

>> Wonderful. Well then, let's begin. Dear colleagues, thank you for joining us on a Friday afternoon. Well, or maybe a Friday morning wherever you may be. I, for one, am standing in my shorts in Atlanta, Georgia, in my bedroom. Strange way to do my eighth symposium with CADRE. I'm Tim Hedeem. I'm a senior consultant with CADRE and have been now for a couple decades, it pains me to say. But it's been an enjoyable run. But here today with a couple colleagues to present on the Special Education Ombudsman. And I'm going to let them introduce themselves. Please, Esther.

>> Thank you. And welcome, everybody. We're so pleased to be here. My name is Esther Salinas. I am -- I have been an ombuds in public schools K-12. I've also been a teacher, a school principal, have sat on hundreds and hundreds of IEP team meetings. And I'm currently transitioning as a professor of education.

>> Thank you. Welcome, Esther. And Kim.

>> Hi, my name is Kim Schulist and I am currently an attorney for school districts in special education. I have been doing that for over 20 years. And am in the process of transitioning to be a special ed ADR consultant. I just finished up my Masters of Law at Pepperdine in the Straus Institute. And part of this topic for today relates to my culminating project of advocating for the creation of special ed ombuds offices throughout K-12 school districts. So we're excited to discuss this idea with you today. Welcome.

>> Great. So thank you again. Thank you, colleagues. For the sake of time, [Indistinct] joining us, not going to go through and do introductions and I apologize. One of the great losses to this format. But the advantage of this format is, well, maybe you're wearing shorts like I am. So what we're going to do is walk through the agenda here quickly. We have, as the format has been for the conference call and the symposium, 1 hour. What we've done is we probably have three or four blocks of information we would like to share, and then we've left time quite intentionally with a slide that invites your comments. So the chat is open within Zoom, so if you'd like to chat safer than in Discord, in Zoom would be great if you have comments you'd like to add. We'll try to monitor those as we go. But we do have some intentional slides and we've asked Kevin, who's helping us to coordinate the session to leave open the chance for you to turn on your microphones and your videos if you have questions or comments when we reach those points. So the agenda I hope is on your screen, welcome and introductions. That's my role. We're going to turn to an overview of ombuds. Esther will speak to that for us. Ombuds within education and within special education. Kim will lead us in that discussion. And then we'll each offer some insights around the implementation of this unique role. We have intended to leave time for questions, discussion and resources, but we encourage you, bring your questions up when they come up. Again, this session is designed for your edification. We've brought the materials, you've got a copy of the slides, probably a longer form copy actually that we're going to try to issue in an hour here. So we seek to get you all the information that you might need. And the last thing I'll say quickly by way of introduction is please feel free to contact us directly after outside of the session as well. We're all here because we're committed to the work and we hope to support colleagues who wish to endeavor similarly. So with that, I'm going to nudge us forward. And I think, Esther, this is the slide with the most animation.

>> Well, we'll do a brief history here of the Ombuds origin. And Ombudsman have their origin in Sweden with King Charles XII. And he appointed the first ombuds in -- after Sweden was defeated by Russia. About 100 years later, they actually put it into their constitution and formalized that position. This position during World War I expanded into the Scandinavian countries and then into -- a little bit further into Europe. And it was during the Civil Rights era of the '60s and '70s where this spread to Canada and then again to the United States. And it really became prominent on the campuses of colleges and universities. Now, there are a number of different types or categories of ombudsman. We have external ombudsman and they serve in a classical role, such as independent government offices or advocate ombuds. And then we also have internal ombuds, and that's what the category of organizational ombuds falls into. But the internal ombuds is really that designated neutral. And so, ombuds serve as I mentioned prior in government, businesses, organization on colleges and universities campuses. You might be familiar with long-term care ombuds or correction ombuds. And then we have K-12 ombuds. And what we'd like to propose today, as has been mentioned, a special education ombuds. What is notable is that there was a -- Hanover Research had done some -- they had looked into ombuds offices in K-12. And at that time just a few years ago, there were less than 20 across the United States. And so, it really is an opportunity for us to get into K-12 special education. So some of the functions of the organizational ombuds really fall into these four main categories. First and foremost, it's so important for an organizational ombuds to build a reputation, where people who come and visit feel safe, they know that they're going to be treated fairly, that they have access to the information that they need and that they are a credible resource. Regardless who enters the office, we are going to treat them respectfully. We're going to listen and provide information and options as to how they can move forward. Organizational ombuds help people help themselves. Often times, they are -- it's an opportunity to equip them with tools and skills and knowledge so that they can move forward and help be a -- the main participant in resolving whatever issue or conflict or question that they have. And then we offer informal interventions. So for example, if there are two parties that maybe feel uncomfortable engaging in a conversation together, the ombuds will utilize something called shuttle diplomacy and work between those individuals. They also look into issues that might be problematic or concerning to the visitor coming to the office. And by taking a generic approach, they can bring issues forward and still maintain the privacy of the individuals raising that concern or question. And then it's important to note that the organizational ombuds support the mission of the organization. So it helps people identify -- it helps the ombuds and the organization to identify patterns, trends, something that is coming up, an emerging issue that maybe wouldn't be noticed otherwise. And also helping people navigate the already established conflict management system. So just some of the functions. And then organizational ombuds operate under guiding principles, and these four are presented by the International Ombuds Association. And these are independence, meaning they are -- the ombuds is outside of the organizational structure. They report to the most senior position in the organization and it is very distinct from compliance such as human resources, risk management, and it retains sole discretion, so it is independent. Another guiding principle and feature is that the organizational ombuds is neutral and impartial. They don't advocate for one party over another, but what they're advocating for is fairness, equitable processes and they are unaligned. And then confidentiality, which often is what visitors so desire. And this really permits the visitor to open up, be forthright. It facilitates that relationship of trust with the school district or SELPA or whatever the organization

