Officer consistent with other hearing systems, a full time Chief Hearing Officer will also be recruited. The recruitment processes will include a transition plan to ensure it does not affect the orderly conduct of hearings and timely decisions. • During Phase II of the Contract, a Chief Administrative Officer (CAO) for the SHO will also be recruited, selected, and trained .The functions and responsibilities of the SHO CAO 	
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	<p>are currently being performed by Mr. Dakarai Thompson, Esq., Special Assistant to the Executive Director of the Office of Review and Compliance, on an interim basis. Ms. ImObersteg, Esq. will assist him in the recruitment, selection, and training of the CAO, as necessary, and in the transition of functions and responsibilities.</p> <ul style="list-style-type: none"> • Other activities in Phase II of the contract, will include: 1) the provision of technical assistance to the selected vendor for the SHO docketing system on the IDEA business rules; 2) ongoing assistance to the record archivist on the maintenance of administrative records; 3) technical assistance to the CAO on staffing capacity issues; 4) participating in the solicitation and consideration of input from stakeholders on the hearing system and operation of the SHO; and 5) assistance, as needed, in the revision of law, regulations, policies, and procedures relating to the special education hearing system for consistency with the IDEA and alignment with standard and best legal practices. • The SHO also provided an interim report in January at the request of the 	
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	<p>Court Monitor. <u>Attachment H</u> (without enclosures) lists a number of the reforms also described below.</p> <p><i>Files, Records & Docketing</i></p> <ul style="list-style-type: none"> • The docketing system contract has been signed by OSSE’s selected vendor, Customer Expressions, Inc., and the development of system will begin on April 7th. (The contract will be fully executed by OSSE upon receipt of a notarized tax form from the vendor.) • Pending the rollout of the electronic docketing system, the SHO continues to utilize the software application Quickbase to track the "life cycle" of a due process complaint. This software is currently being utilized as an interim internal docketing system for the SHO. • The SHO continues to clean up and restore order to the records and administrative files of the SHO. This includes the maintenance and storage of all current files and all files in the “90-Day Appellate Period.” The Records Manager for the Office of Review and Compliance also continues to work on cleaning and 	
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	<p>inventorying all administrative hearing files currently housed at the SHO.</p> <ul style="list-style-type: none"> • The SHO has implemented an administrative file checklist that corresponds with what the OSSE consultant and the Office of the Attorney General/ Civil Division recommends and has deemed a part of an administrative file of the due process hearing. This document is being maintained by both SHO staff and Hearing Officers to ensure that original documents are filed and catalogued. (See <u>Attachment I</u>) • Hearing Officers have been provided sample administrative hearing record certifications to begin to certify records. This reform is integral to the reform effort in formalizing and streamlining the process by which administrative hearing files are handled and maintained. • The SHO has instituted a policy of signing “in and out” administrative hearing files. This process will ensure that the SHO knows where every file is at any time. This further ensures that original materials filed at the SHO end up in the case file. 	
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	<ul style="list-style-type: none"> • To support the reforms of record keeping and file maintenance, the SHO will begin to record every due process hearing on an individual audio CD. This reform will allow the audio CD to be easily copied and sent for transcribing while retaining the original recording in the case file for appellate and file management purposes. <p><i>Training & Technical Support for Current Hearing Officers/Recruiting New Hearing Officer</i></p> <ul style="list-style-type: none"> • The SHO held a meeting with Hearing Officers to discuss and Q & A on implementation of pre-hearing conferences and on implementation of the ADR “Blanket Resolution Session Waiver Agreement” on March 13th. Additionally, Mr. Lyn Beekman, Esq. was introduced to the Hearing Officers as a technical assistance resource in support of the reform effort. • The SHO has scheduled regular Monday meetings with Hearing Officers to provide them with the opportunity to share/ gather information, pose questions, discuss issues, and be alerted to new or recent caselaw or decisions on special 	
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	<p>education law.</p> <ul style="list-style-type: none"> • The SHO, in coordination with Gail ImObersteg, Esq. and OSSE Stakeholders, is currently finalizing a Request for Proposals (RFP) for additional Hearing Officers. Once this proposal meets both legal and contract procurement sufficiency, the OSSE will establish a timeline whereby Hearing Officers will be solicited, evaluated, and hired. <p><i>Process Reforms</i></p> <ul style="list-style-type: none"> • The SHO has begun to as a routine matter schedule and host pre-hearing conferences. These conferences present the parties to the due process system with the opportunity to clarify the issues for the hearing, including the formulation or simplification of the issues, discuss whether there are any admission of certain assertions of fact or stipulations and to discuss any matter that may aid in simplifying the proceeding and disposing any matter in controversy, up to and including settlement of the dispute. <p><i>Front Office Operations</i></p>	
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	<ul style="list-style-type: none"> • The SHO has identified a need to increase the number and capability of its staff to provide high-quality service to parties in the due process hearing system and has posted positions for a staff assistant and two docketing/paralegal clerks. The SHO has begun to solicit and recruit additional staff educated in and experienced with legal processes and matters. Applications and resumes from applicants have been collected and prospective employees will be interviewed. • Additionally, the current SHO staff will begin attending the DC Department of Human Resources Workforce Development trainings and courses. In April 2008, the staff will attend customer service training. • In compliance the notice received from DCPS implementing the ADR Agreement’s “Blanket Resolution Session Waiver Agreement,” the SHO is scheduling specially set hearings held within 20 days of filing. • There are no outstanding requests for transcripts for cases administered from January 2006 to the present. There are requests for transcripts older than 	
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	<p>January 2006 that the SHO has been unable to fulfill. Additionally, the SHO is granting transcript requests on an average time of within “two weeks,” well within the 30-day requirement. This improved turnaround time is a result of a streamlined process by which the SHO sends the transcript vendor audio recordings of administrative due process hearings. The SHO no longer uses a courier to send audio CDs to the vendor to transcribe; the SHO uploads an audio file of the recording onto a secure site and the transcriber retrieves the recording from the site. This reduces the time and cost in having due process hearings transcribed.</p> <ul style="list-style-type: none"> • The SHO has increased the service delivery of notice of Hearing Officer Determinations (HODs) and Orders by forwarding these documents to parties and stakeholders at 12:30pm and at 4:00pm daily. • The SHO has formalized the process whereby Hearing Officers are appointed to administer due process hearings on a rotational basis. This fully implements the current SOP and replaces any informal arrangements that may have been in place 	
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	<p>previously. Additionally, the SHO and OSSE’s General Counsel are finalizing the process by which parties who wish to file a complaint against a Hearing Officer may do so.</p> <ul style="list-style-type: none"> • In our efforts to streamline the due process hearing system and to provide greater customer service, the SHO is notifying plaintiffs, respondents, and Hearing Officers, of their provisional pre-hearing and hearing dates, as well as the name and contact information of their assigned Hearing Officer, within 3-5 days of filing a complaint. The notice that is sent out is also a consolidated notice that replaces previously duplicative forms and processes. The SHO now sends out a Due Process Hearing Notice with provisional pre-hearing and hearing dates, and with the contact information of the plaintiff, respondent, and Hearing Officer. (See <u>Attachment J</u>) <p><i>Improvement to SHO Equipment & Facility</i></p> <ul style="list-style-type: none"> • The SHO has increased the capacity of the office to conduct pre-hearings and hearing by adding two hearing rooms. In purchasing additional recording machines, microphones, etc. the SHO 	
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	<p>can now accommodate 10 hearings during every scheduled period.</p> <ul style="list-style-type: none"> • The SHO has obtained eFax accounts with the goal of eliminating or reducing past hardware problems. • Improvements to the physical plant at the Van Ness site are ongoing. This effort includes retrofitting the building with new boilers to ensure that parents, students, parties and staff are working in a comfortable environment and repairing or replacing all broken windows to ensure safety and security at the site. • The SHO has placed “notice boards” in the reception room where parents and their representatives can be informed of process and reform changes at the SHO. <p><i>Integrating SHO Reform into Broader Special Education Reform Effort</i></p> <ul style="list-style-type: none"> • To integrate the SHO reform efforts into the broader special education reform effort, SHO administrator Dakarai D. Thompson, Esq. has been invited to sit on weekly regularly scheduled conference calls to ensure collaboration and consistency in all of 	
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	<p>OSSE's reform efforts.</p> <ul style="list-style-type: none"> • The SHO, in coordination with OSSE stakeholders, have scheduled what will be the first of many input and discussion sessions with stakeholders in the due process hearing system. This meeting, scheduled for April 9th, will provide stakeholders with an opportunity to discuss and propose reforms and to provide constructive solutions to problems in the due process system. (See <u>Attachment K</u>) • The SHO, in coordination with the OSSE Office of Community Relations and Communications, has proposed revisions to the Student Hearing Office website. The SHO has compiled federal, state and local documents and links, model forms, Hearing Officer Bios, Hearing Officer Contact info, etc. to enable the SHO website to be user friendly and informative. 	
<p><u>State Complaint Process</u></p> <p>56. By May 1, 2008, defendants will implement an effective state</p>	<p>In progress</p> <ul style="list-style-type: none"> • Initial discussions between the parties regarding the development of an 	<ul style="list-style-type: none"> • Complete development of policies and procedures for the Office of State

<p>complaint process that conforms with 34 C.F.R. 300.151-153.</p> <p>57. The process will be available to resolve complaints regarding students in DCPS schools, charter schools, and private placements, including complaints regarding the implementation of HODs and SAs.⁴</p> <p>58. The process must ensure that OSSE has the power to require corrective actions of – and, as appropriate, to withhold funds from and/or impose other sanctions on – DCPS, charter schools, and private placements.</p>	<p>effective state complaint process have begun.</p> <ul style="list-style-type: none"> • OSSE is in the process of recruiting for the position of Director of the Office of State complaints. 	<p>Complaints.</p> <ul style="list-style-type: none"> • Hire and train Director and line staff in new process.
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⁴ This provision is not intended to require that a parent use the state complaint process before or instead of requesting or participating in a due process hearing.

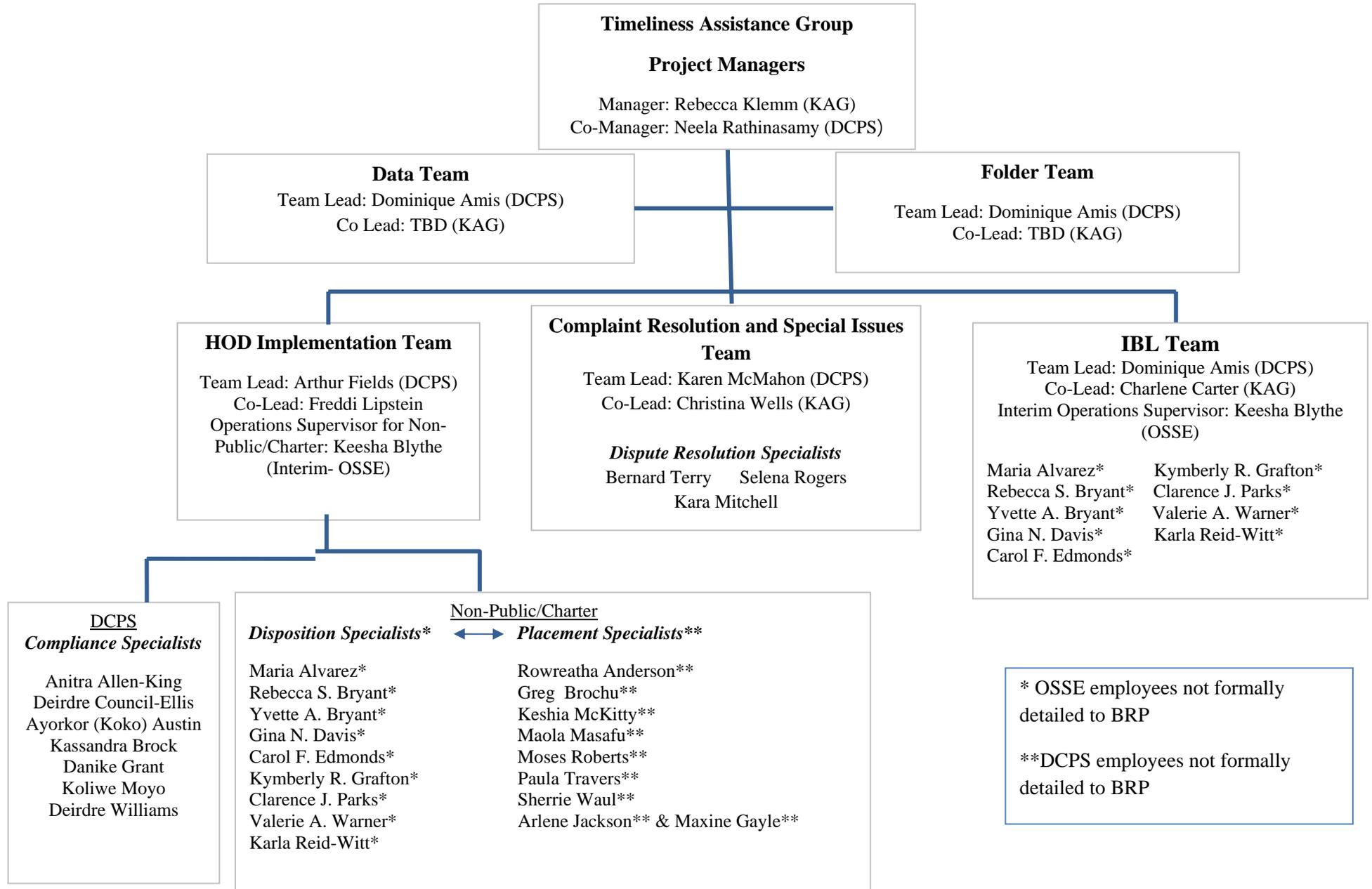
<p><u>Resolution Sessions</u></p> <p>59. Defendants will implement Attachment D, an agreement regarding resolution sessions reached by the parties during the ADR process.</p> <p>60. The parties recognize that, if defendants waive a large number of resolution sessions, this is likely to increase for a period of months the number of due process hearings that must be held and the number of HODs and SAs issued. During these months, defendants' compliance with their obligations under paragraphs 29 and 42(b) of the Decree is likely to decline.</p>	<p>In Progress</p> <p><i>Resolution Waiver</i></p> <ul style="list-style-type: none"> • Since February 21, 2008, DCPS has waived all resolution sessions that the parent also waives. (See <u>Attachment L</u>) <p><i>Resolution Session Specialists</i></p> <ul style="list-style-type: none"> • Under the ADR agreement, DCPS has an obligation to hire 10 resolution session specialists to retool the current procedures. The job posting is on the DCPS website currently. The goal is to hire all resolution session specialists by April 14, 2008. • DCPS is working with SchoolTalk, an organization dedicated to community mediation and resolution within schools, under a notice to proceed as of March 7, 2008. The contract is in its final revisions. • OGC will participate in the interview process for specialists. 	<ul style="list-style-type: none"> • DCPS, in collaboration with Plaintiff's counsel and SchoolTalk, will discuss the method in which resolution specialists will be used in the schools. After reaching agreement, DCPS will begin drafting protocols for resolution sessions. • Training of resolution session specialists is anticipated the second week of April but is dependent upon getting appropriate candidates. SchoolTalk will need two weeks prior notice to the training date. • DCPS is currently determining a policy surrounding the award of attorney's fees at successful resolution sessions.
<p><u>Expectations for Schools</u></p> <p>61. By January 15, 2008, the parties will agree on a schedule and process for identifying defendants' expectations for the delivery of special education</p>	<ul style="list-style-type: none"> • During weekly Monday meetings and at other times, the parties have met to discuss the nuances of the expectations statement. The document outlines 	

<p>and related services at the school level, as well as how those expectations might require changes in infrastructure at the school, regional, DCPS, and “state” level. In this process, defendants will consider: means by which the IEP process can be made more meaningful, the extent to which authority and resources should reside at the school level, and crafting appropriate financial incentives.</p>	<p>goals and outcomes for the child and the ways that schools and systems support that. Dr. Nyankori will work to flesh out the document and periodically send drafts which will be reviewed by the parties in a consistent manner.</p>	
<p><u>Miscellaneous</u></p> <p>62. The parties will agree on a schedule for plaintiffs requesting upward adjustments pursuant to paragraph 49 of the Decree.</p> <p>63. By February 1, 2008, the parties will meet to determine whether and how the February 1999 Order of Reference might be revised.</p>	<p>Not completed.</p> <p>Completed. No agreement reached.</p>	

Backlog Reduction Plan Implementation

- a. Project Team Structure
- b. Overview of Team Duties
- c. Description of Team, Team Accomplishments and Team Challenges
- d. Overall Staffing

Project Team Structure



* OSSE employees not formally detailed to BRP

**DCPS employees not formally detailed to BRP

Team Name	Team Leader/ Co-Lead	Goal	Specific BRP Tasks/Deliverables
Timeliness Assistance Group Project Managers (2 FTEs)	Neela Rathinasamy (DCPS-SERT) Rebecca Klemm (KAG)	<ul style="list-style-type: none"> • Ensure all aspects of the BRP are fully implemented and communicate progress of plan to key stakeholders • Meet with plan executives to review progress 	<input type="checkbox"/> Reach timeliness target <input type="checkbox"/> Revised Polices (DCPS)* *DCPS will use one member, Nathan Moon, of its SERT team to work on policy revisions discussed in the BRP
HOD Implementation Team- PM (6 PTs)	Freddi Lipstein (KAG)	<ul style="list-style-type: none"> • Analyze incoming complaints and HODs • Separate legal events by type of action needed and team best-equipped to address them 	<input type="checkbox"/> Resolve open HODs/SAs and complaints prior to due process hearing
HOD Implementation Team- AM (8 FTEs)	Arthur Fields (DCPS-OSE)	<ul style="list-style-type: none"> • Work with SECs to follow up on school-based actions for incoming complaints and HOD backlogs • Monitor the work of school-based personnel • Prepare closure materials for KAG • Assist in preparing litigation files • Resolve/settle simple actions or quick hits 	<input type="checkbox"/> Resolve open HODs/SAs and complaints prior to due process hearing
Complaint Resolution and Special Issues Team (4 FTEs)	Karen McMahon (DCPS-SERT) Christina Wells (KAG)	<ul style="list-style-type: none"> • Communicate with parents' representatives to understand more about the case and resolve through settlement proposals of comp ed, service agreements, scheduling of assessments • Problem-solve complex cases 	<input type="checkbox"/> Attempt to resolve most complaints prior to due process hearing <input type="checkbox"/> Maintain hotline for special education bar <input type="checkbox"/> Resolve complex HODs/SAs
Data Team (4 FTEs)	Dominique Amis (DCPS-SERT) TBD (KAG)	<ul style="list-style-type: none"> • Design, build, and maintain an interim database of all open HODs/SAs and complaints; • Generate dashboards, required and ad hoc reports • Enter data from HOD Implementation team actions from that day 	<input type="checkbox"/> Dashboards <input type="checkbox"/> Reports <input type="checkbox"/> Timeline Reduction Impact Study <input type="checkbox"/> IBL Analysis and Report <input type="checkbox"/> Barrier to implementation analysis
IBL Team (10 FTEs)	Dominique Amis (DCPS-SERT) Charlene Carter (KAG)	<ul style="list-style-type: none"> • Close all outstanding cases in the Jones IBL 	<input type="checkbox"/> Close IBL
Folder Team (3 FTEs)	Dominique Amis (DCPS-SERT)	<ul style="list-style-type: none"> • Conduct file audit outlined in the BRP for May 2008. 	<input type="checkbox"/> File location audit

	TBD (KAG)	<ul style="list-style-type: none">• Help develop long-term strategies for folder maintenance	
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DESCRIPTION OF TEAMS

HOD Implementation Team

Role

The HOD Implementation team consists of two major parts- the daytime team, or “**AM Crew,**” and the evening team, or “**PM Crew.**” The AM crew is staffed with DCPS **compliance specialists** and OSSE **disposition specialists** who have experience implementing HODs or initiating administrative closure. The compliance specialists focus on DCPS schools while the disposition specialists will focus on nonpublic and charter schools (once they have completed the remaining IBL cases (see below)). In the meantime, though not formally detailed to the project, the **placement specialists** in the nonpublic unit have been following the cases of students who attend nonpublic schools as a part of their other regular duties.

The PM crew, which consists of **complaint and HOD analysts**, both cleans up after the AM crew by inputting that day’s data and prepares for the next day by reviewing complaints and triaging HODs. Triaging entails the categorization of HODs into primary required actions, such as ordering evaluations, determining compensatory education or holding an IEP meeting. HODs that do not require action from the schools, such as payment of private school tuition, are handled by appropriate parties in the DCPS central office. For complaints, most are forwarded to the Complaint Resolution Team for settlement proposal, with a limited number going to the AM Crew for case preparation and follow-up. The PM crew consists of part-time KAG employees who generally come in between the hours of 6 p.m. and 10p.m.

