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K-12 SCHOOL OMBUDS TOOLKIT

[Compiled by the ABA Dispute Resolution Section Ombuds Committee]

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West's District of Columbia Code Annotated 2001 Edition

Division VI. Education, Libraries, and Cultural Institutions.

Title 38. Educational Institutions. (Refs & Annos)

Subtitle I. Public Education-Primary and Secondary.

Chapter 3A. Ombudsman for Public Education

DC ST § 38-351

§ 38-351. Office of Ombudsman for Public Education; establishment; term.

Effective: February 22, 2014

Currentness

(a) There is established within the State Board of Education an Office of Ombudsman for Public Education, which shall be headed by an ombudsman appointed by the State Board of Education.

(b)(1) The Ombudsman shall be a District resident within 180 days of appointment.

(2) The Ombudsman shall serve for a term of 5 years, and may be reappointed.

(3) After notice and an opportunity to be heard, the Ombudsman may be removed only for cause that relates to the Ombudsman's character or efficiency by a majority vote of the State Board of Education.

(c) If a vacancy in the position of ombudsman occurs as a consequence of resignation, disability, death, or other reasons other than the expiration of the term, the State Board of Education shall appoint an ombudsman to fill the unexpired term within 75 days of the occurrence of the vacancy.

(d) The purpose of the Ombudsman is to serve as a neutral resource for current and prospective public school students and their parents or guardians in the resolution of complaints and concerns regarding public education.

(e) For the purposes of this chapter, the term "public school" means District of Columbia Public Schools and public charter schools in the District of Columbia.

Credits

(June 12, 2007, D.C. Law 17-9, § 602, 54 DCR 4102; Apr. 27, 2013, D.C. Law 19-284, § 3(a), 60 DCR 2312; Feb. 22, 2014, D.C. Law 20-76, § 102(a), 61 DCR 39.)

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DC CODE § 38-351

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Subtitle I. Public Education-Primary and Secondary.

Chapter 3A. Ombudsman for Public Education

DC ST § 38-352

§ 38-352. Qualifications.

Effective: June 12, 2007

Currentness

The Ombudsman shall:

- (1) Be appointed without regard to party affiliation;
- (2) Be appointed on the basis of integrity;
- (3) Possess a demonstrated ability to analyze issues and matters of law, administration, and policy;
- (4) Possess experience in the field of social work, counseling, mediation, law, policy, or public administration or auditing, accounting, or other investigative field; and
- (5) Have management experience that demonstrates an ability to hire and supervise qualified staff.


Credits

(June 12, 2007, D.C. Law 17-9, § 603, 54 DCR 4102.)

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Subtitle I. Public Education-Primary and Secondary.

Chapter 3A. Ombudsman for Public Education

DC ST § 38-353

§ 38-353. Duties.

Effective: October 8, 2016

Currentness

The Ombudsman shall:

- (1) Provide outreach to current and prospective public school students and their parents or guardians, and to further this purpose, have the cooperation of all individuals within the public school system;
- (2) Encourage communication between public schools and current and prospective public school students and their parents or guardians regarding public education;
- (3) Serve as a vehicle for current and prospective public school students and their parents or guardians to communicate their complaints and concerns regarding public education through a single office;
- (4) Respond to complaints and concerns in a timely fashion with accurate and helpful information;
- (5) Receive complaints from current and prospective public school students and their parents or guardians concerning public education, including personnel actions, policies, and procedures;
- (6) Determine the validity of any complaint quickly and professionally;
- (7) Examine and address valid complaints and concerns;

(8) Generate options for a response, and offer a recommendation among the options;

(9) Refer complainants to a public school official, agency, department, or resource, when appropriate;

(10) Except when the parties are involved in legal or administrative proceedings, resolve complaints presented by current and prospective public school students and their parents or guardians, either through complaint resolution services as established pursuant to § 38-356 or through other informal measures;

(11) Develop and maintain a database that tracks complaints and concerns, identified by grade level and by the public school, and the resolution of complaints and concerns;

(12) Repealed.