happens to be. And then it really [Indistinct] to help the visitor consider other options once that setting of trust is established. And then very importantly is that it's an informal process. There are -  
- we don't keep notes that are going to be reported out. We don't conduct formal investigations. We don't render decisions. And so, -- and if someone brings a forward -- forward a complaint, you don't, through the ombuds office, put the organization on notice. So these are some of the outstanding principles that guide the office of an organizational ombuds.

>> Let me note here, colleagues, as we transition to a slide that I'll cover. But on this basis, as Esther has outlined for us, confidentiality is really key in this work. And as I look over our roster of attendees, I've worked with many of you in the past [Indistinct] and welcome to those I haven't met before. But you'll note, I've worked in the mediation field for 25 years in a number of states and federal agencies. But now I do ombuds research internationally and I got [Indistinct] ombuds for 5 years myself. Confidentiality is quite key here. It's what allows that candor. But the informality is also important. And so, let me at least underscore Esther's point. I believe individuals, whether it be families or employees within systems, find the ombuds a useful office and as they know it to be impartial, independent, informal and confidential. I know for many colleagues, this may be a bit hair-raising so many of our offices and functions have rules about what can and can't be kept confidential. We recognize ombuds is a very unique role. Let me transition for a moment here to a slide that may be familiar, I hope to many of our participants. This is the CADRE Continuum of Dispute Resolution Processes and Practices. In the shop, we call this the piano keys chart because it used to be rendered in black and white for one thing, but all these vertical slices really describe these options, the intervention of the services at play. And you'll note, ombuds appears there under stage three toward the middle of the slide when the level of intervention is for conflict. In discussing Kim's work that motivated us to bring this workshop to you this afternoon, Esther, Kim and I thought this could really be improved a little bit if we were to think about the fact that ombuds spans many of these, right? Between Esther's practice within school systems, my practice in universities, my survey research internationally as well, I would offer that an organizational ombuds office spans -- what's that, 10 or 11 different spaces or processes. I, for one, am not a big fan of the term conflict prevention. If we believe conflict is natural and inevitable, I prefer Bernie Mayer's framing of conflict anticipation. There is going to be conflict. And so, at stage one anticipation, at stage two disagreement. Throughout stage three of conflict, an ombuds can be a very useful resource. I'll note that for those of us who have served as ombuds, one of the most common thought bubbles that we can never say out loud is "I wished you called us sooner." Because energy is spent and sometimes the divisions get greater. There's more separation antagonism than necessary. But whenever someone contacts an ombuds, there's an opportunity here. So if you think about across these roles from early one with engagement, stakeholder training, supporting collaborative rule making, through being a telephone intermediary or assisting parents or assisting school -- a representative as well, facilitating, sometimes conducting mediation, these are all things ombuds do in various contexts. And so, within Kim's paper, which I commend to you and you'll see a link towards the end here. You'll note these are all contemplated as valuable resources within the possibility. My last quick point about this slide, which I can't leave without highlighting for you, is the bottom of the slide. In the blue, those continue there, those dimensions are pretty important to consider. What distinguishes the left side of this chart from the right is that on the left, we see third party assistance, the parties retained decision-making, it's rooted in interest, and it's informal and flexible. So processes to the left all meet those descriptors. So does ombuds. Please note one of the things that Esther pointed out that I emphasize as well is that ombuds seek to help people to help themselves. They retain control of getting information where they wish. They retain control of advocating for themselves to the extent they wish. And so, let's be thoughtful about the possibility this ombuds role kind of spans a number of these stages. And it has a hard stop once you get into formal processes. Ombuds do not accompany or represent anyone later. They don't make any decisions. The ombuds role is really a

support role to make sure people are receiving fair and equitable treatment, that organizations are living up to the standards they've claimed and published. And so, within the special education context, this can be a very valuable role. When we think about folks who do education ombuds within the K-12 space will see some statistics coming up, but a large swath of their work is centered on special education. As you all know as professionals or concerned folks within this realm, there's a lot of that leads to disagreements, to difference of opinion within the special education realm, let's find ways to make that engagement as constructive as possible. That's really sort of the hope, if not the promise, of the ombuds role. As mentioned previously, or as promised or threatened, a checking in slide, because without them, we just keep rolling because we're so excited about this material. So, dear colleagues, I'm checking the chat here. It sounds like material link has come forth. If you have questions or comments, feel free to turn on your mic or you could type it in the chat if you would like. But we're going to pause here to check in if you have any questions, comments, clarifications we might offer at this time. I'm checking all my screens and seeing none. Either you're tuned out, or tuned in so distinctly. Okay. If you would then, we're going to turn our next action over to Kim, again, who authored the paper that really set this in motion.