Staffing

AM Crew

Name	Position	Organization	Status
Arthur Fields	AM Team Leader	DCPS	Detailed/Hired
Freddi Lipstein	AM Team Co-Lead	KAG	Detailed/Hired
Anitra Allen-King	Compliance Specialist	DCPS	Detailed/Hired
Danike Grant	Compliance Specialist	DCPS	Detailed/Hired
Diedre Ellis	Compliance Specialist	DCPS	Detailed/Hired
Diedre Williams	Compliance Specialist	DCPS	Detailed/Hired
Koko Austin	Compliance Specialist	DCPS	Detailed/Hired
Koliwe Moyo	Compliance Specialist	DCPS	Detailed/Hired
Kassandra Brock	Compliance Specialist	DCPS	Detailed/Hired
Kara Mitchell	Dispute Resolution Specialist (also working with Resolution team)	DCPS	Detailed/Hired
Selena Rogers	Dispute Resolution Specialist (also working with Resolution team)	DCPS	Detailed/Hired

PM Crew

Name	Position	Organization	Status
Freddi Lipstein	PM Team Leader	KAG	Detailed/Hired
Karen McMahon	PM Team Co-Lead	DCPS	Detailed/Hired
TBD	Operations Assistant	KAG	Goal to hire by 4/1
Janelle Braithwaite	Operations Assistant	KAG	Goal to hire by 4/1/
Charlene Carter	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Jennifer Tiedeman	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Ryan Nash	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Rhett Skiles	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Andrew Bolton	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE

Accomplishments

The HOD Implementation Team has been trained by Dr. Klemm in timeliness calculations. By focusing on timely implementation and not simply closure, the compliance specialists are better able to achieve *Jones* compliance.

After we finalize details with Vielka Scott and Phyllis Harris, we will commence an assessment tracking system with the DCPS complaint/HOD team (the compliance specialists). One member of that team, Anitra Allen-King, will be responsible for collecting information from other compliance specialists and transmitting requests for assessments to the principal of the school, the special education coordinator, the related service provider, the related service provider supervisor and Vielka Scott. By tracking requests for assessments, we hope that fewer of those required by HODs will slip through the cracks into an untimely closure. These efforts will occur against the backdrop of a major push by the schools in April to schedule all required IEP and assessment meetings prior to the summer.

Challenges

This team traditionally has not had direct supervision over the school-based personnel or central office personnel responsible for taking action on HODs and complaints. While this team and the others associated with the backlog reduction plan have the authority of the Office of the Chancellor for this endeavor, it can still be difficult to secure implementation for the day-to-day cases because of long-standing prior practices. Strong effort from the Office of the Chancellor to unify different departments and to create new lines of accountability is required and is being provided. As mentioned above, there will be a major push to hold schools accountable for timely assessments and IEPs starting in April. That effort will need to remain ongoing throughout the backlog reduction plan implementation.

Complaint Resolution and Special Issues Team

Role

One of the major tasks of this team is reaching out to parent representatives to pursue early complaint resolution, prior to a due process hearing. The team now includes two team leads interact directly with **parent representatives**. The goal is to expand to four team members who will be responsible for contacting parents and parent representatives early in the process to create better relationships and outcomes by demonstrating a willingness to work with parents to find mutually acceptable solutions. Starting March 10, 2008, the complaint resolution team has met every morning to discuss potential solutions to the due process complaints that have been referred to them by the PM crew. Once a potential solution has been identified, the team contacts the attorney with a settlement proposal. The team has regularly offered attorney's fees of up to \$750 immediately after the filing of a complaint.

Additionally, this team will tackle special issues that arise, such as particularly complex HODs that need a detailed review, finding lost children in the system, and determining and implementing compensatory education. For compensatory education, DCPS **dispute resolution specialists** will provide operational support, ordering services and processing necessary paperwork. As more special issue cases come to DCPS, the dispute resolution specialists will handle the paper work and follow-up after agreements have been reached with parents' attorneys.

Staffing

Name	Position	Organization	Status
Karen McMahon	Team Lead	DCPS	Detailed/Hired
Christina Wells	Team Co-Lead	KAG	Hired FTE
TBD	Parent Representative Interaction	KAG	Goal to hire by 3/26
TBD	Parent Representative Interaction	KAG	Goal to hire by 3/26
Bernard Terry	Dispute Resolution Specialist/ Operations assistant	DCPS	Detailed
Kara Mitchell	Dispute Resolution Specialist/ Also working with Complaint/HOD team	DCPS	Detailed
Selena Rogers	Dispute Resolution Specialist/ Also working with Complaint/HOD team	DCPS	Detailed

Accomplishments

The Complaint Resolution and Special Issues Team has sent direct contact information by mail to nearly one hundred special education plaintiffs' attorneys as well as through the Special Education Roundtable's listserv. Karen McMahon, the Team Lead listed as the point of contact in the letter, is increasingly receiving direct contact from attorneys regarding their cases.

Since the beginning of March, the complaint resolution team has addressed over 100 complaints directly. Though the majority of cases did not settle, a number of attorneys have expressed appreciation for DCPS' outreach to the special education bar.

Challenges

A major challenge at this time is staffing. With only two complaint resolution team members currently calling parent representatives,, the follow-up on these cases is hindered by time constraints. With additional personnel, it will be possible to address more cases simultaneously.

Another challenge is that some attorneys have expressed that the offered attorneys' fees in the proposed settlement agreements are too low, especially because the Office of General Counsel in the past has offered larger settlement agreements. The reason there is a difference in settlement amounts is that OGC typically settles cases closer to the time of hearing, after parents' attorneys have invested more time, whereas the Complaint Resolution and Special Issues Team makes offers much earlier, before parents' attorneys have put as much time into the case.

Initial Backlog (IBL) Team

Role

When the **disposition specialists** started working with the Backlog Reduction Plan on March 10, 2008, there were approximately 66 remaining initial backlog cases ("IBL") from before March 1, 2006. KAG presented a rough analysis of the remaining actions in the IBL cases in late February and broke cases down into three categories: outstanding compensatory education, outstanding assessments and lost students. The **IBL team leaders** have assigned IBL caseloads to the disposition specialists based on those categories. Under the Backlog Reduction Plan, all IBL should be fully implemented or administratively closed by June 6. After the disposition specialists close all IBL, they will then work closely with the nonpublic unit placement specialists in resolving cases for students who attend nonpublic schools.

Staffing

Name	Position	Organization	Status
Dominique Amis	Interim IBL Team Lead	DCPS	Detailed/Hired
Charlene Carter	Co-Team Lead	KAG	Detailed/Hired
Keesha Blythe	OSSE Supervisor (Interim)	OSSE	Temporary
Karla Reid-Witt	Disposition Specialist	OSSE	Informally detailed**
Carol Edmunds Frazier	Disposition Specialist	OSSE	Informally detailed
Yvette Bryant	Disposition Specialist	OSSE	Informally detailed
Maria Alvarez	Disposition Specialist	OSSE	Informally detailed
Valerie Warner	Disposition Specialist	OSSE	Informally detailed
Rebecca Bryant	Disposition Specialist	OSSE	Informally detailed
Gina Davis	Disposition Specialist	OSSE	Informally detailed
Kim Grafton	Disposition Specialist	OSSE	Informally detailed
Clarence Parks	Compliance Specialist	OSSE	Informally detailed

**OSSE and DCPS agreed to informally detail the OSSE disposition and compliance specialists rather than give DCPS direct supervisory authority as would occur in a formal detailing. This arrangement gives OSSE the opportunity to evaluate these employees

and redirect them as necessary within their changing structure. Prior to making any changes, OSSE will inform DCPS with enough notice to troubleshoot adequate staffing for the Backlog Reduction Plan.

Accomplishments

The disposition specialists have been working on these cases diligently, finding many of the lost students and with the help of Dr. Klemm determining which cases can be administratively closed or need further action. As of the date of this filing, 14 IBL cases were fully implemented or administratively closed as determined by Dr. Klemm with an additional 16 deemed implemented or closed by the disposition specialists and awaiting review by Dr. Klemm.

Challenges

As the disposition specialists continue to analyze and implement the remaining IBL, it may be necessary to adjust the caseloads if assigning nine disposition specialists to work on IBL is inefficient. If that happens, the disposition specialists will begin their work with nonpublic and charter school HODs soon.

Additionally, many policy issues will arise in processing the IBL, such as determining compensatory education for these cases and DCPS' responsibility to students who have either aged out or left the system. The plan managers will consult with the Evaluation Team for their thoughts on what should occur in these cases.

Folder Team

Description

The folder team does not currently exist in an operational capacity. The goal is that once the team forms, it will initiate an investigation of the legal access folders (“LAF”) which contain special education files on individual students at their attending schools through a folder audit and help formulate new policy regarding folders. The new dashboard system will be used to track files and assign folder transfer tasks to SECs when appropriate.

Staffing

Name	Position	Organization	Status
Dominique Amis	Interim Folder Team Lead	DCPS	Detailed/Hired
TBD	Folder Team Co-Lead	KAG	
TBD	Disposition Specialist or Operations Assistant	OSSE or KAG	Will determine when there is a sense of when IBL is closed
TBD	Disposition Specialist or Operations Assistant	OSSE or KAG	Will determine when there is a sense of when IBL is closed
Nathan Moon	Senior Policy Analyst	DCPS SERT	Currently working on LAF Policy
Will Warren	Project Coordinator	DCPS SERT	Currently working on LAF Policy

Accomplishments

A new LAF policy to standardize the format and processes of maintaining folders at the school level is being drafted, pursuant to the requirements of the Backlog Reduction plan. After editing, the policy will be distributed for further DCPS review and then reviewed by OSSE, upon which time a joint policy will be issued and disseminated to other relevant partners.

Challenges

The lack of available staff prevents the folder team from operating. One current proposal is to use disposition specialists as folder team members once the IBL is eliminated. However, this will need to be evaluated against DCPS’ need to have disposition specialists help with nonpublic and charter cases.

The efforts of this team will also need to reinforce the current efforts of the DCPS Office of Special Education to assist schools in implementing HODs, renewing IEPs, and scheduling assessments prior to the time that records will be transferred from one school to another to ensure the most complete records will go to the next school.

Data Team

Description

The data team is ultimately responsible for the correct entry, analysis and distribution of relevant data collected through the Backlog Reduction Plan. This analysis will take many forms, including weekly dashboards of legal event by school, weekly percentages, and numbers of timely closures for distribution to DCPS leadership and the Blackman/Jones team. This team consists of **analysts and programmers** who work on weekends and evenings to accomplish these tasks.

Additionally, DCPS and KAG are developing, in conjunction with the Office of the Chief Technology Officer (OCTO), a database system for distributing weekly dashboards to schools. OCTO will use the prototypical dashboards developed by Klemm Analysis Group (KAG) in the past as a model for a web-based application, which will generate dashboard reports.

The eventual goal is to provide special education coordinators (SECs) with a dynamic reporting function with real-time information about their cases. A simple web-based dashboard will allow them to review their caseloads, update case information as new developments occur, and track supporting documentation for all cases. Compliance specialists would then work closely with SECs to maintain accurate data for each student. Documentation for cases with settlement agreements and open hearing officer determinations would undergo the current process of an initial review by an SEC, a secondary review by a compliance specialist, and a tertiary review by KAG in order to determine case closure.

Staffing

Name	Position	Organization	Status
TBD	KAG Team Leader	KAG	
Dominique Amis	Team Co-Lead	DCPS	Detailed/Hired
Eddie Thomas	Programmer/Analyst	KAG	Detailed/Hired
Belinda O	Weekend data analyst	KAG	Detailed/Hired
Jose Lara	Weekend data analyst	KAG	Detailed/Hired
Tamara Webster	Weekend data analyst	KAG	Detailed/Hired
TBD	Weekday data analyst	KAG	To be hired
Ajay Batish	Consultant to dashboard project	OCTO	Will work with dashboard project solely

Accomplishments

Data collection is occurring on a more regular basis than before. While still not on a regimented weekly schedule, KAG has tightened up its data collection and determined more fields by which the backlog reduction effort can be analyzed in the future, such as the types of assessments ordered and the actions taken by DCPS to resolve complaints and HODs.

Challenges

One of the major challenges DCPS faces in implementing a dashboard system for case management is the inaccuracy of available data. After distributing dashboards to SECs in early January, KAG found that it is extremely difficult to compile a listing of open complaints, HODs and settlement agreements for individual schools. Often times, due process complaints contain inaccurate school and student information. As a result, SECs are assigned to complete actions via dashboards for students who do not attend their schools.

While working with OCTO will eventually put into place a dynamic, web-based version of the dashboard, that process has been slower than expected due to OCTO's own transition into becoming DCPS' technology provider as well as getting the source data from KAG.

Overall Staffing

Complaint/HOD Team Roster

AM Crew

Name	Position	Organization	Status
Arthur Fields	AM Team Leader	DCPS	Detailed/Hired
Freddi Lipstein	AM Team Co-Lead	KAG	Detailed/Hired
Anitra Allen-King	Compliance Specialist	DCPS	Detailed/Hired
Danike Grant	Compliance Specialist	DCPS	Detailed/Hired
Diedre Ellis	Compliance Specialist	DCPS	Detailed/Hired
Diedre Williams	Compliance Specialist	DCPS	Detailed/Hired
Koko Austin	Compliance Specialist	DCPS	Detailed/Hired
Koliwe Moyo	Compliance Specialist	DCPS	Detailed/Hired
Kassandra Brock	Compliance Specialist	DCPS	Detailed/Hired
Kara Mitchell	Dispute Resolution Specialist (also working with Resolution team)	DCPS	Detailed/Hired
Selena Rogers	Dispute Resolution Specialist (also working with Resolution team)	DCPS	Detailed/Hired

PM Crew

Name	Position	Organization	Status
Freddi Lipstein	PM Team Leader	KAG	Detailed/Hired
Karen McMahan	PM Team Co-Lead	DCPS	Detailed/Hired
TBD	Operations Assistant	KAG	Goal to hire by 4/1
Janelle Braithwaite	Operations Assistant	KAG	Goal to hire by 4/1
Charlene Carter	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Jennifer Tiedeman	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Ryan Nash	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Rhett Skiles	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE
Andrew Bolton	Complaint/HOD Analyst	KAG	Detailed/Hired- PTE

Complaint Resolution and Special Issues Team

Name	Position	Organization	Status
Karen McMahan	Team Lead	DCPS	Detailed/Hired
Christina Wells	Team Co-Lead	KAG	Hired FTE
TBD	Parent Representative Interaction	KAG	Goal to hire by 3/26
TBD	Parent Representative Interaction	KAG	Goal to hire by 3/26
Bernard Terry	Dispute Resolution Specialist/ Operations assistant	DCPS	Detailed
Kara Mitchell	Dispute Resolution Specialist/ Also working with Complaint/HOD team	DCPS	Detailed
Selena Rogers	Dispute Resolution Specialist/ Also working with Complaint/HOD team	DCPS	Detailed

IBL Team

Name	Position	Organization	Status
Dominique Amis	Interim IBL Team Lead	DCPS	Detailed/Hired
Charlene Carter	Co-Team Lead	KAG	Detailed/Hired
Keesha Blythe	OSSE Supervisor (Interim)	OSSE	Temporary
Karla Reid-Witt	Disposition Specialist	OSSE	Informally detailed**
Carol Edmunds Frazier	Disposition Specialist	OSSE	Informally detailed
Yvette Bryant	Disposition Specialist	OSSE	Informally detailed
Maria Alvarez	Disposition Specialist	OSSE	Informally detailed
Valerie Warner	Disposition Specialist	OSSE	Informally detailed
Rebecca Bryant	Disposition Specialist	OSSE	Informally detailed
Gina Davis	Disposition Specialist	OSSE	Informally detailed
Kim Grafton	Disposition Specialist	OSSE	Informally detailed
Clarence Parks	Compliance Specialist	OSSE	Informally detailed

**OSSE and DCPS agreed to informally detail the OSSE disposition and compliance specialists rather than give DCPS direct supervisory authority as would occur in a formal detailing. This arrangement gives OSSE the opportunity to evaluate these employees and redirect them as necessary within their changing structure. Prior to any changes, OSSE will inform DCPS with enough notice to troubleshoot adequate staffing for the Backlog Reduction Plan.

Folder Team

Name	Position	Organization	Status
Dominique Amis	Interim Folder Team Lead	DCPS	Detailed/Hired
TBD	Folder Team Co-Lead	KAG	
TBD	Disposition Specialist or Operations Assistant	OSSE or KAG	Will determine when there is a sense of when IBL is closed
TBD	Disposition Specialist or Operations Assistant	OSSE or KAG	Will determine when there is a sense of when IBL is closed
Nathan Moon	Senior Policy Analyst	DCPS SERT	Currently working on LAF Policy
Will Warren	Project Coordinator	DCPS SERT	Currently working on LAF Policy

Data Team

Name	Position	Organization	Status
TBD	KAG Team Leader	KAG	
Dominique Amis	Team Co-Lead	DCPS	Detailed/Hired
Eddie Thomas	Programmer/Analyst	KAG	Detailed/Hired
Belinda O	Weekend data analyst	KAG	Detailed/Hired
Jose Lara	Weekend data analyst	KAG	Detailed/Hired
Tamara Webster	Weekend data analyst	KAG	Detailed/Hired

Attachment A- Backlog Reduction Plan Implementation

TBD	Weekday data analyst	KAG	To be hired
Ajay Batish	Consultant to dashboard project	OCTO	Will work with dashboard project solely

BACKLOG REDUCTION PLAN STATUS REPORT

3/28/2008

Plan Area	Plan Ref	Activity	Deadline	Primary Owner	Deliverable	Status
Create Dashboard	I.	Initiate Klemm Contract	1/15/2008	Richard Nyankori	Signed Contract	Contract initiated 1/17/08
Create Dashboard	I. A	Create initial set of student-level dashboards for Charter and Non-public schools	3/7/2008	KAG	Initial set of student-level dashboards (OSSE)	In progress; DCPS working with OCTO to create platform for dashboards
Create Dashboard	I.A	Train Disposition specialists in closure protocols	3/21/2007	KAG	Training Agenda/Attendance/Post-Training Survey	Complete. This informal training gave background on B/J as well as what would be expected of them. Follow-up check in meetings with DCPS SERT and KAG often address proper methods of implementation or closure as well. An additional training on implementation will be held 3/31.
Create Dashboard	I.A	Create initial set of student-level dashboards for DCPS schools	1/11/2008	KAG	Initial set of student-level dashboards (DCPS)	Partially complete. An initial set of dashboards was presented to SECs during their training. It contained all actions up until the start of the year. Since then, the SECs have not received a consistent type of dashboard.
Create Dashboard	I.A	Train SECs and SECSs in closure protocols	1/15/2008	KAG	Training Agenda/Attendance/Post-Training Survey	Complete. SECs were trained in early January
Create Dashboard	I.A	DCPS schools begin receiving weekly updated dashboards	2/4/2008	KAG	Weekly updated dashboards/ Confirmation Emails	Incomplete. Target date of May 1 to start dashboard distribution. DCPS is working with OCTO to get the dashboard structure operational. Dashboards will be simplified so as to not replicate the future SEDS program.

Plan Area	Plan Ref	Activity	Deadline	Primary Owner	Deliverable	Status
Create Dashboard	I.A	OSSE develop a system/policy for interacting directly with all charters and non-public schools to close HODs/SAs	5/2/2008	OSSE SERT	Policy statement	Incomplete. Still slated for May.
Create Dashboard	I.A	Create Interim Tracking System	1/4/2008	KAG	Functional Access database	Complete. The interim tracking system however is based on Excel spreadsheets. These will be entered into an OCTO database.
Update Dashboard	I.B	Start Bi-Weekly progress meetings with SECSs and CSs	2/18/2008	Phyllis Harris	Sign-in Sheets/Agendas/Meeting Notes	In progress. Bi-weekly progress meetings are scheduled between SERT and OSE.
Update Dashboard	I.B	Start 30-minute conference calls with cluster instructional superintendents	2/29/2008	Phyllis Harris	Agendas/Meeting Notes	Incomplete. Meetings held with instructional superintendents; time for calls need to be scheduled in conjunction with OSE.
Update Dashboard	I.B	Establish final documentation guidelines and protocols for satisfaction of HOD/SA provisions	4/1/2008	DCPS/OSSE SERT	Final protocols and guidelines	Incomplete. KAG and DCPS are starting to discuss this but will need more input from the parties to ensure we are moving in the proper direction.
Complaint Resolution	I.C	Create rapid response team	2/1/2008	DCPS SERT	Response team roster and guidelines for usage	Incomplete. The parameters of the team will still need to be set based upon identified needs. As we analyze data to determine what needs to be ironed out, the formulation of this team will become more clear.
Complaint Resolution	I.D	KAG will receive due process complaints for immediate KAG action or assignment to OGC/OAG attorneys.	2/1/2008	KAG	100% of incoming complaints are triaged	Complete. KAG has been receiving all complaints regularly since before the backlog reduction plan.
Complaint Resolution	I.E	Establish broad guidelines for all payments made by KAG and an approval process for payments exceeding \$5K	2/4/2008	DCPS SERT	Payment guidelines	Incomplete. Thus far, KAG has made no payments exceeding \$5K and we have adhered to the broad guideline of a \$5000 cap.