(13) Identify systemic concerns and recommend to the State Board of Education policy changes, staff training, and strategies to improve public education;

(14) Repealed.

(15) Within 120 days after the end of each school year, submit to the State Board of Education, and make publicly available, a report summarizing the work of the Office of Ombudsman during the previous school year, which shall, at minimum, include an analysis of the types and number of:

(A) Complaints received;

(B) Complaints examined and resolved informally;

(C) Complaints examined and resolved through a formal process;

(D) Repealed.

(E) Complaints pending; and

(F) Recommendations made; and

(G) Repealed.

(16) Identify school-level concerns based upon a pattern of complaints or concerns and recommend changes to improve the delivery of public education services.


Credits

(June 12, 2007, D.C. Law 17-9, § 604, 54 DCR 4102; Apr. 27, 2013, D.C. Law 19-284, § 3(b), 60 DCR 2312; Feb. 22, 2014, D.C. Law 20-76, § 102(b), 61 DCR 39; Mar. 10, 2015, D.C. Law 20-196, § 302(a), 61 DCR 12425; Oct. 8, 2016, D.C. Law 21-160, § 4132(a), 63 DCR 10775.)

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Subtitle I. Public Education-Primary and Secondary.

Chapter 3A. Ombudsman for Public Education

DC ST § 38-354

§ 38-354. Authority.

Effective: March 10, 2015

Currentness

The Ombudsman shall:

(1) Have access to books, records, files, reports, findings, and all other papers, items, or property (“documents”) belonging to or in use by all departments, agencies, instrumentalities, and employees of public schools necessary to facilitate the purpose of this chapter, excluding the Executive Office of the Mayor, the Council, and the District of Columbia courts; provided, that such access is limited to documents related to the student or parent or guardian that the Office of Ombudsman is assisting;

(2) Have full access to student educational records as allowed by federal and local law;

(3) Speak in regard to educational issues under the purview of the Office of Ombudsman with any official or employee within the public school system without the permission of the individual’s supervisor;

(3A) Have the authority to observe instruction at any District of Columbia public school (“DCPS”) or public charter school; provided, that DCPS or the public charter school may require advance notice before an observation may take place, but shall impose no other conditions or restrictions on such observations except those necessary to:

(A) Ensure the safety of children in a program; or

(B) To protect children in the program from disclosure by an observer of confidential and personally identifiable information if such information is obtained in the course of an observation;

- (4) Examine an act or failure to act of any official or employee within the public school system;
- (5) Determine which complaints and concerns warrant further examination;
- (5A) Bring persons together to resolve conflicts that are not in formal legal or administrative proceedings.
- (6) Examine any matter under the purview of the Office of Ombudsman, whether initiated by a complaint or another means;
- (7) Forward to the Office of the Inspector General all complaints and concerns that require an audit or investigation of a school or a program, agency, or department within DCPS that falls within the purview of the Office of the Inspector General; and
- (8) Forward to the Deputy Mayor for Education any policy recommendations that the Ombudsman determines would be helpful to prevent and detect corruption, mismanagement, waste, fraud, and abuse within DCPS.


Credits

(June 12, 2007, D.C. Law 17-9, § 605, 54 DCR 4102; Apr. 27, 2013, D.C. Law 19-284, § 3(c), 60 DCR 2312; Feb. 22, 2014, D.C. Law 20-76, § 102(c), 61 DCR 39; Mar. 10, 2015, D.C. Law 20-196, § 302(b), 61 DCR 12425.)

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Subtitle I. Public Education-Primary and Secondary.

Chapter 3A. Ombudsman for Public Education

DC ST § 38-355

§ 38-355. Limitations; protections.

Effective: February 22, 2014

Currentness

(a) The Ombudsman shall not:

(1) Disclose personally identifiable information regarding a student without the specific written consent of the student or parent, as required by federal and local law;

(2) Disclose the substance of a conversation with any teacher or other official or employee within the public school system without consent;

(3) Disclose the identity of any person who brings a complaint or provides information to the Ombudsman without the person's consent, unless the Ombudsman determines that disclosure is unavoidable or necessary to further the ends of an investigation;

(4) Have the authority to take any personnel action;

(4A) Examine or investigate any matter that would be under the jurisdiction of the Office of the Inspector General or the Office of District of Columbia Auditor.