>> Actually, we do have a comment.

>> We do. I'm struggling to keep my record confidential and not use the systemic evidence on districts. Yes, Lynette, I can offer at least -- and I'd invite Esther and Kim to chime in as well. I'll go first quickly and say it is certainly a struggle. One of the difficulties that we find -- I conduct surveys every 2 years internationally of ombuds offices. And within the K-12 space and many others, what we find is for ephemeral notes. Notes that don't have identifying notes and you don't hold onto any longer than you absolutely need to so there aren't material that anyone might access or use later is part of the recommended practices. It get tough. You're going to work with a family over years. You kind of want some reference to maintain, but anything that you have written down that might be accessed becomes difficult, so I appreciate that. Esther? Kim? Thoughts?

>> You know, that is often a struggle. And so, I just got into the habit of saying, "You can choose a certain distinct period of time, as long as you're not engaging with that visitor any longer." Just say, "After X number of weeks or months, I'm going to destroy this material." And then keep yourself accountable to do so. And then make sure that whatever is used for systemic evidence is going to protect the identity of those folks who come forward. So really important to make it just about maybe high level demographic information.

>> I think that's a good idea and I really appreciate that. And that was the stance that I had to take because I wanted to ensure that obviously the information was kept confidential, but also I stressed the fact that when people -- when families contact me, I am hearing one side of an issue. And it is not conclusive information. But the directive given to me by my director was to provide the information. So what I did was I provide an introductory paragraph that illustrates that this is anecdotal information only and I only provide the basic information as far as these are the number of calls -- I don't even give that. These are the percentages of concerns in each areas. And that is as much as I'm comfortable providing because obviously in my position -- in our positions, we are privy to confidential information, private information, information that is difficult to share. And I think that it would be a betrayal of my position to blast that information to people in my office. Even if it helps the next student, I'm not giving permission to share such intimate and delicate information. And I appreciate you all so much because I was struggling with it. Thank you so much.

>> If I could -- and allow me A, thank you for sharing that experience. And let me just say, as someone who visits and does peer reviews of ombuds offices around the world, I'll say that one of the things that I would offer is the idea that being clear with all your stakeholders as what you share and why, but also that most information you gain was shared with you on the basis that it wouldn't go anywhere. And so, you might need to negotiate with whomever you are expecting to report to about, "Here's what we can expect. Every periodic -- every 6 months or every year, I'll give you a high level Vantage of themes that come forth. But I will ensure always those themes could never be identifiable to anyone because that's the pledge I made when they spoke to me in the first place." So again, thank you for the thought. And let me say for all the colleagues there for participating, note that ombuds, wherever they've started, and I've helped establish a few offices around the country, this is a point of discussion that's very unfamiliar to many folks. We don't have many roles that have the discretion to say, "What I hear stays here." And indeed in some systems, there are exceptions of confidentiality. Most organizational ombuds work with an exception to confidentiality duty to warn, right? Imminent threats of harm to self or others. And some ombuds work within systems where in the federal government, waste fraud and abuse are not to be honored as confidential, for example. In many school systems, we have issues around Title IX or other issues of discrimination harassment. As long as those are publicly announced in your materials, you can still work within the spirit of ombuds and we want to be clear with our visitors -- that's the term [Indistinct], by the way, visitors who come to an ombuds office, about what the limits are a confidentiality pledge might be. So let me -- if there are no other questions. I don't see any right now. Let's move on on time, but again, thank you, Lynette, for chiming in. Other colleagues, please feel free when questions come to you, put them in the chat. We'll tend to them when we get a chance. But let me queue up Kim here. Kim, if you would.

>> Okay, thank you. So this is just -- before we get into special ed ombuds, just to explain what happens with -- what formal processes are there in response to conflict in the world of special education, which I'm sure everyone attending is familiar with. So there's state compliance complaints, and there are due process hearings. And while we do get a definitive order and decision under these methods, we do not have control -- it's often outside of the control of the complainant, of the parents and the district. It can be more limited confidentiality in terms of when you're testifying at a hearing, the families are going to be testifying on the stand and the teachers are going to be testifying, and so a lot of information about the student is coming out during testimony. And also in a decision, although it may not identify the student, there's a lot of information even that could be related to the family's, home life, et cetera. So there's more limited confidentiality. And it's certainly -- the really important thing is it's more adversarial due in part to the formality and legal overlay. So of course we're talking about families and school districts who are going to be working together for many years with their child who could start off in kindergarten or even in pre school and could go as far as high school graduation or even through age 22. And so, we really -- I feel like this area is just begging for the special ed ombuds office where we could get back to trust and collaboration and working on our communication skills and helping both families and school districts to get -- to collaborate and to resolve conflicts. So let's go to the next slide.