Plan Area	Plan Ref	Activity	Deadline	Primary Owner	Deliverable	Status
Outstanding Jones IBL	I.G	KAG will review and report on action required by the HODs remaining in the Jones IBL and the barriers to implementation	1/30/2008	KAG	Report on outstanding Jones IBL cases	Partially Complete. KAG made an initial review of the IBL, which plaintiffs did not think was extensive enough as it did not address barriers to implementation. As disposition specialists work further on these cases, another report will be made.
Outstanding Jones IBL	I.G	Begin intensive effort to clear Jones IBL	2/4/2008	KAG	Reports on IBL closure	Complete. Efforts have begun in earnest. Nine disposition specialists have taken the remaining 66 cases and are following through on them currently.
Outstanding Jones IBL	I.G	Jones IBL fully eliminated	6/6/2008	KAG	Final Jones IBL Closure Report	Incomplete but on schedule.
Legal Access Folders	II.A	Policy on LAF transport, organization, and management complete	3/1/2008	DCPS/OSSE SERT	Approved Policy	Partially complete. DCPS has created a first draft. OSSE and DCPS will work together to issue joint policy.
Legal Access Folders	II.A	Determination of FileNet feasibility	3/3/2008	Richard Nyankori	Feasibility statement	Complete. FileNet was considered but determined to be unnecessary at this time in light of the new SEDS system.
Legal Access Folders	II.A	LAF audit complete	5/1/2008	KAG	LAF Audit Report	Incomplete. Next step will be to create parameters of the audit and then assemble a team to complete the audit.
Legal Access Folders	II.A	DCPS begins implementation of LAF policy	9/26/2008	DCPS SERT	Monitoring reports	Incomplete but on schedule.
Legal Access Folders	II.A	DCPS is fully compliant with LAF policy	6/1/2009	DCPS SERT	Internal audit report from DCPS Deputy Chief of Staff for Accountability	Incomplete but on schedule.

Plan Area	Plan Ref	Activity	Deadline	Primary Owner	Deliverable	Status
Policy Revisions	II.B	Suspension of Directive No. 530.6	1/15/2008	DCPS and OGC	Issue notice of suspension	Complete. Policy drafted and distributed for those involved in backlog reduction.
Policy Revisions	II.B	DCPS to issue updated directive establishing pay rates for independent evaluations	5/1/2008	DCPS SERT	Approved directive	In progress. Draft policy complete with an evaluation of current pay rates for independent assessments.
Policy Revisions	II.C	Phase out MDT terminology	3/4/2008	DCPS SERT		In progress. Policy drafted and sent to Office of Special Education.
Policy Revisions	II.C	Rewrite forms that contain MDT terminology	4/4/2008	DCPS SERT	Revised IEP forms	Incomplete.
Policy Revisions	II.C	Issue guidance on IEP Team Meeting composition	4/7/2008	DCPS/OSSE SERT	Guidance document	In progress. Draft ready for review.
Policy Revisions	II.C	Complete training of necessary staff on IEP Team meeting guidance	6/6/2008	DCPS/OSSE SERT	Training/Post Training Survey	Incomplete but in progress. DCPS is currently exploring types of training, including online modules.
Policy Revisions	II.D	Suspend current non-BJ comp. ed. Policy and implement "fact-based" approach pilot	2/1/2008	DCPS/OSSE SERT	Monitor Compensatory Education "Fact-Based" Pilot	Incomplete. There has not been a clear directive suspending previous comp ed policy. Yet the new policy is drafted and will be ready for implementation as soon as formal suspension occurs.
Policy Revisions	II.D	DCPS and OSSE will develop a policy for awarding compensatory education	3/7/2008	DCPS/OSSE SERT	Approved policy	In progress. Policy was drafted by DCPS, has input from class counsel and OSSE. Will meet to finalize policy and then submit policy to special education bar for comment.
Policy Revisions	II.D	Develop and promulgate a policy for DCPS and Charter schools for comp. ed.	5/9/2008	DCPS/OSSE SERT	Policy Statement	In progress. Draft policy reviewed by plaintiffs and DCPS. Will be circulated to OSSE and charter schools for comment.
Policy Revisions	II.D	Train necessary staff in new comp. ed. Policy	7/9/2008	DCPS/OSSE SERT	Training/Post Training Survey	Incomplete but in progress. DCPS is currently exploring types of training, including online modules.

Plan Area	Plan Ref	Activity	Deadline	Primary Owner	Deliverable	Status
Policy Revisions	II.E	Issue "immediate receipt" of services policy	3/14/2008	DCPS/OSSE SERT	Approved policy	In progress. Internal draft complete and will be circulated for comment.
Policy Revisions	II.F	Ensure copies of assessments and evaluations are provided to parents or attorney 7 days before scheduled meeting	1/15/2008	DCPS/OSSE SERT		In progress. Draft is ready for review. This will be circulated to class counsel.
Policy Revisions	II.F	Complete impact analysis of changing current timeline policy to <i>Mills</i> standards	2/18/2008	KAG	Timeline Impact Report	Complete. DCPS finished Impact analysis and will formulate incentive structures for schools to meet the <i>Mills</i> timeline.
Policy Revisions	II.F	Issue revised Referral-Evaluation-IEP timeline policy	8/11/2008	OSSE SERT	Approved policy	Incomplete.
Related Service Capacity	III	Issue report on related service provider and evaluator capacity	5/16/2008	Contractor	Related Service Provider Capacity Report	In progress. DCPS SERT creating a draft services plan and will incorporate comments from plaintiffs counsel and evaluation team
Related Service Capacity	III	Implement recommendations generated from related service provider capacity report	1/5/2009	DCPS/OSSE SERT	Status report on related service provider report recommendations	Incomplete.
Sped Bar/ DCASE	IV.A	Determine long-term agenda and meeting schedule with DCASE	1/30/2008	Plan Executives		Incomplete. Regular meetings have been held with DCASE to discuss various aspects of their work but a
Sped Bar/ DCASE	IV.A	Attend by invitation SPED Bar monthly roundtables	1/30/2008	Plan Executives		In progress. Letters and communications have been sent to roundtable but have not attended a meeting yet.
Sped Bar/ DCASE	IV.C	Set up OSSE and DCPS hotlines for Sped. Bar	1/15/2008	Plan Executives	Send email with contact info and expectations for use	A hotline has been set up with a DCPS SERT member responding to attorney inquiries.
Reporting/ Monitoring		Backlog Reduction Plan status meeting	7/1/2008	DCPS/OSSE SERT		Incomplete.
Reporting/ Monitoring		Begin generating internal monitoring reports	2/5/2009	KAG		In progress. Some reports are created but on a sporadic basis.

Blackman/Jones Compensatory Education – OSSE’s Proposed Work Plan

January 2, 2008
(subject to revision)

In accordance with Attachment A of the ADR Agreement of Parties to the Blackman/Jones Case, OSSE proposes the following Work Plan to complete our renewed effort to notify class members of the availability of Blackman/Jones Compensatory Education Awards. All the requirements and detail included in Attachment A of the ADR Agreement are incorporated here.

I. List of Class Members

- A. On November 15, 2007, Klemm Analysis Group provided to OSSE a list of 5538 students to be included in the February 1, 2008 mailing. (see attachment “List of Students for Second Comp Ed Mailing”) According to Jeff Crilley, the list was created in the following manner:
- i) He started with the 6510 on the original Comp Ed List and removed all students who had either ordered a good or service or opted out of the catalog. That left 5118 students from the original list who had not responded and who would therefore be included in the second mailing.
 - ii) He then looked for any new students who would qualify now but were not on the previous list. To do this, he created a list of any student who had an HOD issued on or after Aug, 1 2006 (the original list was sent in mid October of 2006) that became overdue. He then added any student who was on this list but not on the original mailing list to the list for this mailing. This came to 420 more students. Jeff did not attempt to determine new students who would be on the list due to not having a timely hearing held (Blackman) as that remains virtually impossible to do on a mass scale.
- B. The resulting list indicates whether each class member is “new and were not on the original mailing list or if they were on the original mailing list but did not respond.” For those that were on the original mailing list but did not respond, that chart indicates whether the catalog had been returned in the mail.
- i) The resulting list also contains 14 records highlighted in orange that Jeff identified as having an issue with the “studentid” or “uniqueid.” He believes that for the first 7 the “uniqueid” and or the “studentid” may have changed for that student since the last mailing was sent out. For the second seven records where the “studentid” is denoted as “Unknown” these are students for which

Attachment C- Blackman/Jones Compensatory Education Work Plan

we have an HOD but were unable to match them to a student in Encore. Karen Shaw will work with the Encore office and any other necessary offices to determine how to resolve these issues before the mailing goes out.

- C. Karen Shaw has been working with the transportation office and recent DCPS census information to update the mailing addresses for all class members on the November 15 list. The most up-to-date list is attached (see attachment "1-2-08 Contact Info Update.") There are at least ninety (90) students on the list for whom OSSE does not currently have an address. Of those students, thirty-five (35) are over the age of twenty-two (22), sixteen (16) are between the ages of nineteen to twenty-two (19-22), and the remaining thirty-four (34) are age eighteen (18) or younger. OSSE will provide plaintiffs with a copy of the list that is ultimately sent to Best Buy to prepare the February 1, 2008 mailing.
- D. At this time, OSSE is not aware of any student for which Klemm Analysis Group has been unable to determine class membership for the purpose of being included in the November 15, 2007 list. OSSE will request Klemm Analysis to provide the names of any additional students who may have become class members since November 16, 2007 and will provide such list to plaintiffs by January 15, 2008.

II. Mailing Procedures

A. Background

- i) OSSE has received from Best Buy quotes covering a number of different mailing alternatives (see email attachment "DCPS Bulk Mail Quote").
- ii) Best Buy reports that delivery confirmation cannot be secured for postcards. Therefore, OSSE is proposing to send a letter to class members with delivery confirmation. This letter will be accompanied by a list of software for selection and a response card for the guardian to fill out and return.
- iii) Best Buy has stated that the mailing can be sent out within one to two weeks of them receiving the information for the mailer (based on approximately 5500 units).

B. Timeline

- i) By January 11, 2008, OSSE will provide Best Buy with the language of the letter (agreed upon by plaintiffs and the Evaluation Team) to be mailed and the November 15, 2007 list of students to receive the mailing.

Attachment C- Blackman/Jones Compensatory Education Work Plan

- ii) Best Buy will commence mailing letters on a rolling basis as soon as possible. All letters to class members will be sent by February 1, 2008.

III. **Draft text for Review and Comment by Plaintiffs and the Evaluation Team:** (see attached file "Comp Ed Letter")

IV. **Terms of Use for Third-Party Contractors:** At this time, OSSE plans to use two third-party contractors to contact class members regarding Blackman/Jones compensatory education: Best Buy and a community-based community outreach contractor.

- A. **Best Buy:** The current Best Buy contract has been extended through the end of next year. The current contract is currently available solely in hard copy; hard copy will be provided to plaintiffs by mail or at our next in-person meeting. Any modifications necessitated by the 2/1/2008 re-mailing will be completed in a timely fashion.
- B. **Community Outreach Contractor:** As required by the ADR Agreement, OSSE will provide an appropriate draft RFP for review by the plaintiffs and the Evaluation Team by February 1, 2008.

V. **Additional Technical Information**

- A. Best Buy has provided the following product specifications for the desktop PC, the laptop PC, and the MacBook. (OSSE has also requested the specifications for the desktop Mac and will provide them to plaintiffs as soon as received.)
 - i) Desktop PC: 19 inch LCD Monitor, 500 GB HD, 3.2 Ghz Processor Speed, 2 GB RAM Memory, XP or Vista OS
 - ii) Laptop PC: 15.4" LCD Screen, 1.83 Ghz Processor, 120 GB HD, 1 GB RAM
 - iii) MacBook: 15.4" screen, 2.0 Ghz Processor, 80 GB HD, 512 MB RAM
- B. Karen Shaw has spoken with Best Buy concerning the operating systems currently included with the computers. According to Karen, all Windows-based computers currently come with Microsoft Vista and all Mac products come with their equivalent operating system.
- C. In regard to the pre-loading of Microsoft Office, OSSE is committed to ensuring that this occurs. Best Buy reports the following:

Attachment C- Blackman/Jones Compensatory Education Work Plan

- i) Offices Software Cost: Best Buy reports that Microsoft Office Home and Student edition currently runs around \$135.00 a copy.
- ii) PC Office Installation: Best Buy has asked for specific quotes from their manufacturers and has stated that the manufacturers will charge approximately \$70.00 to \$90.00 a unit for pre-installation (based on past cost for similar service provided). The process would add an additional one to two weeks onto the time frame for the manufacturer to complete the order (based on the number of computers ordered).
- iii) Apple Office Installation: MacIntosh cannot install the software at the manufacturer. Best Buy is going to work with a working group called the installer group to find a solution for pre-installing on the Macs. One solution would be that Best Buy can contract out for home installation of the software for each Mac Computer that is ordered for around \$120.00 for each computer.

- VI. **Telephone Follow-up Procedures**: By March 1, 2008, Best Buy will begin placing follow-up call to the class members who have not responded to the February 1, 2008 mailing.
- A. Best Buy will follow the same telephone follow-up procedures originally prescribed by the Consent Decree. OSSE will also request and review the current Best Buy telephone script to determine if any alterations should be made. OSSE will seek plaintiffs input on this matter.
 - B. OSSE will require Best Buy to record the date and time of each phone call and the outcome of each. OSSE will request Best Buy report on these efforts every two weeks.
- VII. **Projected Staffing Needs**: OSSE is currently evaluating whether a temporary administrative assistant should be retained to field calls to Karen Shaw's office subsequent to the February 1, 2008 mailing. Should it be determined that such assistance is necessary to support the provision of Blackman/Jones Compensatory Education awards, OSSE will procure those services from a temporary staffing firm.

D.C. Parent Center @ AJE

I. Background.

A. **Organizational History.** In 1996, Advocates for Justice and Education, Inc. (A.J.E.) was created as a community-based initiative designed to empower, motivate, and educate low-income parents about the laws that govern special education, its related services, and the consequences of institutional negligence and/or inappropriate classification of students with special needs. It is AJE’s mission to eliminate those barriers that impede the ability of children to learn and successfully matriculate through the District of Columbia public school system. A.J.E. fulfills this mission by providing quality advocacy training and direct services to parents of children with special needs, and by advocating for appropriate diagnosis, treatment, classification, and educational placement. A.J.E. has a specific focus on children living in low-income underserved communities, who are being denied educational and/or related services. A.J.E. remains dedicated to providing services that are culturally competent and respectful of community principles.

As the federally designated Parent Training and Information Center and Community Parent Resource Center for the District of Columbia, AJE has the advantage of being a part of a national network of 100 Parent Centers.

B. **Mission.** The mission of AJE is to educate parents, youth, and the community about the laws governing public education, specifically for children with all disabilities and special needs. We seek to empower youth to self advocate and parents to be effective advocates on behalf of their children to ensure that they receive an appropriate education. It is also our mission to make the public aware of the consequences of institutional negligence of children with or without disabilities and to promote school accountability.

C. **Current Parent Center Programs.** A.J.E. currently operates two Parent Centers: one located in Historic Anacostia and the other in Columbia Heights. As the federally designated parent center, A.J.E. works with three populations of parents and their children: Students Eligible for Early Intervention Services (Birth-3), School Aged Students (4-12), and Transition Aged Students (13-21). Services are rendered through direct services, training, community education, and empowerment projects. AJE’s current programs include:

i. Parent to Parent Program: Our Parent-to-Parent Program provides parents with leadership training and a supportive network of peers. Parent mentors are parents of children with special needs and will serve as a key component to AJE’s supportive assistance to parents. This program offers parents an opportunity to develop leadership skills.

ii. Resource and Information Libraries. The Resource and Information Library offer parents information on the laws of special education, specific disabilities, the latest research on treatment and interventions, and adaptive technology.

iii. Transition Advocacy Project. The Transition Advocacy Project provides youth ages 13-21 and their parents with support, advocacy, information, and training in order to improve their involvement in their educational planning.

iv. Community Education: Community education is provided through our workshops and seminars which are free to the families we serve. We also engage our community partners in our community through our in-service training.

In addition to the Parent Center Programs, families utilizing AJE's services also have access to additional supports, **which are not funded by this project**, and include AJE's Legal Services Division and the Family Support Services described below:

a. Legal Services/Individual Advocacy. In critical and complicated areas of need, from time to time, A.J.E. will make referrals to our legal services division. Our staff attorneys provide free individual representation when necessary to ensure that appropriate services are being made available to a family in need. Cases are generally referred to the legal services division if the student has a pending disciplinary action; the student does not have educational placement or has been out of school for a substantial period of time; or the student is returning from a residential/correctional placement. This representation includes but is not limited to: support in the development of the Individual Education Plans (IEP); representation in school discipline proceedings; intervention in placement decisions; and direct representation at resolution meetings, mediation, or due process hearings.

b. Family Support: Family Support services provide case management services and crisis intervention services for parents who need intensive family support services. The Center provides home visitation, community linkages, emergency assistance (rent & utilities); and through our partnership with the Legal Aid Society of the District of Columbia, comprehensive legal services in the area of housing, public benefits, and family law issues;

II. Project Proposal

This proposal is being submitted as an expansion of AJE's existing model for a Parent Center. AJE proposes a graduated approach over the period of three years to provide training, information, and support on behalf of students and their families.

A. Program Scope. "The D.C. Parent Center @ AJE"

AJE will expand our existing model of Parent Centers by:

- Establishing a separate program budget;

- Hiring a Project Director for the “*D.C. Parent Center @ AJE*”;
- Hiring separate program staff to support this expansion;
- Developing an integrated system of internal tracking to monitor trends and parent center calls; and
- Evaluating the Project on a Quarterly Basis

1. Parent Support and Training.

a. Early Intervention & Student Support.

We propose to intervene on behalf families when they first recognize that their child is having difficulty or in need of additional supports. Families will be able to utilize our staff in supporting their efforts to determine what is necessary to support their child in school before they need the formal intervention through special education. We will encourage the utilization of the Student Support Teams and the emerging Response to Intervention (RTI) as a pre-referral intervention and educate parents about the importance of utilizing the resources in the community.

2. Educational advocacy & direct services.

In the event that parents believe that their child’s needs are not being met by the public schools, AJE will provide those families with additional support in the form of educational advocacy. AJE will utilize our existing intake and case management system to assess the level of help necessary to support the family appropriately. Services provided to families accessing this resource include but are not limited to: 1) special education training; 2) support and coaching in the development in the Individual Education Plans (IEP); 3) attending MDT/IEP meetings to ensure that procedural safeguards are protected; 4) disciplinary conferences 5) and representation at mandatory resolution conferences.

Level of Service. During the intake process, we make an initial determination regarding the level of service that will be needed to support a family. Although families may initially enter our system requiring a specific level of service, it does not preclude the educational advocate from later making a determination that the nature of the case will require more intensive supports. There are three levels of service provided to a family being supported by educational advocacy and direct service -- Advice & Counseling; Brief Service; and Extended Service:

a. Advice and Counseling:

In some cases, families who seek our assistance do not require the support of an educational advocate to resolve a dispute with the school, but information and direction to solve the problems themselves. For instance, families who need to start the special education evaluation process may only need advice on how to get started, their rights during the process and

the legal timelines the school system must follow. In cases such as those, our educational advocates will advise parents through in-person and/or telephone consultations about their legal rights and steps to take based on the facts of their issues. Generally, families falling within this level of service make requests for basic information. Though the request may be simple, in every case where advice and counseling is provided, staff will follow-up with written correspondence to the parent documenting the advice and recommendations provided.

b. Brief Service: There are some cases where families need a little more assistance than advice and counseling. Examples of when brief service may be required are as follows: (1) parents who need to request records or other information from a school who need assistance in drafting a request letter; (2) parents who wish to file a complaint with the state complaint office who need assistance in drafting a complaint; (3) parents who may not understand information given to them by the school and need assistance with understanding. In those cases, staff will make contact with school officials, draft letters and complaints on behalf of the parent, and help explain information provided by the schools. Staff follow-up with written correspondence to the parent documenting the advice given and any action we have taken on their behalf.

c. Extended Service: Extended services cases are cases that will require intensive support. These are generally cases that involve complicated matters, such as disputed placements, students failing to receive mandated services, and inadequate accommodations. In these matters parents and AJE sign a “Service Agreement”. This agreement outlines the parameters of our representation, sets out the parent’s goals, and outlines the roles and responsibilities of both parties in supporting the student’s goals. Our educational advocates will support the family by attending multidisciplinary team meetings (MDT), IEP meetings, and in developing their skills to self advocate. Educational advocates will also work with the family in the developing, revising, and the implementation of their child’s IEP. In general cases are closed once the parent’s goals have been met. Prior to closing cases are staffed and reviewed by supervisors to insure that all the parents’ goals have been met. Parents are provided with a detailed letter reiterating their goals, the degree to which they have been met, and our role in helping them to achieve those goals.