(5) Examine the Executive Office of the Mayor, the Council or its personnel, the District of Columbia courts or its personnel, other elected officials, private schools, or private organizations or businesses; or

(6) Provide legal advice or legal representation.

(b) The Ombudsman shall not:

(1) Be compelled to testify in a legal or administrative proceeding regarding an Office of Ombudsman examination or to release information gathered during the course of an examination or investigation;

(2) Be held personally liable for the good faith performance of his or her responsibilities under this chapter, except that no immunity shall extend to criminal acts, or other acts that violate District or federal law; or

(3) Be subject to retaliatory action for the good faith performance of his or her responsibilities under this chapter.

Credits

(June 12, 2007, D.C. Law 17-9, § 606, 54 DCR 4102; Apr. 27, 2013, D.C. Law 19-284, § 3(d), 60 DCR 2312; Feb. 22, 2014, D.C. Law 20-76, § 102(d), 61 DCR 39.)


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Subtitle I. Public Education-Primary and Secondary.

Chapter 3A. Ombudsman for Public Education

DC ST § 38-356

§ 38-356. Complaint resolution services.

Effective: February 22, 2014

Currentness

- (a) The Office of Ombudsman shall provide complaint resolution services, which shall be available to current and prospective public school students and their parents or guardians.
- (b) Participation in complaint resolution services provided by the Office of Ombudsman shall be voluntary.
- (c) Before submitting a complaint to the Office of Ombudsman, the complainant shall make reasonable efforts to resolve the issue at the school level.
- (d) Complainants may submit complaints by phone, in writing, or electronically.
- (e) The Office of Ombudsman shall review and investigate each complaint and shall do one or more of the following:
- (1) Resolve the complaint;
 - (2) Refer the complainant to another agency or department;
 - (3) Require the complainant to submit documentation to support the complaint;

- (4) Provide an opportunity for the complainant to meet with the subject of the complaint;
- (5) Conduct mediation proceedings;
- (6) Dismiss the complaint as unfounded; or
- (7) Take any other action determined necessary and appropriate by the Ombudsman.

Credits

(June 12, 2007, D.C. Law 17-9, § 606a, as added Feb. 22, 2014, D.C. Law 20-76, § 102(e), 61 DCR 39.)

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AN ACT

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend the State Board of Education Establishment Act of 2007 to update the State Board of Education authorizing statute to conform to federal law and clarify the board's authority with respect to the Office of Ombudsman for Public Education and the Office of the Student Advocate; to amend the Ombudsman for Public Education Establishment Act of 2007 to update the authority and responsibilities of the Office of Ombudsman for Public Education; to amend the Office of the Student Advocate Establishment Act of 2013 to update the authority and responsibilities of the Office of the Student Advocate; and to amend the District of Columbia Government Comprehensive Merit Personnel Act of 1978 to make conforming amendments.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "State Board of Education Omnibus Amendment Act of 2016".

Sec. 2. Section 403 of the State Board of Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-2652), is amended as follows:

(a) Subsection (a) is amended as follows:

(1) Paragraph (1A) is amended to read as follows:

"(1A) Oversee the Office of Ombudsman for Public Education and the Office of the Student Advocate in accordance with subsection (d) of this section and the Ombudsman for Public Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351 *et seq.*), and the Office of the Student Advocate Establishment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; D.C. Official Code § 38-371 *et seq.*), respectively."

(2) Paragraph (5) is repealed.

(3) Paragraph (6) is amended by striking the semicolon at the end and inserting the phrase "or teacher preparation academies;" in its place.