So what is -- and we started talking about this a little bit in the slide before, but what is the cost of conflict, both the financial cost and then there's the emotional cost, right? So when we have conflict in special education, I've seen a lot of damage to long-term relationships and trust between school staff and families. So the problem with obviously damaging long-term relationships is we are going to be in IEP meetings and providing services to the family's children for many years. And if we start off with a disagreement and lack of trust, right at the beginning it's going to be a very long and painful path. And the trust issue has so many different permutations and concerns. And what I always think about is if the trust is not there at the beginning, it's more often that parents are going to bring attorneys to IEP meetings. That's, again, costly, again. They're also going to ask for private evaluation and private services more often. They're really going to -- that trust is not just in the IEP meetings. Everyone is a little bit uncomfortable and snippy with each other. It really goes into all the different parts of the relationship and the providing of services to the children. And lost opportunities. When we're in conflict and not -- and lacking trust, et cetera, we're losing opportunities for identifying interests of both parties. We're instead focusing on our position. Our position that the parent wants this particular private school placement or the district hasn't provided a [Indistinct] to my child, as opposed to looking at the interest. What is the parent's actual concerns and can those be addressed? And maybe the parent just hasn't found the right way to communicate their concern or the right person to talk to really. Stress and anxiety for families and school staff. As a school district attorney, I've definitely seen the stress and anxiety on both fronts for school staff and families. Teachers did not sign up -- did not go to school to become a teacher and then be in conflict with families. And especially they did not intend to be in due process hearings or having to look up documentation from 2 years ago as to every interaction and communication they had with a family. They're there -- they are teachers to teach children, right? So this is -- causes a lot of stress and anxiety for teachers and as well as special ed directors and resource special -- everyone because that's not why they want to be a special ed teacher, right? They want to teach the children. And of course, time for the district staff preparing for due process hearing. Teachers, again, want to be teaching students. They do not want to be in witness prep with an attorney just figuring out how to explain their assessments or how they implemented the goals and whether the goals were measurable and what data they used for the goals. They would like to be doing that and not explaining and defending in front of a judge. And of course, the monetary consequences for school districts and families engaging in legal proceeding. Anyone who's had any involvement with attorneys in special ed due process hearings knows the amount of money that is expended on due process hearings from attorney fees -- their own school district attorney fees, and then if you lose any part of the due process hearing, the school district is responsible for funding that percentage of the attorney fees and whatever issues they lost and we're talking it could be 100,000, we're talking it could be 200,000, it just goes on and on and it could get appealed. And so the monetary consequences speak for themselves. It's very high. So, how about we use a special ed ombuds in response to conflict instead? So the beauty of the Special Ed Ombuds office in response to conflict is it's voluntary. The visitor, as Tim explained, that's the name of -- someone who visits the ombuds office is called a visitor, can voluntarily come and speak to the ombuds. It minimizes the adversarial posturing because we'll be using -- the special ed ombuds will be using alternative dispute resolution strategies, both using them within their interaction with the visitor and perhaps doing some coaching for the visitor to then interact with the various staff members or if it's a staff

member coming in, how they can interact better with the parents or with their own. It could be a staff member comes in to talk about working with a different staff member and how could they use some better strategies around that. And the visitors retain control of the process and they control what the follow up will be. So the ombuds is a great sounding board. They can practice even their conversations, they can get resources maybe they didn't know about, and it's just -- it's really a fabulous opportunity for the ombuds staff and parents and community. Next slide, please. Tim again alluded to the percentage of special ed issues for education ombuds. These are just a few statistics to get the idea across as to how many of the issues that have come to education ombuds offices pertain to special education. So looking at 20 percent, 30 percent -- 30 percent in D.C. Office of Ombuds, 28 percent in Washington State Governor's Office of Ombuds, so roughly a little under 1/3. I would venture to say with COVID and all that has affected special education students that it's probably -- it might even be higher this past year and a half. So it's definitely right -- and there definitely would be enough work for the special ed ombuds to address with visitors. Next slide. And this is sort of just going into more detail as far as what is the special ed ombuds office. It would be an -- so it's an informal resource to help families and school staff with any questions or concerns. What's really important that the visitor will know right away when they come in or when they make that phone call is it's confidential. The person they're talking to is neutral, okay? So they are not -- they are not speaking on behalf of the school district. They're truly a neutral and we will talk a little bit more about how we can avoid the perception of then not being neutral and to make sure that they understand that everything that they're saying to that ombuds will be kept confidential, which we'll talk about as well. And the beauty also of the ombuds is they work closely with senior administrators. So they would work with the Director of Special Ed, the Assistant Superintendent, Superintendent, but they are not -- they don't have to answer to them and worry about what they say. So they are free to give their opinions. And of course they have to be limited with what they can tell the administrators based on what the visitor's conversation was and what is being kept confidential. But they also would have ... the Special Ed Ombuds would have access to documents. So the parent comes in to the Ombuds office concerned about an assessment or their IEP. And sometimes it might just be a miscommunication so the Ombuds office would be able to access the IEP and they might even just get clarification like, actually that's not what the IEP says, or let's take a look at it. Or, actually, there is a more recent IEP, did you know that? Maybe the parent didn't get the last copy of the IEP, it went into their spam folder or something. So the fact that they have access to the students' documents, I think can be really helpful. And then obviously the Ombuds would need to use their conflict resolution skills to support the visitors as well as support whoever they may go talk to after their conversation with the visitor. And they can teach the visitor conflict resolution skills as well. And just highlight a couple of more items with the Special Ed Ombuds, they are listening to concerns, they serve as a resource. Conflict coaching, like I've alluded to, helping ... they could even practice the conversation with the Ombuds and the visitor, so to do role playing et cetera. And they can explain district policies and procedures, but they will be careful ... I'll explain on the next slide what they can't do. They can't provide legal advice. But they can say, "Oh, we actually have a policy or procedure on that." And maybe the parent, or even the staff member, might not know about that. And they are tracking trends, like we talked about in the question and answer portion. They will be tracking trends. It might be that certain school districts have a very high volume of assessments or IEE's, Independent Educational Evaluations, being requested. So they might track that trend and