Ancillary Service and Supports. Parents accessing the D.C. Parent Center @ AJE will also have available to them the following ancillary services:

a. Community Training: AJE will conduct workshops and advocacy training for families and community-based organizations serving children, youth, and families. Our training and advocacy sessions are specifically designed to: clarify legal obligations and rights; to empower parents and support social service providers to meaningfully participate in educational meetings

and school conferences; and to orient the parents on the effective utilization of the District’s social service delivery system and how it can support children with special needs.

b. Advocacy to Prevent Dropouts. This project will have a specific focus on educating parents and the community serving parents of at-risk youth about available interventions and creative utilization of the transition process to support their special needs students. We will conduct a public information campaign designed to educate parents and the community about the growing trend of involuntary suspension and disenrollment practices at the local schools.

c. Comprehensive Approach to System Reform. We are proposing to not only increase our capacity for the delivery of services but to expand the level of policy advocacy in an effort to promote a systemic response to the needs of children at risk of school failure. Our policy staff will provide legislative analysis and develop key partnerships/alliances to support increased parent education and advocacy. AJE will work closely with the District of Columbia on compliance monitoring and make recommendations for improving the system accountability for the District of Columbia public and charter school system.

d. Policy Advocacy. There is no single source for information regarding school reform that accurately reflects the needs of the students most at risk of not being successful. The District of Columbia has historically looked to agencies that specifically work on issues that include education, but there is no single source of agencies in the District that is capable of providing data and interactions with the parents who are most effected by the policy and changes.

AJE has become the primary source of information regarding impact, but we don’t have the capacity to perform this service as it needs to be done. It is critical that there be a resource available to the community and service providers that can offer feedback on school reform measures that can directly address the needs of the most vulnerable.

When addressing systemic issues that impact education of children, the ability to provide information to the community and respond is essential to any systemic school reform. Therefore, we want to be able to drive that change through this effort. We need to:

- highlight best practices;
- expand policy advocacy;
- produce and disseminate policy papers and briefs;
- expand community organizing and outreach;
- expand website management and content

B. Organizational Capacity.

This opportunity will offer us the ability to serve more families and have greater impact. We are proposing to hire more staff to not only support the direct services and advocacy, but to

increase our administrative capacity to support and sustain the programming of the D.C. Parent Center @ AJE. Acquiring highly qualified staffing to support these efforts will be critical to the sustainability of this work and the success of the proposed project.

1. Direct Services. We will hire the following direct service staff to support this effort:

- a. **Project Coordinator (1 FTE):** This person will be responsible for insuring that the deliverables under this contract are being met.
- b. **Education Advocates/Support Specialists¹ (3 FTE):** Educational advocates and specialists provide individual advocacy and support to families. They are the front line staff responsible for supporting the parents at intake, in meetings, and serve as an intermediary. Our goal will be to hire at least one or two bilingual Advocates.
- c. **Community Outreach/Training (2 FTE):** Our community outreach and training staff will be responsible for developing relationships with schools, community based providers, and parents. These staff persons will also be responsible for the community training and information dissemination.
- d. **Clerical Support (2 FTE):** AJE currently has one administrative support staff person. This project will require that we have additional staffing to receive parents and to support increased administrative demands.

2. Operations/Administration: This project will require us to extend our administrative capacity to support the increased level of accountability and oversight. Therefore will have to reallocate current staff resources and hire new staff to support this endeavor. We have provided in the budget a project cost allocation for salaries under this project. Most of the positions in this area are not billed at 100% to this project although some positions were created to support it.

In addition to our highly qualified direct service staff, we are proposing to hire through this effort:

- a. **Director of Operations:** This position will manage all administrative functions including fiscal operations, project compliance, space management, and logistics.
- b. **Data Manager:** This position will be responsible for compiling and reporting all statistical information gathered.
- c. **Communications Assistant:** This person will be responsible for external communications, information dissemination, arrange and coordinate programs to keep up contact between organization representatives and the public; represent the organization at community projects;

¹ The difference in the title is determined by education level, which determines pay scale. Advocates must have a bachelor's degree, Support Specialists do not.

make film, slide, or other visual presentations at meetings and school assemblies; and plan training. In addition, this person will be responsible for preparing annual reports and proposals for various projects.

III. Project Deliverables, Goals, Objectives, and Assessment:

A. Establishing Project Baseline to Determine Impact. This project will build from our existing model of parent support. The parties will be required to establish baseline numbers to measure impact of this project. To inform the process AJE has provided the numbers below:

**Fiscal Year 2007
October 1, 2006 - September 30, 2007**

Type of Service	Parents	Professionals	Other
Training	251	198	
Contacts	3901	1284	
Educ. Advocacy	603		
Newsletter			1210
Website Visits			5145
IEP Meetings	100		
Other Meetings	42		
Parent Center Visits			

Annually we expect to meet or exceed the following outcomes²:

Goal 1: Maintain a comprehensive resource library available for use by parents, advocates, and the local community.

Objective 1: Expand community awareness of the resource library through marketing, advertising, and community outreach.

Objective 2: Provide comprehensive resources to parents and advocates by subscribing to relevant periodicals, purchasing current publications and obtaining brochures and materials from partner organizations.

Objective 3: Extending the availability of the resource center beyond normal business hours to times that convenient to working parents.

Outcomes:

- 500 parents will use the Parent Resource Center;
- 250 Professionals/Paraprofessionals/Advocates will utilize the Parent Resource Center.

² Proposed outcomes are in addition to our existing contract/grant requirements.

Assessment of Performance: Quarterly Data Reporting

Goal 2: Offer a full complement of training seminars in the areas of special education, drop-out prevention, and parent leadership development.

Objective 1: Conduct training that concentrates on the issues most relevant to parents and advocates as express during our intake process.

Objective 2: Offer training that specifically targets the needs of Latino and Vietnamese communities.

Outcomes:

- 500 Parents/Caregivers will attend training hosted by the DC Parent Center @ AJE;
- 10 trainings will be conducted in collaboration with service providers and government agencies;
- Offer 12 trainings per year that will focus on the needs of Latino, Vietnamese, and other families

Assessment of Performance: Annual Survey Data, Training Evaluations, and sign-in sheets

Goal 3: To provide quality educational advocacy for families attempting to access special education services in situations where additional supports are required.

Objective 1: Provide educational advocacy to support the educational goals of parents.

Outcomes:

- 600 families and others will be assisted through our telephone intake process
- 200 families will be provided with direct educational support

Assessment of Performance: Annual Survey Data and Quarterly Data Reporting

Goal 4: To provide parents and the community with access to timely information on issues of importance and concern to them.

Objective 1: Provide updated information and linkages on the A.J.E. website

Objective 2: Provide parents with quarterly newsletter.

Objective 3: Provide links to disability organizations and relevant sites of interest to our families.

Objective 4: Provide updated information on the website weekly.

Outcomes:

- 1,500 will visit the A.J.E. website
- 1,200 individuals, parents, service providers, and advocates will receive quarterly newsletters;
- 100 online requests for information will be responded to by A.J.E. staff.

Assessment of Performance: Annual Survey Data and Quarterly Data Reporting

Goal 5: To expand our community outreach & public information efforts to low-income communities and policy makers, in the areas of special education, delinquency, truancy and legislative changes effecting access to public education services.

Objective 1: Expand community awareness through public testimony, participation policy advocacy, and community outreach about gaps and the availability of services.

Objective 2: Produce evidenced based position papers on the issues impacting education in the District of Columbia.

Assessment of Performance: Quarterly Data Reporting and Report dissemination

IV. Project Assessment³

In an effort to assess the progress of this new project, we are proposing to utilize several different methods of assessment – Program Evaluation, Quarterly Monitoring, and Quality Assurance

A. Program Evaluation. Bi-annually we utilize the evaluation services of “The Evaluation Project”. The Evaluation Project conducts an independent review of our organization’s operations, parent relations, case management, and efficacy of our training. The Evaluation Project uses four methods to collect evaluation data on AJE: *document review, observations, interviews, and surveys.* The surveys will be conducted using various ways. The methods that will be used for AJE may involve collecting information by mail, by phone, or in person. The evaluation team will attempt to maximize participation (response rate) by directly following up with non-respondents.

1. Methods and strategies

a. Records and Documents

The Evaluation Project will review the written documents and records already being recorded by AJE. These data can provide fairly reliable information about program participants and about the program over time.

b. Observations

The evaluation team will take a first hand look at AJE. The evaluation team will observe children and families engaged in activities, which will provide information for both *process* and *outcome evaluation.* The evaluation team will analyze what is and is not working, how the program is developing, and the appropriateness of activities for participants. Changes will be made based on the evaluation.

³ In January, 2008, we began our program evaluation to assess our progress since 2005. We expect to receive the results mid-April, 2008.

c. Interviews

The evaluation will involve interviewing participants, program staff, parents, and others to ascertain the impact of AJE's program. This approach will afford the evaluator access to a wide range of perspectives; getting students' and parents' views can give AJE a picture of what the program did or did not accomplish so that changes can be made in the program if needed.

d. Surveys

The program evaluation team will develop instruments that measure and tap central constructs and outcomes of the program. The team will design new instruments or will modify or adapt existing instruments as needed. This involves the use and possible adaptation of the national annual survey that is collected through the Alliance for 100 Parent Centers to do annual outcomes for parents (See page 15)

Some participants in selected trainings will receive an evaluation form at the beginning of the program and will receive the evaluation after completion of the program. The evaluation team will then use a pre-experimental, pre-post test design to ascertain efficacy of the AJE programs. Inferential statistics will be applied to these data to determine the any statistical difference made by the program.

A. Quality Assurance

AJE has monthly case management meetings where staff review their current case load with the Executive Director. This is an effort to assist the educational advocates with problem solving and reviewing case strategy, as well as identifying learning gaps that need to be supported. Additionally, we have instituted the following:

1. Random Case Audits.

As a quality control measure, we began in January 2008, a random case audit process for evaluating individual work performance. This provides us with insight into the challenges of our families and may reveals issues in our case management process. Cases are randomly selected, assessed for parent contact, quality of status notes, parent/case management, and quality of the representation.

2. Efforts to Outcomes.

We hope to move our case management system, by the Spring of 2008, to the Efforts to Outcomes data management for social service delivery agencies. This case management system provides us with the flexibility we need to develop and monitor parent goals and our ability to help to attain them. It has become increasingly important to us as an agency to determine if we are making an impact on the parents that we serve. We believe this system will do that.

3. Financial Audits

AJE will have a financial audit each year. (See monitoring criteria on page 15)

4. Personnel Management.

a. Salary Allocations. All program staff have salaries allocated based upon a percentage of time billed to project cost centers. This project will have a separate budget and staff salaries will be allocated accordingly.

b. Performance Evaluations. All staff are provided annual performance reviews as a matter of course. All new staff begin with a ninety-day period of review. During that time they are evaluated based upon our job performance criteria, adaptation to the nature of the work, their position description and interpersonal skills.

c. Project Team Management. Project teams meet bi-weekly with their immediate supervisors. Once per month AJE conducts Management Team meetings with each Project Director. This project will fall under our Parent Services Division, which meets on the First Friday of every month.

5. Payments.

In an effort to assist the District in meeting its timelines and stated goals, AJE will require upon execution of the agreement an advance on the contract equal to 10% of the first year's contract budget. Subsequent invoices will be 1/12 of the balance of the contract. In addition, we will invoice the District monthly and receive payment within 30 days of the date of receipt.

B. Requirements for District of Columbia LEA and SEA.

1. District of Columbia (LEA). The District of Columbia, as the local education agency (LEA) will need to establish a single point of contact for the resolution of special education matters for AJE.

2. District of Columbia (SEA)/Charter School Board. The District of Columbia as the State Education Agency must mandate that the Charter School Board, establish a similar single point of contact for the resolution of special education matters and school disciplinary matters for AJE. The Charter schools currently do not have a single governance structure and as a result resolving disputes with them generally takes longer.

3. Single Point of Contact Procurement/Payments. The District of Columbia must provide AJE with a point of contact that will be responsible for insuring that our invoices are received and processed in a timely manner.

Quarterly Monitoring by a Team.

A team to be composed of members of the Blackmon/Jones parties and the expert consultant will be the Monitoring Team. This will consist of the following:

- District of Columbia Representative, Tami Lewis
- Blackmon/Jones, Ira Burnim
- National Expert on Parent Centers, Paula Goldberg

The monitoring team will meet quarterly to discuss compliance, contract monitoring, fiscal accountability and the program progress. They will meet with AJE and its management staff quarterly to review the progress.

A. Criteria for Monitoring the DC Parent Center @ AJE

The team of 3 people will meet quarterly in person or through conference calls to review the grants progress. The team will meet with Kim Jones and the management team. The team will review the following on a quarterly basis:

1. A short written narrative describing the progress for each objective which will include copies of the newsletters, policy materials, website and other products of the grant.
2. The number of parents and others receiving services for each objective in the scope of work as compared to the objective. (These numbers will be in addition to the numbers of people reached in AJE's other projects.)
3. The written evaluations for the workshops and trainings summarized as well as reviewing 2 workshops evaluation folders.
4. Outcome Data. The results of the Alliance follow-up survey to be done 3 to 9 months after workshops or individual support on the phone or in person.

The Alliance Survey is used by the 100 parent centers nationally to document outcomes. It was developed by PACER Center.

- a. 25 parents who call the DC Parent Center @ AJE who have received significant assistance will be called by an outside person.
- b. 25 parents who attend training for this project will be randomly selected and called by an outside person.
- c. AJE may add additional questions.
- d. Workshop outcome questions include:
 - (1) My child has received more appropriate services because I have put to use the information I have learned at the workshops? Yes____ No____
 - (2) Because of the information I received at the workshop, I am more knowledgeable about how to work with schools. Yes____ No____

Telephone and individual assistance and outcome questions:

- (1) The Parent Center provided me with the information I needed to make a decision about my child's education.
- (2) The information and support I received from the Parent Center helped me resolve a disagreement with schools.
- (3) My child has received more appropriate services, because I have put to use the information from the Parent Center.

The results of these 50 calls will be summarized and given to the monitoring team for the first year no later than March 30, 2009.

- e. A site visit will take place 2 to 3 times a year by Paula Goldberg and others as appropriate.

B. Financial Monitoring

1. AJE will provide copies of their proposed and actual budgets (expense and income for this project) on a quarterly basis.
2. AJE will solicit 3 bids for a financial audit by recognized audit firms that specializes in working with nonprofits. AJE will select a firm based on the 3 bids. An audit will be performed yearly by this firm and the audit and management letter will be shared with the Monitoring Team. The audit firm will not be involved with any monthly accounting for AJE.
3. The Monitoring Team will review financial information on a quarterly basis.

2. SCOPE OF WORK.

- 2.1 The Contractor shall hire, train, and supervise a total group of 39.5 FTEs as follows:
- 2.1.1 1 Program Director
 - 2.1.2 5 case manager supervisors; supervision of case managers shall be at a rate of no more than 1:6.
 - 2.1.3 30 Case Managers, 6 of whom are to be parent Case Managers.
 - 2.1.4 2 administrative/support staff
 - 2.1.5 0.5 Quality Control staff.
 - 2.1.6 1 HR administrative staff.

Role

- 2.2 The role of each case manager/parent case manager is to:
- 2.2.1 Build a trusting relationship with each student on his/her caseload and the student's family, including by making home visits. It is anticipated that initially the average case load of a case manager will be 15 students; the caseload of a case manager is not to exceed 20 students. Siblings shall normally be assigned to the same case manager. Students whose first language, or whose family's first language, is not English should wherever possible be assigned to a case manager fluent in their first language.
 - 2.2.2 Facilitate implementation of the student's IEP and/or HOD/SA, by:
 - 2.2.2.1 Immediately identifying any and all barriers to a student's needs being fully met;
 - 2.2.2.2 Bringing any such barriers immediately to the attention of the child's MDT/IEP team, special education teacher, principal, and – in the event that the problem is not solved – to Richard Nyankori at DCPS, or his designee;
 - 2.2.2.3 Encouraging creative strategies for meeting the student's needs;
 - 2.2.2.4 Facilitating agreements between the MDT/IEP team and the student's family as to the special educational and related services the student will receive; and
 - 2.2.2.5 Ensuring continuity by maintaining students on the same case manager's caseload so long as the student's education is governed by the Individuals with Disabilities Act and the student meets the residency requirements of the District of Columbia, regardless of school placement (DCPS school, charter school, nonpublic school).

- 2.2.3 Upon monthly invoicing, and on request, report in detail to the OSSE and, upon OSSE's direction, to other *Blackman Jones* stakeholders on:
 - 2.2.3.1 Operational details, including: number of case managers hired, number of students served, caseloads, number of face-to-face contacts with families, number of Due Process complaints filed by families on case managers' caseloads and number of Hearing Officer Decisions issued in respect of students on case managers' caseloads.
 - 2.2.3.2 Strengths and weaknesses in the District's special education system. Non-exhaustive examples of topics for such reports include: rates of, and reasons for, placement in nonpublic schools; barriers to implementation of IEPs and HODs/SAs; and vulnerabilities in the network of related services.
 - 2.2.3.3 Use of flex fund (at 2.5 below) in the reporting period, including an accounting of all monies disbursed.
 - 2.2.3.4 Any other aspects of the program, on OSSE's request.
- 2.3 To ensure that each case manager is successful in the above tasks, the contractor shall ensure, through the Program Director and Supervisors, that each case manager:
 - 2.3.3 becomes fully familiar with each student on his/her caseload, each student's IEP, educational and related service needs, current placement, and outstanding issues with his/her IEP and/or HOD/SA;
 - 2.3.4 attends all IEP/MDT/manifestation review meetings of the children on his/her caseload;
 - 2.3.5 works in collaboration with general and special education teachers and administration, members of the MDT/IEP team and related service providers, so as to be seen as a problem-solving ally of the school system and the MDT as opposed to an adversary;
 - 2.3.6 is knowledgeable about different models of service, available resources, and strategies for meeting students' needs in the most integrated educational setting, especially family-centered, culturally and linguistically appropriate practices and strengths-based approach;
 - 2.3.7 is skilled in working with families in homes and the community;
 - 2.3.8 is skilled in coordinating and linking families with other community resources and supports.

- 2.4 The parties understand that the role of case managers may evolve over time, as the initiative progresses.

Overview of Responsibilities:

The Special Education Reform Team within OSSE (“The Team”), led by Tameria Lewis, is focused on greatly improving service delivery to children and young people with disabilities through State Education Agency (“SEA”) leadership. The Team has harnessed the obligations of the present Blackman/Jones and Petties federal lawsuits to initiate a process of fundamental reform. On December 10 2007, the District entered into a non-binding agreement with Blackman class counsel to the effect that the District would roll out a series of program reforms in 2008, whereby District children would be better served in their local public or charter schools. It is the Special Education Reform Team’s primary responsibility at this time to own and lead that effort at the state level.

As part of this reform, the Team is focused on improving the delivery of mental health services to students within the District’s public schools. The purpose of this contract is to obtain an understanding of the strengths, weaknesses, opportunities, and challenges to developing a coordinated school-based mental health service system within the District’s public schools. The District’s public schools are defined as both charter schools and District of Columbia Public Schools (“DCPS”).

To facilitate the development of improved mental health service delivery in local schools the OSSE seeks to contract with Knute Rotto, herein known as the Contractor, an expert in the field of mental health systems reform. The Contractor was the clinical manager from 1990-95 for one of the eight Robert Wood Johnson Foundation Children’s Mental Health Demonstration Projects in Madison, Wisconsin and now serves as the chief executive officer of Choice, Inc. Choices is a nonprofit organization that provides an integrated care system that individualizes the needs of the clients, reorganizes the funding structures to maximize tax dollars and builds accountability.

The Contractor shall work to identify and evaluate the universe of mental health services available and the quality of services, including evaluations and related services, presently provided in and through the District’s public schools. The Contractor shall make recommendations, based on best practices, for improving the quality and availability of mental health service delivery in schools. The Contractor shall also evaluate the District’s use of Medicaid to finance these services and recommend strategies for increasing Medicaid reimbursements.

This evaluation will be conducted by (1) reviewing relevant reports on the District’s public school system and (2) through a series of stakeholder interviews. This information will be used to identify the strengths of the service delivery system, as well as gaps and needs. The Contractor’s finding from reports and interviews shall be consolidated into a written report that addresses agreed upon topics of inquiry along with recommendations for improved and efficient mental health service delivery.