(4) Paragraph (7) is amended as follows:

(A) The lead-in language is amended to read as follows:

"(7) Approve the state accountability plan for the District of Columbia developed by the Office of the State Superintendent of Education pursuant to section 1111 of the Elementary and Secondary Education Act of 1965, approved January 8, 2002 (115 Stat. 1444; 20 U.S.C. § 6311), ensuring that:"

ENROLLED ORIGINAL

(B) Subparagraph (A) is amended by striking the phrase “that will ensure all local education agencies make adequate yearly progress” and inserting the phrase “that establishes ambitious long-term student achievement goals, which include measurements of interim progress toward meeting those goals” in its place.

(C) Subparagraph (B) is amended by striking the phrase “academic standards, academic assessments, a standardized system of accountability across all local education agencies, and a system of sanctions and rewards” and inserting the phrase “, but is not limited to, challenging state academic standards, academic assessments, and a standardized system of accountability across all local education agencies” in its place.

(5) Paragraph (12) is amended by striking the phrase “the NCLB Act” and inserting the phrase “section 1111(h) of the Elementary and Secondary Education Act of 1965, approved January 8, 2002 (115 Stat. 1444; 20 U.S.C. § 6311(h))” in its place.

(b) Subsection (b) is amended by striking the phrase “, which may be conducted at a location in a ward” and inserting the phrase “at a location in the District designated by the Board” in its place.

(c) Subsection (c) is amended as follows:

(1) The existing text is designated as paragraph (1).

(2) A new paragraph (2) is added to read as follows:

“(2) The Board shall have access to the public comments submitted during the public comment period on matters that the Office of the State Superintendent of Education submits to the Board for policy approval.”.

(d) Subsection (d) is amended as follows:

(1) Paragraph (1) is amended by striking the period at the end and inserting the phrase “; provided, that such order shall not impair the exclusive budget and personnel authority granted to the Office of Ombudsman for Public Education pursuant to section 602 of the Ombudsman for Public Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351), or the Office of the Student Advocate pursuant to section 202 of the Office of the Student Advocate Establishment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; D.C. Official Code § 38-371).” in its place.

(2) Paragraph (2) is amended by striking the period at the end and inserting the phrase “; provided, that the Board shall have no personnel authority over the staff of the Office of Ombudsman for Public Education or the Office of the Student Advocate, except as provided in section 602 of the Ombudsman for Public Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351), and section 202 of the Office of the Student Advocate Establishment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; D.C. Official Code § 38-371), respectively.” in its place.

(3) Paragraph (3) is amended as follows:

(A) The existing text is designated as subparagraph (A).

(B) A new subparagraph (B) is added to read as follows:

“(B)(i) The Office of Ombudsman for Public Education and the Office of the Student Advocate shall be represented as separate program codes within the Board’s budget.

(ii) The Board shall coordinate with the Ombudsman for Public Education and the Chief Advocate of the Office of the Student Advocate to ensure that the annual estimates prepared pursuant to subparagraph (A) of this paragraph reflect the expenditures and appropriations necessary for the operations of those offices.”.

(4) A new paragraph (6) is added to read as follows:

“(6) The Board shall provide personnel and resource support to the Office of Ombudsman for Public Education and the Office of the Student Advocate as necessary to facilitate the operations of those offices.”.

Sec. 3. The Ombudsman for Public Education Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-351 *et seq.*), is amended as follows:

(a) Section 602 (D.C. Official Code § 38-351) is amended as follows:

(1) Subsection (a) is amended by striking the comma and inserting the phrase “(“Office”),” in its place.

(2) Subsection (b)(3) is amended by striking the word “majority” and inserting the number “2/3” in its place.

(3) Subsection (d) is amended by striking the period at the end and inserting the phrase “in a way that, in the opinion of the Office, furthers students’ best interests.” in its place.

(4) New subsections (d-1) and (d-2) are added to read as follows:

“(d-1) The Ombudsman shall serve as the exclusive personnel authority for employees of the Office, and may hire staff to support the Office’s operations consistent with the Office’s budget.

“(d-2) The Ombudsman shall have exclusive authority to administer the Office’s budget, subject to the oversight of the State Board of Education to ensure compliance with District law.”.