maybe there's some concern about the district assessment at that particular school site that can be looked at, and that can be resolved and then maybe decrease the amount of Independent Educational Evaluations that are necessary. And importantly they make recommendations to the superintendent for policy or practice changes. They can't make that determination, they would just make recommendations and they would support it with the trends that they've seen.

>> If I could chime in....

>> Oh, please.

>> ... and add to Kim's point for a moment. That last one is an interesting one. Among Ombuds we generally think of we raise the issue or the topic for the superintendent or for the board to consider, and we generally refrain from saying, "Here's what you should do about it." So we're sort of the smoke alarm if you will. The smoke detector. But we're calling attention to and saying, "We've observed this trend." Whether it's concerning Child Find, or disproportionate discipline, or families feeling lost in a process, or IEP forms being prefilled before the meeting. Whatever it might be, if an Ombuds observed the trend or hears a pattern of concern emerging, if it's been unrecognized by the district, by the system, they can bring that information forward and say, "You might want to pay attention to this concern. We're hearing from a lot of parents who have this concern, or a number of advocates who are bringing this element to our attention." So, again, the Ombuds really does a broad range of things. But, Kim, what doesn't an Ombuds do?

>> Oh, well thank you for asking. A Special Ed Ombuds does not participate in formal investigations or formal issue resolution processes. So they can not, if a parent or school staff member comes in and says, "I have a concern about this particular issue." They can't start investigating and coming up with findings, et cetera. They can do a look into. They can look into issues, but they can not take it even close to a formal investigation or issue resolution. And this is another important, when that comes up, it's hard [Indistinct] school districts. They want to maybe combine responsibilities. So you will be a, oh, maybe you can be part time Ombuds and then you could also be, I'll just use as an example, title nine office. That could potentially be a conflict. So we have to look at ... serving in any other role that would compromise the neutrality of the office. For instance a title nine officer, they can receive notice for the district whereas the Ombuds can not. So you have to be really careful about other roles. They could possibly be on some committees. But, again, you'd have to look case by case as to whatever they're serving, would that be a conflict or a perceived conflict in terms of their neutrality. Which neutrality is their primary responsibility. And they can not, even if they are an attorney, the Special Ed Ombuds can not give legal advice or act as an attorney. So they want be very clear, if the visitor knows they're an attorney, to maybe say, "Although I'm an attorney, I can not give you legal advice." Very important to say that and to follow that. And they can not, like we talked about, make decisions or mandate policies. So even though they might have some ideas, they really just have to give that upward feedback to the higher ups if you will, the assistant superintendents, directors and superintendents, and they can provide information about the trends. But they can't actually make those decisions. And they can not take a direct ... they don't have the authority to direct a school to take a specific course of action. For instance contacting a school and saying, "Parent has been asking for an assessment for a long time, you need to assess them." You can not say that to them, even if you feel like you want to say that to them. You would just say, "This is what they're asking for, and I just wanted to pass that information along, let me know if you would have any questions et cetera." So next slide. Anything else you want to add to that?

>> Thank you very much. Oh, and now it's time for a check in, thank heavens. Dear colleagues, questions, comments, concerns, clarifications. Kim presented a lot of information there in a hurry for us. Thank you, Kim.

>> Sure.

>> And we do have a couple of ...

>> [Indistinct] alarms.

>> And we do have a couple of comments in the chat. And I think Donna added something. She says, "It's tricky for a special educator's relationship with the district if the teacher has advocated for the family and the district expects teacher to totally support their stance." And so I think this goes to the point where the Ombuds is for every constituent. And I think they can play a really critical role in even clarifying information between special education teachers and the district office or district administrators and bring clarity around that as well. And I've had the experience as well of having district administrators ask me to do something that was a conflict of interest, and you have to navigate that. You have utilize your own skills as an Ombuds to take it as an opportunity to instruct and teach and help them see how me calling all of the parents to make sure they sign all their IEP's would be a conflict of interest for just an example.