Scope of Work (SOW)

The Contractor's scheduled work shall begin on or around January 14, 2008, and conclude April 30, 2008. The written report shall be completed by March 3, 2008. The Contractor agrees to provide the following services to the OSSE:

1. Undertake a series of conference calls and meetings with key individuals from OSSE, DCPS, Blackman Jones Evaluation Team, Blackman/Jones Plaintiffs' Counsel, Petties Special Master, Petties Plaintiffs' Counsel, and other relevant Contractors.
2. Read and become familiar with relevant written materials concerning the District of Columbia's public schools mental health and related service delivery and the mental health services otherwise available to students within the District of Columbia for the purposes of identifying gaps, needs, barriers, and strengths in the current system. {e.g. court reports }
3. Meet with relevant stakeholders and provide timely oral updates as well a written report on findings. Stakeholders include, but are not limited to the following:
 - a. Families
 - b. Charter and DCPS Teachers
 - c. Charter and DCPS Principals
 - d. Related Service Providers (e.g. psychologist, social workers, etc)
 - e. School Nurses
 - f. School Counselors
 - g. Special Education Coordinators
 - h. Identified Community Service Providers
 - i. Representatives of other District child serving agencies (DME, DMH, CFSA, DYRS) as identified by OSSE
 - j. OSSE staff
 - k. DCPS central administration
 - i. Chief Financial Officers
 - ii. Non-Public billing unit
 - iii. Medicaid billing unit
 - l. Blackman/Jones Plaintiffs
 - m. Blackman/Jones Evaluation Team members
 - n. Blackman/Jones Monitor
 - o. Petties Special Master
 - p. Petties Plaintiffs' Counsel
 - q. Children's Law Center representatives
 - r. Other Blackman/Jones Contractors
4. Findings from the documentary review and stakeholder interviews shall be consolidated into a final written report and provided to the OSSE by March 3, 2008. The final report shall address, but is not limited to the sets of questions provided below and shall provide recommendations, based on best practices, for state-level (OSSE) interventions and LEA-level (e.g. DCPS) interventions.

When relevant, the final report should address when access to mental health services and/or policies for care differ for students based on classifications such as general education or special education. Topics of inquiry for the final report include, but are not limited to the following:

- Quality and Scope of Mental Health Services Currently Available
 - Student and Family Access to Mental Health Services in the Local School
 - Barriers to Service Provision in the Local Schools and the Community
 - Coordination of Mental Health Services with other Health or Related Services
 - Coordination of Mental Health Services with Classroom Instruction
 - Training and Supports for Mental Health Services
 - Information Management
 - Training and Supports for Mental Health Services
 - Financial Management of Mental Health Services
5. Once the final report is submitted, the Contractor shall make at least two presentations of finding to identified stakeholders and be available to provide consultation until the conclusion of this contract, April 30th, 2008.

Questions of Inquiry

Quality and Scope of Mental Health Services Currently Available

1. What is the quality and nature of the screenings performed? Who conducts the initial screenings and do they use a standardized instrument?
2. What is the quality and nature of the evaluations performed? Who conducts the evaluations and do they use a standardized instrument?
3. Do the schools currently have the resources and expertise to provide the needed services to students diagnosed with severe emotional disturbance? What is the current method for allocating mental health resources to schools? Who informs this process?
4. How long does it take for a student to begin receiving services once referred? How many students are on the “waiting list”?
5. Who are the current mental health service providers serving? (Only students with a DSM-IV diagnosis, student with identified ED, students who disrupt the classroom, any child that request services, or all of the above?)
6. What types of mental health services are available to students during the school day?
7. What types of mental health services are available to students after-school? Are these services easily accessed? What is the quality? Are families informed and/or involved of this option?
8. Do you feel the current treatment techniques are age appropriate and follow current standards? Are individual and/or group services offered?
9. Did you get the feeling families are encouraged to participate?

Student and Family Access to Mental Health Services in the Local School

1. What does the current referral process look like?
2. Who in the school works with the mental health professional to identify, assess, plan, and deliver services to a student in a coordinated manner?
3. How informed are teachers about the current mental health services available in the local school? How informed are the parents? How informed are the students?

4. What do students gain or lose by being labeled “a special education student” in relation to mental health services?
5. What do you believe the common “opinion” held by our students is concerning mental health services? Do they view it as a type of punishment or reward? Do you believe they trust the mental health professionals in their local school?

Barriers to Service Provision in the Local Schools and the Community

1. What are the barriers, including physical, financial, and social, to providing appropriate and quality mental health care services to students in their local school?
2. What are the barriers, including physical, financial, and social, to providing appropriate and quality mental health care services to students in their community?

Coordination of Mental Health Services with other Health or Related Services

1. On average how often do the mental health professionals attend SST, MDT, and IEP meetings? If they attend, what is their level of participation? What, if any, contractual obligation to they have to attend? If full-time staff, who is responsible for inviting them to these meetings? Is the attendance record of staff mental health professionals better than that of contractors?
2. How often do mental health service providers interact with special education coordinators (SECs), principals, teachers, and other related service providers? How is information shared among these key stakeholders?
3. Who is currently responsible for making linkages to community-based mental health services (mental health provider, special education coordinator) Who is responsible for ensuring those who qualify for Medicaid apply?

Coordination of Mental Health Services with Classroom Instruction

1. Who is responsible for coordinating mental health services with other health services or educational/related services?

2. What efforts are made to coordinate students' mental health service plans and classroom instruction?

Training and Supports for Mental Health Services

1. What supports are currently available in the school to support the efforts of mental health professionals?
2. When was the last time teachers received specific instruction on teaching students with an emotional or behavior disturbance diagnosis?
3. Who if anyone provides training to families and school staff? If training is provided, please provide information on content and quality?

Information Management

1. How is student information shared among mental health professional and/or among other service providers? How is the information recorded and/or stored? Is the information entered into Encore, the cumulative folder, the special education folder, or in a different folder altogether? How often is the information checked for accuracy?
2. Who has access to the students' mental health records? What FERPA protection policies exist?
3. What happens to the mental health information of a student when they go from being a general education student to a special education student? How is the information transferred to minimize service disruptions?
4. What is the policy for service provision and information sharing when a student transfers to another school, be it another DCPS LEA or charter?
5. What, if any, type of self-help materials are available to parents, teachers, and students?

Vitals on Mental Health Professionals in the Schools

1. What types of qualifications are accepted/required by the District in order for someone to provide mental health services to students?

2. Are the mental health providers' employees of the District or contractors? If District employees, are they unionized? If contractors, are they independent providers or agency provided?
3. What is the scope of training and backgrounds of our school mental health professionals? (e.g. bachelors, masters, psychologist, social workers, prior teachers)
4. What is the current student to mental health provider ratio? What is their average caseload?
5. What is the average rate of turnover in the schools? What is the average number of years a provider serves in the same school? Why do they leave or stay?
6. How many hours a day are they physically in the schools?
7. What does a typical session/intervention look like?
8. Are there enough mental health professionals or support staff available?
9. Do the mental health providers feel supported and connected to the school? If not, why?
10. Do they have the resources needed to do their jobs effectively? (e.g. assessment tools, screening kits, access to student files, software, or the internet)

Financial Management of Mental Health Services

1. How are mental health services currently being funded or billed for in the local school?
2. Who is responsible for reconciling billed services and actual service provision?
3. What efforts are made to recover Medicaid reimbursements? What are the barriers?
4. Are there any positive or negative consequences for the school concerning whether Medicaid reimbursement is sought and/or received?

SPECIAL EDUCATION LAW ASSOCIATES

To: Dakarai Thompson

From: Gail ImObersteg

Date: January 7, 2008

Subject: Report on the Review of Administrative Records and Hearing Officer Determinations

Introduction

This Report summarizes the findings of the Contractor's review of administrative records and Hearing Officer Determinations. This Report is required in the Scope of Work (SOW) related to the qualifications of Hearing Officers (SOW I-B) and Organization of the Files (SOW I-D) and is designed to identify impediments to the function of the Student Hearing Office in those areas and to provide observations of the hearing system generally. All of the observations are either being addressed by the short-term reforms or will be addressed during Phase II of the contract.

Conclusion

The Contractor's review of random administrative records and at least one Hearing Officer Determination (HOD) for each Hearing Officer revealed serious fundamental deficiencies in the current special education hearing system. The systemic issues that impede the hearing system and the SHO from being high performing are numerous and have been previously provided to you. It is the Contractor's belief that this is not a system that can be refined to become high performing. It is a system that requires a fundamental culture change.

Evidentiary Basis

The most significant deficiency is the apparent perception that this hearing system is designed to resolve disputes over procedural deficiencies rather than to resolve substantive educational disputes between a parent and the local educational agency. In accordance with the Individual with Disabilities Education Act (20 U.S.C. §1400 et seq.; 34 C.F.R. Part 300), a Hearing Officer may find that a child did not receive a FAPE only if the procedural inadequacies—a (i) Impeded the child's right to a FAPE; (ii) Significantly impeded the parent's opportunity to participate in the decision-making

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process regarding the provision of a FAPE to the parent's child; or (iii) Caused a deprivation of educational benefit. (34 CFR Section 300.513)

Therefore, it is clear that the hearings in these matters must include the evidence necessary to allow the Hearing Officer to reach the above findings and to reach a final decision to resolve the issues in the due process complaint. Based on the review of administrative records and HODs, these hearings generally focus on the procedural violations in the complaint, not the substantive issue in dispute.¹

The following quote from a recent decision in the U.S. District Court in the District of Columbia aptly describes the absence of necessary findings of fact and conclusions of law in some of the HODs appealed to Court. Citing four D.C. courts that remanded matters back to the Hearing Officer, the Judge in *Options Public Charter School v. Howe, ex rel. A.H.* (48 IDELR 282 (D.D.C 2007)) held that:

“Common to all four opinions was a determination that the Hearing Officer's Decision provided an incomplete basis for review by the court in accordance with IDEA, and recognition of "the admonition that reviewing courts not substitute their assessment of the evidence for that of hearing officers[.]" *Hammond*, 2001 WL 34360429 (citing *Board of Education v. Rowley*, 458 U.S. 176, 207 (1982)). Here, the undersigned, as the other judges who exercised their discretion to remand an IDEA action for further consideration, findings and conclusions, is unable to determine the degree of deference to accord the Hearing Officer's Decision. In this action, the impediment to meaningful review stems largely from the absence from the decision of virtually any findings. For example, the hearing officer refers to "[t]he credible testimony of Paris Adon" and the "compelling[,] "logical and credible" testimony of "Dr. [Cranford][,]" [sic], but makes no findings with respect to the basis upon which she credited their testimony. See Hearing Officer's Decision at 3. Elsewhere in the decision, the hearing officer relies upon speculation, and offers no findings of fact or conclusions of law: "it is entirely conceivable ... that the mother's participation in the IEP meetings should have alerted ... Options that more comprehensive evaluations were warranted[]"; "it is most probable that the provision of a FAPE to this Petitioner might have required ... Options to alert ... DCPS to file a due process hearing complaint once the mother insisted on a change of special education instruction hours." See Hearing Officer's Decision at 3 (emphasis omitted). Even the hearing officer's statement of the issues presented at the hearing is ambiguous. See Hearing Officer's Decision at 3 (emphasis omitted) ("Frankly, Respondent Options['] good faith effort to appease the parent backfired and perhaps escalated to a claim which

¹ For example, if a parent requested an initial evaluation because the parent suspected the child had a disability, the inquiry is not only whether the local educational agency issued a prior written notice on a refusal to evaluate, but whether there should have been a suspicion that the child may be disabled and, therefore, should have been provided an initial evaluation.

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now includes an allegation of insufficient evaluations due to respondent's willingness to change the [student's] programming at the whim of the parent."). Finally, the hearing officer did not articulate the burden of proof which she applied, or identify the party on which the burden was rested. See Hearing Officer's Decision at 3 ("Dr. [Cranford's] deduction that the psycho-educational was sufficient given the non-predominant display of emotional triggers lends reason to the [school's] decision not to immediately employ clinical assessments.").

In this circumstance, the undersigned cannot determine what findings and conclusions the hearing officer made, and on what evidence in the record any such findings and conclusions were based. Because the undersigned is precluded from "substitut[ing] [her] assessment of the evidence for that of [the] hearing [officer][,]" a remand for further consideration of the evidence, and for further findings of fact and conclusions of law, is the only vehicle by which review consistent with the applicable statutory scheme can be accomplished.”

Meetings, Meetings, Meetings

There is a maxim that the hearing you hold is the decision you write. Unfortunately, this system proves that maxim correct. The absence of the evidentiary basis in most cases for the Hearing Officer to resolve the substantive dispute leads to a plethora of orders directing the parties back to a meeting to resolve the issue of dispute, rather than deciding the issue with finality. In several records reviewed, even when adequate evidence seemed to be before the Hearing Officers to decide the matter, the dispute was still not resolved, but rather sent back to a meeting. This practice improperly defers the decision making to another body, prolongs the conflict between the parent and the school, and delays the resolution for the child.

In addition, the Hearing Officers' orders for the parties to meet to resolve these substantive educational matters generally require the continued participation of the parent's attorney. As observed by the recently configured Timeliness Assistance Group for the District of Columbia, this can be problematic.² It should also be noted that this perpetuation of the involvement of the attorney in meetings also affects attorneys' fees in that the IDEA does not authorize the award of attorney fees relating to any meeting of the IEP Team unless the meeting is convened as a result of an administrative proceeding or judicial action.(34 C.F.R. 300.517(c)(2)(C)(ii)).

² In one case it was noted by the Group that the parent's attorney did not appear at scheduled meetings 18 times.

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To: Jo Ann Smoak

From: Gail ImObersteg

Date: December 31, 2007

Subject: Hearing Officer Qualifications, Functions, and Responsibilities

Question: You have asked for a recommendation on whether the qualifications, functions, and responsibilities for the Hearing Officers should be modified.

Conclusion:

Neither the current Hearing Officers' qualifications nor their functions and responsibilities are an impediment to high performing Hearing Officers with the authority to conduct fair, impartial, efficient, and effective hearings.

Qualifications

Taking the SOP and the 2006 Request for Proposal (RFP) into consideration, the current qualifications for Hearing Officers for special education hearings in the District of Columbia are higher than required by the IDEA and those in effect in most other states. Therefore, additional qualifications are not necessary to have a high performing hearing system consistent with standard and best legal standards.

In fact, the more stringent qualifications such as some of the conflict of interest requirements, the required consecutive time period for the active practice of law before recruitment and the designated areas for the practice of law may actually eliminate otherwise qualified individuals. It is recommended that the more stringent qualifications be reexamined prior to the issuance of a new RFP to determine whether they should be maintained as mandatory requirements.

Functions and Responsibilities

Taking the SOP and the 2006 RFP into consideration, the current functions and responsibilities of the Hearing Officers are consistent with other states and, in some regards, provide specific additional authority. Therefore, the establishment of additional functions and responsibilities for Hearing Officers is not necessary to have a high performing hearing system consistent with standard and best legal standards. It is the absence of the consistent exercise of such authority that is an impediment in this hearing system.

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It is recommended that the Hearing Officers be trained with regard to the nature and scope of their authority, functions, and responsibilities, including the careful exercise of such authority in this unique administrative hearing process. Such training should include a component on the practical application of this authority with consideration of the independence of Hearing Officers as decision makers and the fact-specific nature of these cases.

A system of technical assistance and evaluation must also be established and implemented to support Hearing Officers in the exercise of these important responsibilities. (See related memorandum on the role of a Chief Hearing Officer.) In addition, when the District of Columbia Code of Regulations is revised, it is recommended that some of the functions and responsibilities such as the consolidation of cases should be considered for inclusion in the regulations to ensure disputed orders are enforceable.

Introduction

At the outset, it must be noted that the District of Columbia Hearing Officers' qualifications, functions, and responsibilities are located in a variety of documents, including the SOP, current Hearing Officers' contracts, and the 2006 RFP. Although there is general commonality, the 2006 RFP and current contracts significantly expand upon the qualifications, functions, and responsibilities in the SOP. It is recognized that the reiteration of these provisions in this memorandum is tedious, but the absence of a comprehensive analysis is a deterrent to a complete understanding of the breadth of these requirements and the Hearing Officers' discretion. Therefore, the existing provisions are set forth in the analyses.

A. Hearing Officers' Qualifications

Analysis:

The qualifications for Hearing Officers under the IDEA (20 U.S.C. §1415(f)(3)(A);34 C.F.R. §300.511(c)), the SOP, and the 2006 RFP require a Hearing Officer to be independent and impartial and set forth the following specific qualifications for Hearing Officers:

1. A Hearing Officer shall not be an employee of the State Education Agency or the Local Education Agency that is involved in the education or care of the child or be an employee of the DCPS, Public Charter Schools, or Private Schools that a DCPS student has been placed or any public agency

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that is involved in the education or care of the student who may be the subject of the hearing;³

2. A Hearing Officer may not be employed by or represent schools or parents in any manner in any jurisdiction, nor be an employee of any parent rights or disability rights agency or organization. A Hearing Officer shall not , represent, contract with, be employed by or accept any remuneration from any individual or entity (including, without limitation, any child, parent, teacher, administrator, school district, charter school or regional education service center) in connection with any matter relating to or involving public education (including, without limitation, any matter arising under or relating to the IDEA, Section 504 of the Rehabilitation Act of 1973, and any other federal or D.C. law, rule or regulation relating to education);⁴
3. The Hearing Officer shall not have engaged in the practice of law that primarily represented or been associated with a firm or organization that has primarily (more than 50%) represented parents, students, D.C. public schools or charter schools, or other District of Columbia K-12 educational agencies in disputes over educational services, student activities, or student discipline for the two (2) years preceding the submission of proposal;
4. A Hearing Officer shall not be a person having a personal or professional interest that conflicts with the person's objectivity in the hearing;
5. A Hearing Officer shall possess knowledge of, and the ability to understand, the provisions of the IDEA, Federal and State regulations pertaining to the IDEA, and legal interpretations of the IDEA by Federal and State courts, and knowledge of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and administrative law⁵;
6. A Hearing Officer shall possess good legal research skills;

³ A person who otherwise qualifies to conduct a hearing is not an employee of the agency solely because he or she is paid by the agency to serve as a hearing officer.

⁴ The current qualifications provide that accepting compensation or remuneration from a school district or other party for serving as a Hearing Officer in a Section 504 hearing, as a Case Review Officer for the State Complaint Office, and for acting as a mediator in educational disputes (provided, however, that a Hearing Officer may not serve as a Section 504 Hearing Officer, an Case Review Officer with the State Complaint Office, or as a mediator in any case or matter involving a student who has been the subject of a due process hearing over which the Hearing Officer has presided).

⁵ It should be noted that it is unclear in current policy and practice that this hearing system is the hearing system to be utilized for hearing requests filed solely under Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act. If it is, initial and ongoing training must include Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act.

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7. A Hearing Officer shall possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice;
8. A Hearing Officer shall possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice;
9. All Hearing Officers shall be members in good standing of the District of Columbia Bar, have at least five years of active legal experience as an attorney. The active practice of law shall have been for at least five (5) consecutive years before recruitment with a minimum of 2 years of practice in the areas of special education, disability law, administrative law, or civil rights.

At the time of this writing, proposed revisions to the SOP for short term reforms, include two proposals related to the qualifications of the Hearing Officers:

- One proposal is to specifically add judicial temperament consistent with the core competencies in the Hearing Officer's contract and the SOP inclusion of "personal qualities". This specific qualification is recommended to ensure that an otherwise qualified individual who does not possess judicial temperament and is unable, for example, to conduct himself/herself in a patient, dignified, and courteous manner with appropriate decorum is not selected to serve in this important capacity.
- The second proposal to revise the SOP would expand the qualifications for Hearing Officers to include those individuals who have submitted an application to waive into the District of Columbia Bar consistent with the recruitment of attorneys for other District of Columbia agencies such as the Office of the Attorney General. Based on the stringent qualifications outlined above, it is clear that the pool of qualified Hearing Officer candidates is going to be smaller than that for other states. Therefore, this recommendation is particularly important if the requirements in the RFP are maintained as the mandatory qualifications.

Conclusion:

The above qualifications for a special education Hearing Officer in the District of Columbia set forth in the 2006 RFP, the SOP and the IDEA are actually more comprehensive and stringent than other states, particularly with regard to the specific areas and time for the required active practice of law and the conflict of interest prohibitions with regard to previous employment. (See Appendix for the requirements in the states of Illinois and New York for examples)

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Due to the litigious environment and culture of distrust in which the District of Columbia hearing system operates, the stringent conflict of interest provisions that eliminate not only an actual conflict of interest, but the appearance of one, is understandable and may indeed be warranted at this time. However, the “active practice of law” requirement for at least five consecutive years before recruitment may actually eliminate individuals who may be eminently qualified such as retired judges and some nationally recognized experts in the conduct of special education hearings whose practice is now limited to training and technical assistance. It must be noted that the expansive conflict of interest requirements and the recent consecutive “active practice of law” are only in the 2006 RFP.