(c) Section 604 (D.C. Official Code § 38-353) is amended as follows:

(1) Paragraph (5) is amended by striking the phrase “personnel actions, policies, and procedures” and inserting the phrase “policies and procedures” in its place.

(2) Paragraph (10) is amended by striking the phrase “when the parties are involved in legal or administrative proceedings,” and inserting the phrase “where the parties have initiated legal or administrative proceedings involving the complaint,” in its place.

(3) Paragraph (13) is amended by striking the semicolon at the end and inserting the phrase “and communication between public schools and parents and guardians;” in its place.

(4) Paragraph (15) is amended as follows:

(A) Subparagraph (D) is amended to read as follows:

“(D) Complaints dismissed as unfounded;”.

(B) Subparagraph (F) is amended by striking the word “and” at the end.

(5) Paragraph (16) is amended by striking the period and inserting the phrase “; and” in its place.

(6) A new paragraph (17) is added to read as follows:

“(17) Have the authority to issue reports and recommendations related to the Office of Ombudsman’s work without prior review or approval by another entity.”.

(d) Section 605 (D.C. Official Code § 38-354) is amended as follows:

ENROLLED ORIGINAL

(1) Paragraph (4) is amended to read as follows:

“(4) Examine and investigate an act or failure to act of any public school official or employee, including whether actions or failures to act are unreasonable, unfair, or discriminatory, even though in accordance with the law;”.

(2) Paragraph (5) is amended by striking the word “examination” and inserting the phrase “examination and investigation” in its place.

(e) Section 606 (D.C. Official Code § 38-355) is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (2) is repealed.

(B) Paragraph (4) is amended by striking the semicolon at the end and inserting the phrase “, except with regard to the employees of the Office of Ombudsman;” in its place.

(2) Subsection (b)(1) is amended to read as follows:

“(1) Be compelled to testify in a legal or administrative proceeding regarding a current or past Office of Ombudsman examination or investigation or to release information, including documents or records, gathered during the course of an examination or investigation;”.

(g) Section 606a (D.C. Official Code § 38-356) is amended as follows:

(1) Subsection (e) is amended by striking the phrase “The Office of Ombudsman” and inserting the phrase “Except as provided in subsection (f) of this section, the Office of Ombudsman” in its place.

(2) A new subsection (f) is added to read as follows:

“(f) The Ombudsman may refrain from investigating a complaint if the Ombudsman reasonably believes one or more of the following:

“(1) It is plain from the face of the complaint that an adequate remedy is presently available, such that investigation is unwarranted;

“(2) The complaint relates to a matter that is outside the jurisdiction of the Ombudsman;

“(3) The complaint relates to an act of which the complainant has had knowledge for an unreasonable length of time before the complaint was submitted;

“(4) The complainant does not have a sufficient personal interest in the subject matter of the complaint;

“(5) Investigation of the complaint would not facilitate an action authorized pursuant to subsection (e) of this section;

“(6) The complaint is made in bad faith; or

“(7) The resources of the Ombudsman are insufficient for adequate investigation.”.

Sec. 4. The Office of the Student Advocate Establishment Act of 2013, effective February 22, 2014 (D.C. Law 20-76; D.C. Official Code § 38-371 *et seq.*), is amended as follows:

(a) Section 202 (D.C. Official Code § 38-371) is amended as follows:

ENROLLED ORIGINAL

(1) Subsection (b) is amended by striking the word “majority” and inserting the number “2/3” in its place.

(2) New subsections (d-1) and (d-2) are added to read as follows:

“(d-1) The Chief Advocate shall serve as the exclusive personnel authority for employees of the Office and may hire staff to support the Office’s operations consistent with the Office’s budget.

“(d-2) The Chief Advocate shall have exclusive authority to administer the Office’s budget, subject to the oversight of the State Board of Education to ensure compliance with District law.”.

(b) Section 204 (D.C. Official Code § 38-373) is amended as follows:

(1) Paragraph (2) is amended by striking the semicolon at the end and inserting the phrase “that is not already publicly available, or is difficult to locate or identify;” in its place.