>> Yeah and I was thinking about, Donna, your comment. That particular teacher, a great space for them to feel safe and talk about this would be with the Special Ed Ombuds to sort of say, "I'm having this situation where I feel like I'm not aligned with the district on this," and maybe work through how they could work through that. Maybe not during an IEP meeting, right, which might be a little more contentious. But having the safety within the Special Ed Ombuds office and maybe they can have some coaching sessions around that and learn how to talk with the district, but not in front of the family to give some sort of separation.

>> I see we have a hand as well, Kami or Kammi, please?

>> Yes, I have a question. We don't have Ombudsmen, Special Education Ombudsmen in any of the school districts that surround us, or in the SELPA's. So I noticed there's someone from Pepperdine, from California. Is that something each school district or SELPA has to look at independently, or is there a state wide ombudsman? Which I believe there is, I believed I've talked to somebody in this state.

>> Do you want to answer that, or do you want me to answer that?

>> Go ahead. [Indistinct] it's fine.

>> So the whole ... the purpose of this presentation was to advocate for creation of Special Ed Ombuds in the K-12. And that could be statewide and then there are offices throughout different SELPAs. I know there are some states that have state Special Ed Ombuds. But really this discussion is about proposing that there are the creation of more Special Ed Ombuds offices. And so even in California there are some SELPA's that have positions that might not be called Ombuds that might function somewhat similarly to an Ombuds, yeah. So if anyone else wants to chime in further?

>> Esther?

>> I was just going to say it really does depend on the organization. I've worked with several other school districts. One in New York, Virginia and some inquiries in Utah, and they all have unique circumstances. So it really just depends on that particular school district or SELPA as we refer to it in California.

>> And if I could just chime in, and I'm picking up a few themes here as well. So, yeah, to the question, I think these are usually of local origin or initiative, sometimes state wide would be the experience. It's a little bit in the strain of the mediation field where it's quite regional. It's not regulated centrally anywhere, and so Ombuds take different forms and formats. And if I could use that to leap over to the chat for a moment if I could, I note that Deborah has added in the chat here that there's a Special Ed Ombuds housed in the Developmental Disability Counsel [Indistinct] different kind of Ombuds and have a watch dog. Which, again, might harken back to what we call Advocate Ombuds. There are advocacy roles within the Ombuds field. Let me just say as someone who had three grandparents from Sweden, the term Ombuds is remarkably opaque here in the US, and one of the issues that gets for us is that we have the Long-term Care Ombuds.

Every state has an office who receives complaints.

If you have a parent or a family member in a long-term care facility, most states have a role that you can call. That's an Advocate Ombuds. They're looking out for and supporting those who might otherwise not raise their voice or protect their rights. Those folks can do investigations and they can issue sanctions. That's a different model of Ombuds than the organizational one about which we're framing. So I can certainly see, to Deborah's point there, it changes what people are anticipating and there's an imprecision about the term Ombuds. And if we read down here, any overview reports analysis show what the cost is to create an office which could be compared to overall improvements? One of the great challenges of the field, and I've been working on this colleague who is really thought to be the doyenne of the field of Ombuds, her name is Mary Rowe at MIT. So Mary and I have done some research together for 6 or 7 years here. And one of the biggest themes in our research, which remains a difficult nut to crack, would be how do you demonstrate value when the work you do is of necessity confidential and is often about relationships and trust, right, and people receiving fair and equitable processes. How do you place a number on that? What's the number of lawsuits not filed? The number of children who didn't incur some more challenge or difficulty in getting the supports they might have attended or been entitled. Those are really difficult measures to make. We do tend to measure these things in terms of morale, on the staff side of matters, or family levels of trust with organizations or otherwise. They're tough to translate and, based on who is doing the equivalencies or weighting, how we see that is quite tough. So I'm not very aware of reports or analysis that show the cost comparison. It would be great work and I will add that CADRE continues to try to make a contribution at the local level to think about how might we look at the relative value and savings, or potential utility, of the various processes within constructive conflict engagement across that DR continuum. It's a persistent challenge. At some level Ombuds offices really reflect and represent a district's commitment to fairness, to transparency, to support and yet it's not easily going to land on a spreadsheet. So this is one of the challenges before us. Kim, I don't know if in your research, or in your paper, you speak to this issue of valuation by chance?

>> Yes. First of all if you think about one special ed due process hearing matter going to hearing will pretty much pay for the Special Ed Ombuds office possibly, depending on how big it is. Or maybe two.

>> Yeah.

>> So I think, although ... and then there's the emotional and all the other, and the time commitment et cetera that we will be saving by having the office. But, yeah, I definitely touch on it but there isn't a lot of direct research except to say that even one or two due process hearings not going to hearing literally could pay for it.