Upon the revision of the SOP to establish the long term reforms of the SHO and the hearing system, it is recommended that the SOP expressly include the IDEA qualifications in Title 34 C.F.R. §300.511(c) and those 2006 RFP requirements that are limiting qualifications that will outlive the duration of the Blackman-Jones Consent Decree and, hopefully, the heightened distrust of this system. In addition, it is recommended that prior to the issuance of another RFP to recruit Hearing Officers, the expanded qualifications be reexamined. At that time, if it is determined that any of these RFP qualifications have unintended results, the expansive qualifications can be eliminated or converted to preferred qualifications or areas requiring additional certification or submissions.

B. Hearing Officers’ Functions and Responsibilities

Analysis:

The functions and responsibilities for Hearing Officers under the IDEA (20 U.S.C. §1415(f)(3)(A);34 C.F.R. §300.511(c)), the SOP, and the 2006 RFP include the following specific functions and responsibilities for Hearing Officer in the conduct of hearings under the IDEA:

- To conduct the hearing with integrity and dignity; (§600.1)
- Ensure the rights of all parties are protected; (§600.1)
- Rule on procedural and substantive matters, including motions to dismiss or withdraw the case, dismiss a party, stay-put, admissibility of evidence, discovery *, amendments to pleadings, prospective witnesses to remain outside

* Discovery is only referenced in the 2006 RFP and current Hearing Officer contract. Although there are some states such as Texas, Massachusetts, and Nebraska that permit discovery, there is no right to discovery provided under the IDEA, except for the right of the parent to inspect and review education records and the exchange of evidence and evaluations prior to the hearing. (34 C.F.R. Sections 300.512 and 300.613) As noted in the SOP, a special education hearing is not governed by the formal rules of procedure

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the hearing room while other witnesses are testifying, determine good cause and grant continuances, consolidate multiple cases, recuse the Hearing Officer, and sufficiency challenges; (§§400.1, 401, 402, 600.1, 600.4, 800.1, 2006 RFP)

- Take actions necessary to complete the hearing in an efficient and expeditious manner; (§§600.1, 700.4)
- To be fair and impartial; (§600.1)
- To order and hold pre-hearing conferences for the purposes of addressing preliminary matters including establishing ground rules, statement of the issues, including the formulation or simplification of the issues, admission of certain assertions of fact or stipulations, limitation of number of witnesses and time allocation to present the case, clarification of procedural matters and the discussion of any matter in controversy, setting the date and time for the hearing. Issue a pre-hearing order; (§304,401)
- To rule on a party's request to alter the time allotted for a hearing; (§400.1)
- To administer oaths or affirmations; (§600.1)
- To question a witness on the record and ask questions of counsel; (§§600.1, 700.4)
- With the consent of all parties to the hearing, request that conflicting experts discuss an issue with each other while on the record and allow expert witnesses to remain in the hearing room while other witnesses are testifying; (§§600.1, 800.1)
- Visit the proposed placement site when the physical attributes of the site are at issue; (§600.1)
- Call a witness to testify at the hearing if all parties to the hearing consent to the witness giving testimony, or if the hearing is continued for at least five days prior to the witness testifying; (§600.1)
- Order that an impartial assessment of the child be conducted (the cost of which will be paid by the school system); (§600.1)
- Restrict the number of witnesses and limit the length of their testimony, provided such limitations do not prohibit a party from introducing relevant

or evidence. I believe that in this current system including procedures such as depositions and interrogatories would impede an effective, efficient, and timely process and deter a pro se parent from initiating a hearing.

It must be noted, however, that OSEP has opined that there is nothing in Part B that would prohibit or require use of discovery such as interrogatories. "Whether discovery is used in a Part B due process hearing and the nature and extent of discovery methods used are matters left to the discretion of the hearing officer, and could be subject to relevant State or local rules or procedures." (24 IDELR 973 (OSEP 1996)) If OSSE determines this system should allow for discovery beyond that authorized in the IDEA, it is recommended that such authority be provided in regulation and address the authority to compel discovery, motion to quash, motion for protective order and other discovery-related motions.

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- material and competent evidence; (§600.1)
- Ask questions of counsel and parties in order to fully develop an appropriate record; (§600.1)
- Take into consideration unjustifiable delays in determining how to proceed in a case (§700.4);
- Determine the order of presentation; (§700.4)
- Maintain civility and proper decorum; (2006 RFP)
- Make any other orders as the facts and justice require, including the application of sanctions as necessary to maintain an orderly process; (2006 RFP)
- Exclude any person, halt or suspend a hearing, consider a referral to Bar Counsel and/or summon appropriate law enforcement authorities to address any inappropriate conduct or misbehavior by any person that disrupts a hearing; (§206)
- Rule on the admission of evidence; (§§700.4 and 800.1)
- Use appropriate measures to ensure the taking of telephonic evidence is fair, appropriate, accurate and credible;
- Accommodate for the use of an interpreter when the primary language of a party is other than English;
- Assist an unrepresented parent in developing the record, without becoming an advocate; (§600.3)
- Make and ensure the integrity of the verbatim record of the hearing and ensure all evidence and exhibits admitted are preserved, protected and properly reflected in the hearing record; (§800.1, 2006 RFP)
- To dismiss the hearing if a hearing has been initiated for reasons outside the Hearing Officer's jurisdiction; (§1002.2)
- To render a final, timely, independent administrative decision setting forth findings of fact, conclusions of law, final order, and appeal rights.(§§600.1 and 1003; 2006 RFP);
- Render the decision orally* at the conclusion of the hearing to be followed by the written final decision; (§1003);
- Rule on reconsideration of the hearing decision;(§1005)**
- Maintain case files as directed; (2006 RFP)***

* This procedure mitigates against a thoughtful and thorough decision and is not a best practice in special education hearings. It must also be noted that educational matters are particularly sensitive and important matters to the family involved.

** The reconsideration procedure allowing the reopening of the record is in conflict with the required finality of a decision under the IDEA and D.C. law and regulation. This reconsideration process is not authorized by federal or state law or regulation and, upon the revision of the SOP for consistency with the IDEA, will be recommended for elimination.

*** The 2006 RFP states that a Hearing Officer shall maintain individual cases and hearing files for 3 years. This is not an advisable practice due to the requirements of confidentiality and the location of hearing files in multiple locations. It addition it conflicts with the SOP §1006.

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- Provide updates and docket information on case activity on a continuing and contemporaneous basis; (2006 RFP)

A special education hearing is not governed by the formal rules of procedure or evidence. Hearing Officers have broad authority and discretion to adjudicate disputes pursuant to the IDEA, including matters such as how closing statements will be made and whether legal briefs are necessary. (§700.4, 2006 RFP)

Conclusion:

Taking the SOP and the 2006 RFP into consideration, the established functions and responsibilities of the Hearing Officers are consistent with other states and, in some regards, provide specific additional authority for things such as consolidation of cases, restricting the number of witnesses and limiting the length of their testimony, and addressing inappropriate conduct or misbehavior, including sanctions. (See Appendix for examples of other states.) Therefore, the establishment of additional functions and responsibilities is not necessary to have a high performing hearing system consistent with standard and best legal standards. It is the absence of the consistent exercise of such authority that is an impediment in this hearing system.

It is recommended that the current Hearing Officers, and any new Hearing Officers recruited, be trained with regard to the nature and scope of their authority, functions, and responsibilities, including the careful exercise of such authority in this unique administrative hearing process. Such training should include a component on the practical application of this authority with consideration of the independence of Hearing Officers as decision makers and the fact-specific nature of these cases. A system of technical assistance and evaluation must also be established and implemented to support the Hearing Officers in the exercise of these important responsibilities. (See related memorandum on the role of a Chief Hearing Officer.)

When the District of Columbia Code of Regulations is revised for consistency with the IDEA, it is also recommended that some of the current functions and responsibilities, such as the consolidation of cases and restricting the number of witnesses and limiting the length of their testimony, should be considered for inclusion in the regulations to ensure disputed orders are enforceable. In addition, based on a review of the operation of the reformed hearing system in phase two of OSSE's reform efforts, it is recommended that SHO consider whether any additional specific regulatory authority for Hearing Officers is required to ensure this unique hearing system meets standard and best legal practices.

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APPENDIX

I. Select Other States' Hearing Officers' Qualifications

Illinois

Illinois 105 ILCS §14-8.02c(b) (b) Hearing officers must, at a minimum, (i) possess a master's or doctor's degree in education or another field related to disability issues or a juris doctor degree; (ii) have knowledge of and the ability to understand the requirements of the federal Individuals with Disabilities Education Act, Article 14 of this Code, the implementation of rules or regulations of these federal and State statutes, and the legal interpretation of the statutes, rules, and regulations by federal and State courts; (iii) have the knowledge and ability to conduct hearings in accordance with appropriate, standard, legal practice; and (iv) have the knowledge and ability to render and write decisions in accordance with appropriate, standard, legal practice. Current employees of the State Board of Education, school districts, special education cooperatives, regional service areas or centers, regional educational cooperatives, State-operated elementary and secondary schools, or private providers of special education facilities or programs may not serve as hearing officers.

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New York

Regulations of the Commissioner of Education, Part 201 Section 200.1(x)
“*Impartial hearing officer* means an individual assigned by a board of education pursuant to Education Law, section 4404(1), or by the commissioner in accordance with section 200.7(d)(1)(i) of this Part, to conduct a hearing and render a decision. No individual employed by a school district, school or program serving students with disabilities placed there by a school district committee on special education may serve as an impartial hearing officer and no individual employed by such schools or programs may serve as an impartial hearing officer for two years following the termination of such employment, provided that a person who otherwise qualifies to conduct a hearing under this section shall not be deemed an employee of the school district, school or program serving students with disabilities solely because he or she is paid by such schools or programs to serve as an impartial hearing officer. An impartial hearing officer shall:

- (1) be an individual admitted to the practice of law in the State of New York who is currently in good standing and who has a minimum of two years practice and/or experience in the areas of education, special education, disability rights or civil rights; or be an individual certified by the State of New York as an impartial hearing officer on September 1, 2001;
- (2) have access to the support and equipment necessary to perform the duties of an impartial hearing officer;
- (3) be independent, shall not be an officer, employee or agent of the school district or of the board of cooperative educational services of which such school district is a component, or an employee of the Education Department, shall not have a personal or professional interest which would conflict with his or her objectivity in the hearing, and shall not have participated in any manner in the formulation of the recommendation sought to be reviewed; and
- (4) be certified by the commissioner as an impartial hearing officer eligible to conduct hearings pursuant to Education Law, section 4404(1) and subject to suspension or revocation of such certification by the commissioner for good cause in accordance with the provisions of section 200.21 of this Part. In order to obtain and retain such a certificate, an individual shall:
 - (i) successfully complete a training program, conducted by the department, which program provides information regarding State and Federal laws and regulations relating to the education of students with disabilities, the needs of such students, and the procedures involved in conducting a hearing, and in reaching and writing a decision;
 - (ii) attend such periodic update programs as may be scheduled by the commissioner;

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(iii) annually submit, in a format and by a date prescribed by the commissioner, a certification that the impartial hearing officer meets the requirements of paragraphs (1), (2) and (3) of this subdivision;

(iv) possess knowledge of, and the ability to understand, the provisions of Federal and State law and regulations pertaining to the Individuals with Disabilities Education Act and legal interpretations of such law and regulations by Federal and State courts; and

(v) possess knowledge of, and the ability to conduct hearings in accordance with appropriate, standard legal practice and to render and write decisions in accordance with appropriate standard legal practice.

II. Select Other States' Hearing Officers' Functions and Responsibilities

Massachusetts-Manual

B. Hearing Officer Duties and Powers

The Hearing Officer shall have the duty to conduct a fair hearing; to ensure that the rights of all parties are protected; to define issues; to receive and consider all relevant and reliable evidence; to ensure an orderly presentation of the evidence and issues; to ensure a record is made of the proceedings; and to reach a fair, independent and impartial decision based on the issues and evidence presented at the hearing and in accordance with the law. In furtherance of these duties, the Hearing Officer may:

1. Issue subpoenas sua sponte or upon the request of any party to secure the presentation of evidence or testimony;
2. Administer the oath or affirmation to witnesses testifying at the hearing;
3. Request a statement of the issues and define the issues;
4. Rule on any requests or motions that may be made during the course of the due process proceedings;
5. After consultation with the parties and consideration of the proposed evidence, place reasonable limits on the presentation of evidence to prevent undue delay, waste of time, or needless presentation of cumulative evidence;
6. Assist all those present in making a full and free statement of the facts in order to bring out all the information necessary to decide the issues involved and to ascertain the rights of the parties;
7. Ensure that each party has a full opportunity to present its case orally, or in writing, and to secure witnesses and evidence to establish its claims;
8. Regulate the presentation of the evidence and the participation of the parties for the purpose of ensuring an adequate and comprehensible record of the proceedings;

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9. Examine witnesses and ensure that relevant evidence is secured and introduced;
10. Receive, rule on, or exclude evidence;
11. Introduce into the record any regulations, statutes, memoranda, or other materials relevant to the issues at the hearing;
12. Continue the hearing to a subsequent date to permit either party to produce additional evidence, witnesses, and other information;
13. Order additional evaluations at public expense;
14. Order written briefs to be submitted by the parties, establish the issues to be addressed by the briefs and set the deadline for their submission;
15. Reconvene the hearing at any time prior to the issuance of a decision for any purpose or pursuant to a post-hearing motion; and
16. Censure, reprimand, or otherwise ensure that all participants conduct themselves in an appropriate manner.

C. Evidence

The Hearing Officer shall not be bound by the rules of evidence applicable to courts, but shall observe the rules of privilege recognized by law.

Evidence shall be admitted only if it is the kind of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

1. *Documents.* The parties may offer as evidence written documents that they have exchanged prior to the hearing in accordance with these rules. At the hearing, the Hearing Officer may permit or request the introduction of additional documentary evidence where no prejudice would result to either party.

2. *Oral Testimony.* Oral testimony shall be given under oath or affirmation, subject to the pains and penalties of perjury. Witnesses shall be available for examination and cross-examination.

3. *Regulations and Statutes.* Regulations and statutes may be put into evidence by reference to the citation or by submitting a copy of the pertinent regulation or statute.

4. *Stipulations.* Stipulations of fact, or stipulations as to the testimony that would have been given by an absent witness, may be used as evidence at the hearing. The Hearing Officer may require evidence in addition to the stipulations offered by the parties.

5. *Administrative Notice.* The Hearing Officer may take administrative notice of any fact of which judicial notice could be taken, and in addition may take administrative notice of statutes, regulations, and general, technical or scientific facts within the specialized knowledge of the Hearing Officer. Parties shall be notified of the facts so noticed and they shall be afforded an opportunity to contest the substance or materiality of the facts noticed. Facts officially noticed shall be included and indicated as such in the record.

6. *Additional Evidence.* The Hearing Officer may require any party to submit additional evidence on any relevant matter.

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D. Evidentiary Standard

In reaching a decision, a Hearing Officer will assess the weight, credibility and probative value of the evidence admitted into the record. Hearing Officers may use their experience, technical competence and specialized knowledge in evaluating the evidence. The Hearing Officer's decision will be based upon a preponderance of the evidence presented.

E. Close of the Hearing

At the conclusion of all testimony, the Hearing Officer has the discretion to permit or require the parties to make oral or written closing arguments. A request to submit written closing arguments shall constitute a postponement request which must be documented and acted upon in accordance with Rule III above. If the Hearing Officer allows the submission of written closing arguments, they shall be submitted no later than seven (7) business days after the last day of hearing *unless the parties jointly request, and the Hearing Officer allows, a different time period.* The Hearing Officer has the discretion to limit the number of pages and font size contained within the arguments. The record is formally closed when any additional documents permitted by the Hearing Officer are added to the record, or when written closing arguments, if any, are received by the Hearing Officer, or upon the date such documents or arguments are due, whichever comes first. A decision will be issued within twenty-five (25) days of the close of the record.

F. Failure to Appear

If a party fails to appear at the scheduled hearing, the Hearing Officer may take evidence and issue such orders as may be necessary including, but not limited to, ordering an educational program or placement for the student or defaulting the absent party.

New York
§§200.5

Regulations

Impartial due process hearings....

(iv) The impartial hearing officer shall be authorized to administer oaths and to issue subpoenas in connection with the administrative proceedings before him/her.

(v) A written or, at the option of the parents, electronic verbatim record of the proceedings before the impartial hearing officer shall be maintained and made available to the parties.

(vi) At all stages of the proceeding, where required, interpreters of the deaf, or interpreters fluent in the native language of the student's parent, shall be provided at district expense.

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(vii) The parties to the proceeding may be accompanied and advised by legal counsel and by individuals with special knowledge or training with respect to the problems of students with disabilities. At all stages of the proceeding, the impartial hearing officer may assist an unrepresented party by providing information relating only to the hearing process. Nothing contained in this subparagraph shall be construed to impair or limit the authority of an impartial hearing officer to ask questions of counsel or witnesses for the purpose of clarification or completeness of the record.

(viii) In the event the impartial hearing officer requests an independent educational evaluation as part of a hearing, the cost of the evaluation must be at public expense.

(ix) In the event the impartial hearing officer determines that the interests of the parent are opposed to or are inconsistent with those of the student, or that for any other reason the interests of the student would best be protected by appointment of a guardian ad litem, the impartial hearing officer shall appoint a guardian ad litem to protect the interests of such student, unless a surrogate parent shall have previously been assigned. The impartial hearing officer shall ensure that the procedural due process rights afforded to the student's parent pursuant to this section are preserved throughout the hearing whenever a guardian ad litem is appointed.

(x) The hearing shall be conducted at a time and place which is reasonably convenient to the parent and student involved and shall be closed to the public unless the parent requests an open hearing.

(xi) A prehearing conference with the parties may be scheduled. Such conference may be conducted by telephone. A transcript or a written summary of the prehearing conference shall be entered into the record by the impartial hearing officer. A prehearing conference is for the purposes of:

- (a) simplifying or clarifying the issues;
- (b) establishing date(s) for the completion of the hearing;
- (c) identifying evidence to be entered into the record;
- (d) identifying witnesses expected to provide testimony; and/or
- (e) addressing other administrative matters as the impartial hearing officer deems necessary to complete a timely hearing.

(xii) The parents, school authorities, and their respective counsel or representative, shall have an opportunity to present evidence, compel the attendance of witnesses and to confront and question all witnesses at the hearing. Each party shall have the right to prohibit the introduction of any evidence the substance of which has not been disclosed to such party at least five business days before the hearing.

85 200.5

(a) Additional disclosure of information. Not less than five business

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days prior to a hearing, each party shall disclose to all other parties all evaluations completed by that date and recommendations based on the offering party's evaluations that the party intends to use at the hearing. An impartial hearing officer may bar any party that fails to comply with this requirement from introducing the relevant evaluation or recommendation at the hearing without the consent of the other party.

(b) The impartial hearing officer, wherever practicable, shall enter into the record a stipulation of facts and/or joint exhibits agreed to by the parties.

(c) The impartial hearing officer may receive any oral, documentary or tangible evidence except that the impartial hearing officer shall exclude evidence that he or she determines to be irrelevant, immaterial, unreliable or unduly repetitious. The impartial hearing officer may receive testimony by telephone, provided that such testimony shall be made under oath and shall be subject to cross-examination.

(d) The impartial hearing officer may limit examination of a witness by either party whose testimony the impartial hearing officer determines to be irrelevant, immaterial or unduly repetitious.

(e) The impartial hearing officer may limit the number of additional witnesses to avoid unduly repetitious testimony.

(f) The impartial hearing officer may take direct testimony by affidavit in lieu of in-hearing testimony, provided that the witness giving such testimony shall be made available for cross-examination.

(g) The impartial hearing officer may receive memoranda of law from the parties not to exceed 30 pages in length, with typed material in minimum 12-point type (footnotes minimum 10 point type) and not exceeding 6 1/2 by 9 1/2 inches on each page.

(xiii) Each party shall have up to one day to present its case unless the impartial hearing officer determines that additional time is necessary for a full, fair disclosure of the facts required to arrive at a decision. Additional hearing days, if required, shall be scheduled on consecutive days wherever practicable....

Minnesota -Regulations

§3525.4110 PREHEARING CONFERENCE.

Subpart 1. Generally. A prehearing conference must be held within five business days of the date the department appoints the hearing officer. The hearing officer will initiate the prehearing conference which may be conducted by telephone or in person at a location within the district. The hearing officer will have a written verbatim record of

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the prehearing conference created which must be made available to both parties if either party requests the record.

Subp. 2. Purpose. The hearing officer has the following duties at a prehearing conference:

A. The hearing officer must establish the management, control, and location of the hearing to ensure its fair, efficient, and effective disposition including, but not limited to: (1) informing the parties of their rights should the dispute proceed; (2) ensuring parents have been provided access to or copies of all education records and ensuring all required notices, information on the pupil's educational progress, and any information requested by the hearing officer has been shared between the parties with copies provided to the hearing officer; (3) determining the necessity for participation of appropriate districts, issuing orders to join agencies not already participating and consolidating cases pursuant to part 3525.4350; (4) determining the amount of time parties will have to present their cases by balancing the due process rights of the parties with the need for administrative efficiency and limited public resources; and (5) requiring and assisting the parties in establishing lists of written exhibits and witnesses necessary for each party to make its case, such as responding to requests to hearing officers to compel the attendance of witnesses, determining the necessity of telephone testimony, and stipulating to undisputed facts. A hearing officer may permit a witness to testify via telephone if such a procedure would not prejudice either party.

B. The hearing officer must clearly identify the questions the hearing officer must answer to resolve the dispute and eliminate claims and complaints that are frivolous or beyond a statute of limitations period. If necessary, the hearing officer must assist the parties in identifying the issues for hearing.

C. The hearing officer must set a scheduling order for the hearing and for any additional prehearing activities including requests for extensions to the 45-day timeline in which to dispose of the matter. A hearing officer may only grant an extension for a period of up to 30 calendar days if the requesting party shows good cause on the record. Extensions may last longer than 30 calendar days if both parties agree and the hearing officer approves. All written orders granting or denying motions must be filed with the department. All orders granting or denying motions to extend the 45-day timeline must be in writing. The hearing officer may require an independent education evaluation be conducted at district expense.

D. The hearing officer must determine if the hearing may be disposed of without an evidentiary hearing and set the schedule and procedure accordingly. The hearing officer may dispose of any issue without an evidentiary hearing if there are no material facts in dispute. The hearing officer may facilitate a settlement, if possible, including suggesting the parties participate in mediation or another alternative dispute resolution option.

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Subp. 3. Hearing officer authority. The hearing officer has the authority to take any actions necessary to ensure the compliance with all requirements of law and may dismiss the matter, with or without prejudice, if the party requesting the hearing fails to provide information required or ordered by the hearing officer.

Subp. 4. Subpoenas. Parties may request subpoenas for witnesses from the hearing officer. A subpoena must include a statement that federal law gives parties to a special education due process hearing the right to compel the attendance of witnesses. A hearing officer may refuse to issue a subpoena for a proposed witness who is to offer evidence the hearing officer determines will be incompetent, irrelevant, immaterial, or unduly repetitious.

3525.4300 HEARING PROCEDURES.

Subpart 1. Generally. The hearing officer shall preside over and conduct the hearing and shall rule on procedural and evidentiary matters. The hearing officer must ensure that issues for hearing are appropriately identified and that evidence is limited to that which is relevant to the issues and not cumulative. The hearing officer must limit the hearing to the amount of time necessary for each party to present its case and must establish the means for doing so. The hearing officer has authority to question witnesses and request information. A written record of the hearing shall be made.

Subp. 2. Protective orders. When a party is asked to reveal data that the opposing party is not privileged to see, the party from whom the data is requested may bring the matter to the attention of the hearing officer who will review the data in camera and make protective orders that are reasonable and necessary or as otherwise provided by law. The hearing officer may refer the in camera review to another hearing officer if requested to do so by a party.

Subp. 3. Responding to orders. If the hearing officer orders that parties do an act or not do an act, the parties must comply with the order. Objections to orders must be made as part of the record as promptly as possible.

Subp. 4. Copies. The hearing officer must send copies of all orders or decisions to all parties simultaneously. Any party sending a letter, exhibit, brief, memorandum, subpoena request, or other document to the hearing officer must simultaneously send a copy to all other parties.

Subp. 5. Representation by attorney. A party need not be represented by an attorney. If a party is represented by an attorney and notifies the other parties of such representation, all communications pertaining to the hearing must be directed to that attorney.

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Subp. 6. Communication with hearing officer. No party or attorney may communicate with the hearing officer on the merits of the case unless all parties have the opportunity to participate.

Subp. 7. Witnesses. Any party may be a witness and may present witnesses on the party's behalf at the hearing. All oral testimony at the hearing must be under oath or affirmation. At the request of a party or upon the hearing officer's own motion, the hearing officer may exclude witnesses from the hearing room so that they cannot hear the testimony of other witnesses. The hearing officer has authority to question witnesses and request information.

California - Regulations

5 CCR 3082 - Due Process Hearing Procedures

§3082. (a) A parent or public education agency may initiate a hearing pursuant to Education Code Sections 56500 through 56507 and Title 34, Code of Federal Regulations, Sections 300.506 through 300.514 on any of the matters described in Education Code Section 56501. The hearing shall be conducted by a hearing officer knowledgeable in administrative hearings and under contract with the State Department of Education.

(b) The hearings conducted pursuant to this section shall not be conducted according to the technical rules of evidence and those related to witnesses. Any relevant evidence shall be admitted if it is the sort of evidence on which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions. Hearsay evidence may be used for the purpose of supplementing or explaining other evidence but shall not be sufficient in itself to support a finding unless it would be admissible over objection in civil actions. All testimony shall be under oath or affirmation which the hearing officer is empowered to administer.

(c) In addition to the rights afforded both parties to the hearing pursuant to Education Code Sections 56500-56507 and Title 34, Code of Federal Regulations, Section 300.514, the parties shall also have the following rights:

(1) To call witnesses, including adverse witnesses, and to cross examine witnesses for the other party.

(2) To compel the attendance of witnesses. The hearing officer shall have the right to issue Subpoenas (order to appear and give testimony) and Subpoenas Duces Tecum (order to produce document(s) or paper(s) upon a showing of reasonable necessity by a party).

(3) Absent compelling circumstances to the contrary, and upon motion to the hearing officer to have witnesses excluded from the hearing.

(d) Hearings shall be conducted in the English language; when the primary language of a party to a hearing is other than English, or other mode of communication, an interpreter

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shall be provided who is competent as determined by the hearing officer. Cost for an interpreter shall be borne by the State Department of Education. Interpreters shall take an oath to interpret fully and accurately.

(e) If either the school district or the parents have an attorney present as an observer, the attorney may watch the proceedings to advise his party at a later date, but the attorney may not present oral argument, written argument or evidence, or consult in any manner in or out of the room, during the due process hearing.

(f) Notwithstanding Government Code section 11425.10(a)(3) of the Administrative Procedure Act, special education due process hearings are open/closed to the public at the discretion of the parent.

(g) Notwithstanding Government Code section 11440.30 of the Administrative Procedure Act, the hearing officer may conduct all or part of a hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in and to hear the entire proceeding while it is taking place and to observe exhibits.

§3088. Sanctions. (a) Provisions for contempt sanctions, order to show cause, and expenses contained in Government Code sections 11455.10-11455.30 of the Administrative Procedure Act apply to special education due process hearing procedures except as modified by (b) through (e) of this section.

(b) Only the presiding hearing officers may initiate contempt sanctions and/or place expenses at issue.

(c) Prior to initiating contempt sanctions with the court, the presiding hearing officer shall obtain approval from the General Counsel of the California Department of Education.

(d) The failure to initiate contempt sanctions and/or impose expenses is not appealable.

(e) The presiding hearing officer may, with approval from the General Counsel of the California Department of Education, order a party, the party's attorney or other authorized representative, or both, to pay reasonable expenses, including costs of personnel, to the California Special Education Hearing Office for the reasons set forth in Government Code section 11455.30(a).

SPECIAL EDUCATION LAW ASSOCIATES

To: Jo Ann Smoak

From: Gail ImObersteg

Date: January 27, 2008

Subject: Evaluation of the Special Education Hearing Officers for the District of Columbia

Question:

You have asked for a recommendation on policies, procedures, and criteria for the evaluation of the special education Hearing Officers for the District of Columbia.

Conclusion:

The 2006 special education Hearing Officers' Contract and the 2006 Request for Proposal (RFP) include: performance requirements and standards in core competency areas; "surveillance" evaluation methods and frequency; and "incentives/disincentives", that is, disciplinary action, including termination. This memorandum recommends revisions to the core competency areas and criteria set forth in the contract and RFP to align them with standard and best legal practices. In addition, the data collection methods and the disciplinary action in the contract and RFP should be supplemented to provide comprehensive data collection, remedial action, and additional sanctions for noncompliance.

It must be noted that the primary impediment to an effective evaluation system for special education Hearing Officers in the District of Columbia is not the inadequacy of the current policy, procedures, and criteria, but the absence of its implementation. A primary cause of this failure to implement the designated evaluation system may be the absence of an independent individual with the requisite knowledge and experience to evaluate the performance of the Hearing Officers. (See report on the Chief Hearing Officer's functions and responsibilities for the assignment of this function.)

Introduction: Evaluation Process

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“Summative evaluation is the judgment of the merits of the work.” “The other half of the distinction is formative evaluation, a judgment designed to improve the work of the student involved”⁶

The overall objective of the evaluation of Hearing Officers is to improve the hearing system and, if necessary, to remediate or eliminate performance issues for individual Hearing Officers. Therefore, the evaluation process described below has a two-fold purpose:

- To facilitate professional development throughout the contract year for individual Hearing Officers and the cadre of Hearing Officers as a whole; and
- To provide definitive data on the performance of individual Hearing Officers and to determine the continued suitability of the individual to serve as a Hearing Officer.

In order to meet the purpose of timely professional development, it is recommended that the data collection for each Hearing Officer’s performance be conducted at multiple times during the contract term and reflect work products throughout the course of the term. The identification of deficiencies in core competency areas for individual Hearing Officers and systemic deficiencies among the Hearing Officers throughout the contract term allows for appropriate intervention to avoid perpetuation of an identified substandard legal practice.

In addition to ongoing data collection, an annual evaluation of each Hearing Officer should also be conducted toward the end of the contract term. This annual evaluation would, at minimum, embody a compilation of the data collected throughout the term of the contract in the core competency areas and a recommendation on the reappointment of the Hearing Officer for the subsequent contract term.

To ensure a fair, accurate, and comprehensive evaluation of all Hearing Officers, it is recommended that the evaluation system include:

- A comprehensive criterion referenced system of evaluation for measuring Hearing Officers’ performance.
- All stages of the hearing process (pre-hearing, hearing and decision writing), case management, judicial temperament, and preparation and return of an administrative record.
- A methodology for data collection with multiple methods and sources of data collection.

⁶ The Experience of Quality in Higher Education: Papers from the Experience of Quality in Higher Education Symposium, Brisbane, July 1994, Griffith University, 1995 Michael Jackson

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- An opportunity after the conduct of an evaluation for an individual Hearing Officer to provide contextual information or documentation to refute any perceived inaccuracy in the data collected or conclusions reached.

If the current performance criteria and deliverables in the 2006 Hearing Officers' contract are revised based on the recommendations in this report, the Hearing Officers should be informed of the modified evaluation process, the independent evaluator, and the criteria and measurements upon which their performance will be evaluated. This notice should be in advance of the implementation of the modified evaluation system.

The Evaluation System

I. Performance Criteria and Measurements⁷

In order to evaluate individual Hearing Officers, it must be determined whether the Hearing Officer complies with the following basic standards:

- The established qualifications, conditions of service, and bases for termination for Hearing Officers in the IDEA (20 U.S.C. §1415(f); 34 C.F.R. §300.511); the Standard Operating Procedures (SOP); the Blackman/Jones Consent Decree; and the Hearing Officers' contracts;⁸
- The mandates in the IDEA (20 U.S.C. §1400 et seq and 34 C.F.R. Part 300); District of Columbia law and regulations; the SOP; Blackman/Jones Consent Decree; and the Hearing Officer's contract on the standards and timelines for the conduct of hearings, including specially set and expedited hearings; the conduct of a pre-hearing; and the issuance of written decisions that are clear, concise and founded in case law and fact.

The following performance criteria and measurements are recommended to determine compliance with the above basic standards and appropriate, standard legal practices:

⁷ Although the 2006 RFP references Section 504 and the Americans with Disabilities Act, they are not included as a source for the evaluation criteria. However, a decision must be made by OSSE in the near future whether these Hearing Officers also serve as the Hearing Officers in Section 504 cases and whether the responsible entity for Section 504 hearings is OSSE or DCPS.

⁸ It must be noted that some of the measurements in this report are based on the current SOP only and the measurements should be revised, as appropriate, when the SOP is revised.

SPECIAL EDUCATION LAW ASSOCIATES

1. The Hearing Officer must demonstrate knowledge of Federal and State requirements governing special education and related services for students with disabilities, including legal interpretations of the IDEA and District of Columbia laws and regulations by Federal and State courts

The evaluation of each Hearing Officer should include this criterion, and measurements such as the following should be examined:

Whether in the conduct of status/pre-hearing conferences and the hearing; rulings on motions, including continuances, and objections at the hearing; and the issuance of the hearing decision; the Hearing Officer has demonstrated knowledge of:

- The IDEA (20 U.S.C. §1400 et seq; 34 C.F.R. Part 300); District of Columbia laws and regulations; the Blackman/Jones Consent Decree; and the SOP.
- Relevant opinion letters/policies of the OSSE and United States Department of Education and weight accorded by Federal and State courts; and
- Relevant case law applicable to the jurisdiction and, persuasive authority of other courts on standards of law not resolved in the jurisdiction.

- 2. The Hearing Officer must conduct pre-hearings in accordance with appropriate, standard legal practice and in accordance with the procedures and requirements set forth in the SOP.**

The evaluation of each Hearing Officer should include this criterion, and measurements such as the following should be examined:

The Hearing Officer must:

- Schedule status/pre-hearing conferences in a timely manner, including the expeditious resolution of scheduling conflicts;
- Provide the parties a timely notice of time, date, location and a description of the conference agenda;
- Ensure the matter/issues in dispute and the relief being sought are clear prior to the date for the exchange of evidence;
- Identify specially set and expedited hearings in a timely manner and schedule the hearings accordingly;
- Rule on sufficiency challenges in a timely manner;
- Ensure amendments, when allowed, are consistent with the IDEA;
- Determine jurisdiction over parties and issues in a timely manner prior to the date for the exchange of evidence;

SPECIAL EDUCATION LAW ASSOCIATES

- Determine the need and relevance of subpoenas requested;
- Determine the order of presentation at the hearing;
- Determine the applicable burden of proof;
- Determine personal or professional conflicts of interest warranting recusal of the Hearing Officer;
- Rule on all objections and motions raised at the pre- hearing stage in a timely manner, including the relevance and materiality of documents or witnesses, after providing an opportunity for response for disputed motions;
- Make a record of motions and party response, if any; clearly and timely rule;
- Issue rulings/orders that rule on the motion/dispute, reflect the application of law to facts and are made a part of the record; and
- Prepare a written record of pre-hearing conferences, and issue clear pre-hearing orders to the parties.

3. The Hearing Officer must conduct hearings in accordance with appropriate, standard legal practice and in accordance with the procedures and requirements in the IDEA law and regulations; District of Columbia law and regulations; the Blackman/Jones Consent Decree; and the SOP.

The evaluation of each Hearing Officer should include this criterion, and measurements such as the following should be examined:

The Hearing Officer must:

- Set the date and time for the hearing, including the amount of time required, in a timely manner;
- Comply with the timelines to conduct the hearing or specially set/expedited hearing and to render and mail the decision, under the IDEA; District of Columbia law and regulations; the Blackman/Jones Consent Decree; and the SOP;
- Take charge of the hearing, including articulating and carrying out expectations, establishing ground rules, and regulating the orderly course of the hearing;
- Conduct the hearing effectively and efficiently, including the appropriate handling of cumulative, and irrelevant testimonial and documentary evidence while balancing the parties' right to be heard;
- Rule on the admissibility of evidence, and properly mark and include the admitted documentary evidence in the record;
- Rule on all objections and motions raised at the hearing in a timely manner, providing an opportunity for response for disputed motions, and a clear record;

SPECIAL EDUCATION LAW ASSOCIATES

- Ensure the testimony of witness is under oath properly administered;
- Safeguard the parties' right to due process, including a full and fair opportunity to be heard;
- Limit the scope of the hearing to identified issues properly raised;
- Employ the applicable legal standards for the burden of proof, burden of going forward, and the standard of proof; and
- **Ensure an accurate verbatim record is made of the proceeding.**

4. The Hearing Officer must demonstrate efficient case-management strategies.

The evaluation of each Hearing Officer should include this criterion, and measurements such as the following should be examined:

Whether the Hearing Officer has:

- Monitored the course of the hearing. Demonstrated appropriate follow-up, including procedures to monitor the progress of resolution sessions to anticipate/schedule hearing timelines;
- Demonstrated planning/organization, including setting priorities, and anticipating probable occurrences and the actions and resources needed to deal with them;
- Contacted the parties in a timely manner, if necessary, when events ordered or agreed upon do not occur;
- Complied with all timelines from appointment to return of the administrative record, including; the timeline for the conduct of a hearing or specially set/expedited hearing;
- Complied with the requirement that the decision be signed, dated and issued within 10 days following the hearing;
- Ensured all continuances were authorized, date-certain, and limited to the time period necessary;
- Complied with the procedures for continuances, including those set forth in the Blackman/Jones Consent Decree and the SOP.

5. **The Hearing Officer must render written decisions that are clear, concise and founded in case law and fact.**

The evaluation of each Hearing Officer should include this criterion, and measurements such as the following should be examined:

SPECIAL EDUCATION LAW ASSOCIATES

- Whether the decisions include the essential components of a well-reasoned decision, including a clear statement of the issues; clear, coherent, and relevant findings of fact based on the evidence taken; resolution of conflicting evidence/testimony, including credibility determinations; the application of the law to the facts, including how well the Hearing Officer was able to articulate the applicable law; and relied on federal and state statutory and regulatory provisions and judicial decisions binding in the District of Columbia;
- Whether the decision is based on the documentary and testimonial evidence admitted, including stipulated facts/agreements;
- Whether Orders are clear, precise, implement the decision, and are verifiable, including what the parties must do to carry out the decision;
- Whether the decision includes the identification of who prevailed on what issue;
- Whether the appeal rights are included in the decision; and
- Whether all issues are decided, with finality.

6. The Hearing Officer must demonstrate judicial temperament and professional behavior.

Judicial Temperament

The Hearing Officer must comply with the standards of neutrality, confidentiality, and conduct required by the IDEA; FERPA; District of Columbia law and regulation; the SOP; and the American Bar Association's Code of Judicial Conduct⁹. Therefore, the evaluation of each Hearing Officer should include this criterion, and measurements such as the following should be examined:

Whether the Hearing Officer:

- a) Conducts himself/herself in a temperate, patient, dignified, and courteous manner that promotes confidence in the integrity, impartiality, and efficiency of the hearing process;
- b) Affords parties the right to be heard;
- c) Conducts himself/herself in an independent and impartial manner, including:
 - Avoiding impropriety and the appearance of impropriety;
 - Presiding without bias or prejudice and without discrimination on any prohibited basis against any

⁹ Adherence to the Code of Judicial Conduct is required by the SOP. The Administrator of the SHO has also indicated a preference for adherence to the Model Code of Ethics from the National Association of Hearing Officers as a performance requirement.

SPECIAL EDUCATION LAW ASSOCIATES

- person involved in the proceeding, and controlling the proceedings to prevent such;
- Maintaining impartiality in words and conduct; and
 - Treating all participants with equal courtesy and dignity;
- d) Requires order and decorum in the hearing process;
 - e) Promptly discloses to the parties any prior personal knowledge of or involvement in the matter;
 - f) Recuses himself/herself from any proceeding in which the Hearing Officers impartiality might be reasonably questioned;
 - g) Disregards all prejudicial influence;
 - h) Avoids impermissible *ex parte* communications with parties to an individual complaint, counsel for parties, witnesses, or anyone else involved in hearings over which they are presiding;¹⁰
 - i) If an *ex parte* communication occurred, promptly notifies all other parties of the substance of the *ex parte* communication and allows an opportunity to respond and notes the occurrence for the record;
 - j) Withdraws from any proceeding in which their impartiality becomes compromised;
 - k) Upholds the integrity and impartiality of the process and promotes ethical norms, dignity and decorum throughout the hearing process; and
 - l) Uses and discloses any confidential student or other information obtained by reason of official position or authority in accordance with federal and state confidentiality requirements.

Professional Behavior

The evaluation of each Hearing Officer should include this criterion of professional behavior, and measurements such as the following should be examined:

Whether the Hearing Officer:

- Performs the duties of a Hearing Officer diligently;
- Takes cases upon reasonable notice consistent with the terms of the Hearing Officer's employment;
- Reports for assigned hearings and other required events at the designated time;

¹⁰ Scheduling is specifically excluded from the prohibition of *ex parte* communications and a Hearing Officer may consult with the independent Chief Hearing Officer whose function is to assist the Hearing Officer in carrying out the adjudicative responsibilities.