>> Certainly, certainly. Let me adhere to my time keeper role here and nudge us forward. Let me not just real quickly, though, I see Cheryl has asked in the chat, how does someone become an educational Ombuds? We're going to speak about implementations in our closing slides, but a quick previous to that would be, within the field of Ombudsing at this time there's only one organization, the IOA, International Ombuds Association, that's the most expected training among Ombuds who seek to be organizational Ombuds. So if you type in IOA or look up Ombudsassociation.org, that's the site where most folks get their training at this time. We'll speak more about that a little coming up here. But let me nudge us forwards with slides in the interest of time. And I've arranged my Zoom screen so poorly I can't find my next slide. Esther, I believe you're on.

>> Yes. So this begs the question, what happens in that office? How does this process work? So typically the visitor will come to the office, and we call this the intake phase. And this is really where the Ombuds is gathering information. We're able to describe or define what the actual issue is, and it may be a question or a curiosity that gets answer and it could easily be resolved at this phase. But if not, they spend a little more time together and the Ombuds is actively listening, asking some probing questions. Then we're able to identify those issues. But then comes the phase of what are the options available to the visitor? Anything from I don't want to do anything about this to maybe there's an informal process or a formal process I want to proceed. So in this consultation phase, really they are exploring their options. Weighing the pros and the cons as to what the consequence or the logical end of that option, where that might take them. And so they can explore those. And it might be some here's some tips, here's some information, here are some skills or tools that you can use, and there's this empowerment that takes place at this consultation stage. And if, after that, it's very possible that at that point the issue is resolved. But if not, then perhaps the Ombuds office takes more of the role of intervening, and this is where we look into ... take a deeper dive into what those concerns are. We might be analyzing some research, reaching out to some different individuals, some departments, setting up a meeting, maybe it's that informal mediation phase. So where the Special Ed Ombuds is actually stepping into that stream of conflict and helping reroute it to a resolution. But then there may not be a resolution at this stage, and maybe at this point the Ombuds has to make a referral. Maybe to another agency, or maybe there's another method of resolution and then it can resolve there. So anywhere along this process, a resolution can come to fruition. Next slide. We've talked a little bit about some of the tools, or the functions, that the Ombuds uses. And this just reviews with our constituents the formal and informal options that are available to them. Listening is always a huge part of it, coaching, we've talked about shuttle diplomacy or referring to appropriate resources. So again just highlighting those functions that are available to the visitor to the Special Education Ombuds office. Next slide.

>> Can I piggyback quickly and offer feedback?

>> Oh, yes, absolutely.

>> One quick thing I'll add here would be, it's probably not apparent to many, but one of the roles the Ombuds plays alongside directly receiving visitors is monitoring the climate and the culture of the organization or the district and providing upward feedback to relevant administrators to say, "Take note of this. This should be on your radar." If your antennae aren't trained to this wavelength or frequency, take note, this is important. That upward feedback feature is this culture monitoring role, that I think is also an important one as well to highlight. Forgive me for the interruption.

>> No, no, thank you, Tim. And, again, I think that underscores just that commitment to the mission of the organization. That early warning component to it, which is so important. We're often asked who can access the office? And really when you look at your organization, who are the constituents? And it is open to any of those constituents. So the constituency can be parents and guardians, students, a concerned community member, district faculty, staff, administrators and it's not uncommon for ... at least in my experience as the Ombuds, it was not uncommon for district administrators to come to my office and say, "Can you help me navigate this email, or this phone call, or I have a meeting coming up?" And so there was a lot of that that took place. So I would often say most of my best work takes place behind the scenes, as it does. So any of these folks can access the Ombuds because the Special Ed Ombuds is there to serve all of the constituents in the organization.

>> And about what might they be consulting the Ombuds?

>> Well, let's find out. And there are so many things, and Kim brought this up in her paper and referenced it a little bit earlier. But they could be examples such as, "Is my child eligible?" Or maybe I don't want my child to be eligible for special education services, so that might be an issue around eligibility. Families bring forward assessment issues. Maybe they think that the district is refusing to administrator, or maybe they want to initiate a different process such as RTI, response to intervention. They want to do that first so they feel like it's being delayed unduly. Other issues that come forward are just maybe poor communication or not prompt communication, or maybe there was just an interaction that just rubbed someone the wrong way. It just didn't feel welcomed and I didn't feel like I was allowed in or that I belong here as a family member. And then, because there are so many things that can go wrong when it comes to IEP implementation, so it's not uncommon for an issue around the implementation or a compliance concern, for that to come forward. And then, going outside of the IEP, families also have to navigate, some have their children qualify for 504 accommodations. And so there might be a health concern for a student, or a safety concern. And then, again, maybe applying a discipline to a student that maybe isn't identified yet as special education and now this comes up and families might bring this forward. But also the discipline of the special education student who already has an IEP and is being served in that way. So these are very common issues that can come to a Special Education Ombuds office.