SPECIAL EDUCATION LAW ASSOCIATES

- Works/functions well with staff, co-workers or peers; and
- Displays no hostile or demeaning behavior with staff, co-workers, peers or others.

7. The Hearing Officer must ensure a complete and accurate administrative record is made of the proceedings.

The evaluation of each Hearing Officer should include this criterion and measurements such as the following should be examined. The Hearing Officer must:

- Document and maintain a clear record of all proceedings from appointment to final disposition;
- Timely provide the SHO an organized record in the manner prescribed after the case is closed; and
- Certify the record in the manner prescribed.

II. Data Sources

To ensure a comprehensive evaluation of each Hearing Officer, the evaluation process should employ observations; review of work products; participant survey data; and other available data sources.

Review of Hearing Records

The work products of the hearing system, including the verbatim record of the hearing, the hearing decision and orders, and other components of an individual hearing record are integral to the special education hearing system and are fundamental to the collection of data on a Hearing Officer's performance.

Sources of data collection of work products reviewed will include:

- The review of at least two administrative hearing records in their entirety solely for the purpose of the evaluation of the Hearing Officer's performance, including timely documentation and maintenance of a record of all proceedings from appointment to final disposition, pre-hearing and status conference notices and agendas, other pre-hearing correspondence, pre-hearing and status conference summaries and orders; ruling on motions; and organization and certification of the record in the manner prescribed;
- Written decisions on an ongoing basis during the contract term;

SPECIAL EDUCATION LAW ASSOCIATES

- Requests for reconsideration of hearing decisions and orders pursuant to the SOP Section 1005 and responses to the requests¹¹;
- Reported judicial decisions resulting from the appeal of hearing decisions with judicial comments regarding deference to Hearing Officer's findings of fact and soundness of the decisions or other matters reflecting on the Hearing Officer's conduct of the administrative hearing; and
- Review of case management records, including adherence to timelines and procedures for continuances.

3. Observation and/or review of verbatim written or electronic records

The evaluation of each Hearing Officer should include at least one observation of the Hearing Officer conducting a pre-hearing conference or hearing and, preferably, both. Such observation may include a review of relevant transcripts or electronic verbatim recordings in lieu of on-site observations.

4. Parent and Local Educational Agency Satisfaction Survey

The evaluations should include a review of all satisfaction surveys that are completed by parties and their representatives on the conduct of status/pre-hearing conferences and hearings.

5. Other

Other sources of data collection should include:

- Review of statistical data on individual Hearing Officers, including warnings issued;
- Consideration of any written Hearing Officer complaints submitted to the SHO during the contract term;
- Attendance at mandatory Hearing Officers' trainings;
- Evidence of the completion of mandatory individualized staff development and/or other contractual conditions.

III. Unsatisfactory Performance

Every Hearing Officer must maintain a satisfactory performance rating in each of the core competency areas during the term of contractual engagement and to be considered for reappointment as a Hearing Officer. If unsatisfactory performance is determined as a

¹¹ This is premised on the reconsideration process being maintained in the SOP.

SPECIAL EDUCATION LAW ASSOCIATES

result of the evaluation of the Hearing Officer at any time during the course of the contract term, sanctions will be applied, which may include any of the following options:

- Compliance with a mandatory individualized professional development plan, including remedial activities;
- Suspension of the Hearing Officer from the appointment list for a prescribed period of time during which remedial activities would be required;
- Removal from the appointment list for failure to complete remedial activities in the prescribed time;
- The assessment of a penalty of \$100 per day for each day a decision is late;
- Permanent removal from the list of qualified Hearing Officers which may include reassignment of all cases pending before the Hearing Officer; and
- Referral to Bar Counsel for inappropriate conduct or misbehavior.



Memorandum

TO: Amy Totenberg, Esq.

FROM: Dakarai D. Thompson, Esq.

CC: Jo Ann Smoak

DATE: 28 January 2008

RE: Update/ Accounting of operations and reforms of the Student Hearing Office

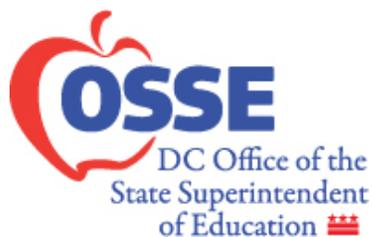
This memorandum serves as a response to your request for an update on the status of the operations and reforms of the Student Hearing Office (SHO). Though this list is a true and accurate accounting for the SHO's progress, this list is not exhaustive.

1. Records/ File Management Reform

- The Office of Review and Compliance (ORC) has hired a Records and File Manager. She has written phases I and II of her work plan, and submitted it to both the Director of ORC and to myself (please see enclosed).
- ORC has detailed three members for the ORC staff to assist the Records manager in her initial efforts to implement phases I and II. When a staffing plan is created for the needs of the Records/ File system, a plan to hire permanent staff will be created and implemented.
- The ORC has purchased and trained staff on a high-speed copy and scanning machine. This machine will be used to support our reforms efforts by allowing staff to easily copy documents while making sure that all original documents are accounted for in the administrative file.
- The ORC has interviewed vendors who provide file storage and maintenance systems. The ORC, in coordination with the records manager, is working on a plan to remodel the SHO's file room to accommodate office space, file storage, a copy and scanning system, and a reading area.
- One accomplishment that I would like to highlight is the fact that "(A)ll 2007 case files in boxes and loose files...in the records room have been put in alphabetical groupings; there are 5 boxes of files left to be grouped."

2. Docketing System

- In my capacity as Interim Chief Administrative Officer for the SHO, I have

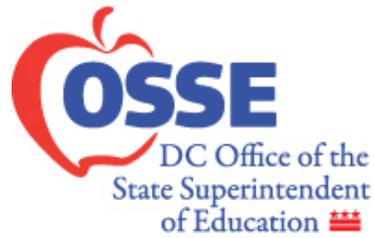


assisted in the review of the vendor proposals for the SHO docketing system. I have reviewed the candidate proposals and assisted the OSSE stakeholders in generating questions for clarification.

- I along with OSSE stakeholders have scheduled meetings with the system candidates to solicit additional information and to receive a more in-depth review of their proposals.

3. Student Hearing Office Reform

- The SHO, in consultation with Mrs. Gail ImObersteg, has proposed revisions to “The Special Education Student Hearing Office Due Process Hearing Standard Operating Procedures (SOP).” (please see enclosed) During the course of these proposals, the SHO received both written and oral feedback from stakeholders to the system. Additionally, in my capacity as Interim Chief Administrative Officer, I attended a special education roundtable meeting to discuss and receive feedback on the proposed revisions.
- The SHO has incorporated some of the feedback into the latest version of the proposed revisions, displaying openness to coordinating with external stakeholders to reform the administrative due process system.
- The SHO has held two meeting with the Hearing Officers to discuss reform of the hearing system, and to solicit their input and cooperation as stakeholders to the due process system.
- The SHO has scheduled training for Hearing Officer on February 21st. This training will be conducted by an independent national expert on case and hearing management, specifically focused on pre-hearing and status conferences and the creation of an administrative record.. Additionally, the SHO has scheduled a "hands-on" training on special education and the IDEA on March 13th and 14th.
- The SHO has requested the bios and professional contact information of the Hearing Officers. The ORC plans to have the bios of the Hearing Officer on the OSSE website within a month. The professional contact information of Hearing Officers has been requested by external stakeholders (media, etc.) and the ORC has committed to making this information available within a month.
- In my capacity as the Chief Administrative Officer, I have undertaken the responsibility of ensuring that Hearing Officer Determinations and Orders are technically and grammatically correct. I along with Klemn Analysis Group and Gail ImObersteg, have continued to review orders and determinations to ensure that they are sufficient. When I receive notice of, or identify a problem within a determination or order, I have and will continue to inform the Chief Hearing Officer or approach the affected Hearing Officer directly to get the issue rectified.
- As Interim Chief Administrative Officer, I have formalized the process for the recusal of Hearing Officers. The SOP lays out a "convoluted" process for the



recusal of a Hearing Officer, and in coordination with the Chief Hearing Officer and Gail ImObersteg, Esq., we have identified a process that can effectively and fairly address this issue until the SOP is revised to lay out a clear and fair process.

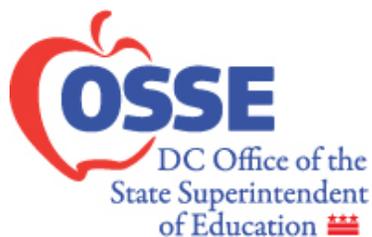
- The ORC has begun to draft a Request for Applications/ Proposals (RFP) for Hearing Officers. This proposal will be used to gather interest from parties who want to serve the OSSE as a Hearing Officer, which may also include Hearing Officers who currently serve the OSSE. The Hearing Officer RFP will be in final draft by Friday, February 1st. We anticipate full cooperation with the Office of Contracts and Procurement to ensure that this process is enacted at the earliest possibility.

4. Scheduling Due Process Hearings

- Since December, the SHO has begun to schedule due process hearings earlier in the 45 day timeline than previously conducted. This action has allowed the SHO to better accommodate parties who chose to waive resolution session, or who are unsuccessful in resolution and are awaiting speedy resolution of their case.
- Additionally, the SHO has begun to appoint Hearing Officers to hearings earlier than previously practiced. When the SOP is revised, the SHO will appoint Hearing Officers to cases upon receipt of the complaint.

5. Transcripts

- The SHO has begun to electronically catalog audio and transcript requests in an excel database. The information in this database is being entered and tracked real-time to ensure that the time for processing transcript and audio requests is timely.
- Additionally, I have requested that the SHO generate a monthly report to track the timelines of processing transcript requests. (please see enclosed) This report will allow the ORC and relevant stakeholders to receive an accurate and detailed accounting of the processing of transcript requests.
- The ORC has partnered with a new vendor to improve the "processing" time for transcripts. This vendor has been contracted to process standard transcript requests within 1 week, and will provide "next-day" transcript services upon request. In my capacity as Interim Chief Administrative Officer, I have scheduled a meeting with this vendor to ensure compliance with our mandate. Additionally, this vendor is less expensive than the vendors that were previously used, highlighting the improved efficiency that the Student Hearing Office is committed to fostering.
- The SHO has improved the process under which hearings are recorded. Previously, the SHO recorded multiple hearing on one cd. Beginning February 4th, the SHO will record each hearing on an individual cd. This will allow the cd



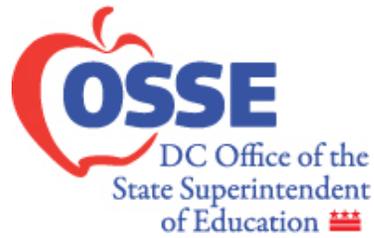
to be easily copied and sent for transcribing while retaining the original recording in the case file for appellate and file management purposes. Additionally, this will allow the SHO to maximize personnel to maintain the office's database and reporting tools.

6. Records Tracking and Filing

- The SHO has moved file cabinets into the office to begin to manage and store documents in individual case files. The file cabinets will reinforce the process of ensuring that all materials relevant to a hearing file are stored in the file and not in multiple locations. An operations alert is also being generated to formalize the process of ensuring that every document or material related to a case file is logged and placed into the case file. Additionally, the SHO has held two staff meetings to review the process of filing documents into the correct case file and logging all material into the electronic system for tracking.
- The SHO has identified a case numbering system that it will use to give every due process complaint a case number. The case number will be a combination of the year the complaint is filed, followed by a hyphen, followed by the order the complaint falls within the year (ex. 2008-0312). The SHO's complaint tracking system will be configured to automatically assign a case number once the complaint is entered into the system. This case number will be generated in a time and manner to allow the SHO to notify the parties of their case number early in the administrative process (3 – 5 business days).
- Assigning case numbers and using the numbers on all document/ correspondence surrounding a complaint will prepare the staff for the arrival of the docketing system, and will increase the efficiency and effectiveness of the office.

7. Data Tracking and Reporting

- Since mid-November, the SHO has begun to utilize the software application Quickbase to track the "life cycle" of a due process complaint. This software is currently being utilized as a docketing system for the SHO. In using this application like a docketing system, the SHO staff is being trained to function under a system that requires data to be entered into an electronic tracking system on a "real-time" basis. (Please see enclosed)
- Additionally, the Quickbase application allows for the generation of reports. This reporting tool allows the SHO to prepare and generate the compliance requirements that previously were not honored.
- Currently, the SHO is entering complaint data at a "lag" time of 1 week. Improving personnel efficiency and increasing the staff levels will allow the SHO to enter and track complaint data on a "real time" basis. The SHO is expected to increase its staff capacity by one person by February 4th.



-
- The SHO has begun to log every document that is faxed, mailed or hand delivered to the SHO. This data is being captured in an excel database, which coupled with other reforms on data, file and document management, will serve as a redundant tool to ensure that every document relevant to a case is logged and filed.
 - The SHO continues to enter complaint data into the Encore database. This process enhances the SHO's capability to prepare for the added data entry and reporting requirement that it will encounter, and it continues to provide the LEAs with information on what occurs during the time a student is in the educational system.

8. Model Forms

- The SHO has created "Model Forms" to allow stakeholders and parties to comply with the SHO's reform requirements. These forms will be made available on the ORC website.
- The model forms include:
 - Certification Form
 - FERPA Authorization Form
 - Model Complaint Form
 - Model Motion for Continuance Form (for plaintiffs and respondents)

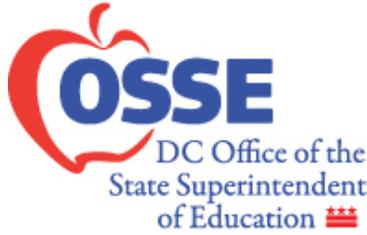
DRAFT

Student Hearing Office Administrative File Checklist

Student's Name: _____ Date of Birth: _____

Date Filed: _____ Docket #: _____ Hearing Officer: _____

<input type="checkbox"/> Due Process Complaint	<input type="checkbox"/> Due Process Hearing Notice
<input type="checkbox"/> Agreement to Waive of Resolution	
<input type="checkbox"/> Sufficiency Challenge	<input type="checkbox"/> Amendment of Complaint
<input type="checkbox"/> Sufficiency Determination	<input type="checkbox"/> Order
<input type="checkbox"/> Settlement Agreement (DPC Disposition Form, Notice of Settlement, etc)	
<input type="checkbox"/> Petitioner's "5-Day" Disclosure	<input type="checkbox"/> Respondent's "5-Day" Disclosure
<input type="checkbox"/> Motions/ Written Communication to Hearing Officer prior to Hearing	
<input type="checkbox"/> (Type)_____	<input type="checkbox"/> Order/Response
<input type="checkbox"/> (Type)_____	<input type="checkbox"/> Order/Response
<input type="checkbox"/> Due Process Hearing Attendance Sheet	
<input type="checkbox"/> Hearing Officer Determination (HOD)	
<input type="checkbox"/> (Type)_____	<input type="checkbox"/> (Type)_____
<input type="checkbox"/> Order	
<input type="checkbox"/> (Type)_____	<input type="checkbox"/> Type) _____
<input type="checkbox"/> Motion for Reconsideration	<input type="checkbox"/> Reconsideration Order
<input type="checkbox"/> Hearing Officer "Certification of Record"	
<input type="checkbox"/> Audio Recording/CD	<input type="checkbox"/> Hearing Transcript



Office of Compliance & Review
Student Hearing Office

DUE PROCESS HEARING NOTICE

TO: [Redacted]
Parent and Legal Counsel, if known

Telephone: [Redacted]
Fax: [Redacted]
Email: [Redacted]

TO: [Redacted]
LEA or LEA Legal Counsel, if known

Telephone: [Redacted]
Fax: [Redacted]
Email: [Redacted]

FROM: Student Hearing Office Scheduling Coordinator

RE: Case Number: [Redacted] - [Redacted] v. [Redacted]

DATE: [Redacted] Attending School: [Redacted]

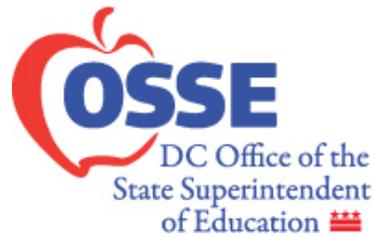
The Office of the State Superintendent of Education (OSSE), Student Hearing Office (SHO), received a due process complaint on [Redacted], 2008. The Hearing Officer appointed to this due process complaint and the Hearing Officer's telephone, fax number, and email address is:

The following dates and times have been provisionally scheduled in order to have a timely HOD if this matter is not resolved and proceeds to hearing:

Pre-Hearing Conference Date and Time: [Redacted]

Due Process Hearing Date and Time: [Redacted]

Unless otherwise assigned, all Due Process Hearings will be conducted at 1150 5th Street, S. E., Washington, D.C. 20003. Pre-Hearing Conferences will be telephonic, unless the Hearing Officer orders otherwise. If the parties have agreed in writing to waive the resolution meeting, the timeline for the conduct of the hearing and the issuance of the HOD commences the day after the written agreement. Therefore the parties must file the written agreement with the SHO with a copy to the Hearing Officer as soon as possible. [Please note: On February 21, 2008, DCPS notified the Student Hearing Office that it will agree to waive resolution meetings in all cases where a complaining party requests such a waiver. Until such time as DCPS notifies the SHO otherwise, the SHO will treat the applicable timelines as beginning the day after a complaint requesting such a waiver is filed.]



Important Information on the reverse side

THIS IS A PROVISIONAL NOTICE: It is the Hearing Officer who will set the pre-hearing conference and hearing date and time. If you are unavailable for the above pre-hearing conference date and/or time, please confer with the other party and contact the Hearing Officer with an alternative date and time. The date and time for the hearing will be set during the pre-hearing conference. You will have the opportunity during the pre-hearing conference to inform your appointed Hearing Officer if you are unavailable for the provisional date and/or time for your hearing, and to specify a date and/or time when you are available. Once all parties have been contacted by their appointed Hearing Officer and a pre-hearing conference had been concluded, a scheduled hearing date and/or time may be modified only by a motion for a continuance.



DC Office of the
State Superintendent
of Education 

March 25, 2008

Dr. Jo Ann Smoak
Executive Director
Office of Review and Compliance
Office of the State Superintendent of Education
Government of the District of Columbia
1150 5th Street, SE, Suite 3
Washington, DC 20003

Dear Stakeholder:

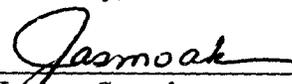
The Office of the State Superintendent of Education's (OSSE) and OSSE's Office of Review and Compliance (ORC) would like to invite you to participate in an upcoming event as part of our system-wide special education reform initiatives. We hope this, and future events, will complement the ongoing reform of the SHO's administrative functions and the training and evaluation of Hearing Officers.

The OSSE and the ORC will host an input session for attorney stakeholders from the special education due process system on **Wednesday, April 9** at 6:00 pm at a location to be determined by the RSVP response we receive. All attorneys and educational advocates practicing in the due process system are invited to attend this event. This input session will focus both on identifying and prioritizing current problems in the system and proposing and discussing possible solutions. Among the desired outcomes of this session will be to set a schedule for follow-on meetings, including meetings with other stakeholder groups. Please RSVP for this input session by **Wednesday, April 2**, to Elisabeth Morse (elisabeth.morse@dc.gov).

An agenda, including a list of proposed topics, will be circulated before the meeting. If there are topics you would like to see covered in this, or follow-on discussions, we welcome your suggestions. Please direct those suggestions to Ms. Morse or to Dakarai Thompson (dakarai.thompson@dc.gov).

Thank you for your time and consideration, and we hope that this event will be a useful and positive experience. We continue to appreciate the willingness of all stakeholders to work with OSSE at this exciting time.

Sincerely,



Jo Ann Smoak
Executive Director



**DISTRICT OF COLUMBIA
PUBLIC SCHOOLS**

OFFICE OF THE GENERAL COUNSEL

825 North Capitol Street, N.E., 9th Floor
Washington, D.C. 20002-4232
202-442-5000 Fax # 202-442-5098
www.k12.dc.us

February 21, 2008

Dakarai Thompson, Esquire
Student Hearing Office
Van Ness
1150 5th Street, SE
Washington, DC 20003

RE: Waiving Resolution Sessions

Dear Mr. Thompson:

Effective immediately, whenever a parent or parent representative waives a resolution session, DCPS will also waive the resolution session. This policy is a requirement under the Blackman Jones Alternative Dispute Resolution agreement entered into on December 10, 2007.

This policy will remain in force until such time as a working policy on effectively utilizing the resolution session procedure is in place as described in the agreement. We will advise you when that occurs and when this waiver procedure is no longer in effect.

If you have any questions please contact Carla D. Watson, Senior Policy Analyst in the Office of the Chancellor, at carla.watson@dc.gov.

Thank you.

Sincerely yours,

A handwritten signature in black ink, appearing to read "James J. Sandman".

James J. Sandman
General Counsel