>> If we could, I'm going to nudge us along quickly because where exactly where we're supposed to be on time here. Let me just quickly cover a few of the benefits then, dear colleagues. So recognize please, and you'll have these in your slides available as well, but among the benefits we've seen and heard tell from offices in operation around the country. Ombuds offices offer a safe place to discuss concerns without fear of retaliation or formal action, right? The informality and confidentiality serve these well. They facilitate communication and resolution. They help districts to identify unrecognized problems or trends. They address perceived insensitivity and unfairness that might not lead to a formal complaint. So very often, especially as we've grown aware of sort of the invisible barriers to many people's full participation, Ombuds offices do provide a safe space for hearing that out and for the institution to get some attention paid. They help equip and empower stakeholders. They seek to improve organizational culture within the special education departments themselves. They provide efficient, direct and confidential referrals to the most appropriate offices. One of the values we often hear Ombuds speak about is being the office of first resort. If you come here first we won't send you around the horn before you get to with whom you need to speak, we know with whom you need to speak because we're in touch with them routinely. So first call, best call. And then lastly they help strengthen collaboration and trust among families, administrators and IEP team members. Dear colleagues I'm going to make the facilitators prerogative move to say we're not going to check in right now because we want to tell you about implementation and that will leave us time to check in later. So please hold your thoughts or put them in the chat. But a few highlights here that I'd like you to consider if you're thinking about developing an office like this. It's important to note who will be able to access the services? And this is unique to each district and every office that I've ever worked with. Developing that charter to define who is eligible for services is pretty important because you also want to think about those guidelines around confidentiality or any reporting requirements. It may be that that will influence that idea. What are the role and responsibilities of your Ombuds? What are the qualifications and training. To Cheryl's question earlier I mentioned that the IOA is sort of the most recognized, probably the only, training provider or organizational Ombuds services. Many of us teach college courses on them, but if you look in the marketplace of Ombuds you'll see that most people anticipate that you've taken the IOA foundations training it's called. Where would you physically locate the office? It's an important consideration. Where do people feel comfortable going to? If they're concerned about people knowing they've attended, maybe you need to have some off-site location or some availability in various forms and formats. How you manage confidential communication, and then how you think about what would the return on investment be that you would want to consider, that you'd want to be able to demonstrate, were you to be asked. So to establish an SEO office, this is consistent with CADRE's themes across all of our work. Engage stakeholders, right? Just as school districts know well to engage families, when you're going to consider development of an Ombuds office, engage anyone and everyone who might have some thoughts, concerns or interaction with the office please. Consider the district core values, mission and vision. Very often Ombuds offices align well with those. Develop a charter, includes the limits of confidentiality. A related note, don't because an Ombuds if you don't have a charter. The charter, also known as the terms of reference, would be what provides for your insulation from other factors whether it be political influences or demands for your data or otherwise. So it's a term of art, but do look into it please. Think about annual budget priorities. Ombuds are usually not an expensive office given the overall frame. And, as Kim has pointed out, we have many instances where any one

case that gets defused or appropriately handled through an Ombuds intervention, also pays for the sake of the office. That the annual budget there. So select and insure fundamental development for Ombuds, identify a neutral location and design the physical office. So winding down here we have it's always a good time for outreach. I've lost track, my dear colleagues, I ran out of paper, who is covering this one? I'll keep going because I'm talking quickly.

>> But that's you.

>> Is it you, Kim, or me?

>> It's you, it's you.

>> Me?

>> It's you.

>> Right, so it's always a good time for outreach. Dear colleagues, having served as an Ombuds, and if you've ever worked within a school district or a nonprofit you will understand outreach is important. It's critical. Especially for this little known Swedish term that people won't recognize onto itself. You've got to be out reminding people of your availability. The opportunity you have there. So here is a list to be mindful of who needs to hear about, who needs to know? If your families, if your special education colleagues and your faculty and your administrators don't know that it's there, it's not a very effective resource. So I believe, Kim, this is yours?

>> Yes. And I don't know if we have, we literally have 1 minute. So I'm just going to ...

>> Oh, then we shouldn't walk through it. Colleagues just know that we've designed SEOs to align with the Ombuds structures. So we're going to wind down with a list of resources here. If you have any questions, comments, concerns, please raise your hand quickly or put them in the chat. And please blame me for mismanaging the time.

>> No you did a great job.

>> Questions, comments, concerns? We have information here. So, Doug, is this where you jump in?

>> Yeah, you've got 2 minutes, or maybe a little less. But also I just wanted to say if anybody's interested in the recording of this, it will be available through CADRE probably in a week or so because it's going to take them time to get everything organized around what they've recorded. But I wanted to thank the presenters for such an interesting and dynamic presentation. And if there's any other issues problems you can get ... talk to CADRE and they will get in touch with me and I can take care of business. Thank you.

>> Thank you.

>> Thanks very much, Doug. So, dear colleagues, it's a Friday afternoon, at least here. I don't know if the thing is going to close down, but I'll at least speak for myself. I'll be available for any questions, comments, concerns otherwise. But thank you all for your participation and attendance. We hope we brought useful information for your consideration.

>> And thank you so much.

>> Thank you, please reach out to us.

>> Should we put our emails in the chat or is that ...?

>> I just took the liberty to do so, but I should have put your email in the chat. That would be taking liberties.

>> Okay.

>> Thank you, again, colleagues.

>> Okay thank you everyone.