(2) Paragraph (7) is amended to read as follows:

“(7) Develop and maintain a database that tracks issues brought to the attention of the Office, identified by ward, name of public school, resource or referral given, and resolution of such issues;”.

(3) Paragraph (8) is amended by striking the phrase “staff training, and strategies” and inserting the phrase “staff training, and strategies on family, student, and community engagement” in its place.

(4) Paragraph (9)(G) is amended by striking the phrase “; and” at the end and inserting a semicolon in its place.

(5) Paragraph (10) is amended by striking the period at the end and inserting the phrase “; and” in its place.

(6) A new paragraph (11) is added to read as follows:

“(11) Have the authority to issue reports and recommendations related to the Office’s work without prior review or approval by any entity.”.

(c) Section 205(b) (D.C. Official Code § 38-374(b)) is amended by striking the phrase “parent or guardian volunteers” and inserting the phrase “student or parent or guardian volunteers” in its place.

Sec. 5. Section 406(b)(22) of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Official Code § 1-604.06(b)(22)), is amended to read as follows:

“(22)(A) For the Ombudsman for Public Education, the Chief Advocate of the Office of the Student Advocate, and employees of the State Board of Education, the personnel authority is the State Board of Education.

“(B) For employees of the Office of the Ombudsman for Public Education, the personnel authority is the Ombudsman for Public Education.

“(C) For employees of the Office of the Student Advocate, the personnel authority is the Chief Advocate of the Office of the Student Advocate.”.

Sec. 6. Applicability.

(a) Section 2(d)(1) and (2), section 3(a)(4), section 4(a)(2), and section 5 shall apply upon the date of inclusion of their fiscal effect in an approved budget and financial plan.

(b) The Chief Financial Officer shall certify the date of the inclusion of the fiscal effect in an approved budget and financial plan, and provide notice to the Budget Director of the Council of the certification.

(c)(1) The Budget Director shall cause the notice of the certification to be published in the District of Columbia Register.

(2) The date of publication of the notice of the certification shall not affect the applicability of this act.

Sec. 7. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 4a of the General Legislative Procedures Act of 1975, approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

Sec. 8. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman
Council of the District of Columbia

Mayor
District of Columbia



PORTLAND PUBLIC SCHOOLS

Resolving school-based concerns



PPS Office of the Ombudsman

An ombudsman is a liaison who serves as an independent, neutral and confidential resource, assisting parents and community members in resolving complaints, conflicts and other school-related issues.

Judi Martin District Ombudsman
503-916-3045 • ombudsman@pps.net
www.pps.net/departments/ombudsman

Judi Martin
District Ombudsman
503-916-3045
ombudsman@pps.net



www.pps.net/departments/ombudsman

The district ombudsman will:

- Listen to families' concerns.
- Provide a confidential place to explore options in order to make an informed decision.
- Serve as a neutral fact finder to assist families in solving problems.
- Assist families in navigating administrative processes.
- Facilitate communication between parties.
- Accept confidential requests for information and provide referrals.
- Conduct informal interventions and mediations.
- Recommend policy/practice change to make PPS more responsive to families.

The district ombudsman does not:

- Address employee grievances.
- Make, set or change policy.
- Act as an advocate, as the ombudsman is a neutral party.

Resolving school-based concerns

Where possible, first discuss your concern with the teacher, staff person or administrator involved. Most concerns can be resolved at the source. If you are unable to resolve your concern, or you need guidance at any point in the process, the ombudsman is available to assist you.

You can view the complaint policy and the complaint resolution process at www.pps.net/departments/ombudsman

Portland Public Schools is an affirmative action and equal opportunity employer.



Administrative Directive 4.50.031-AD

Complaint Resolution Process

In accordance with Board Policy 4.50.030-P, this administrative directive sets forth the specific procedure for resolution of complaints by students, parents/guardians and people who reside in the district ("complainant"). As directed by the Board of Education in that policy, the District is committed to resolving complaints in a fair and timely manner through a process in which all parties, including families of color and other underrepresented communities, will have an opportunity to present their perspective and be treated with respect and dignity.

The District is committed to making the complaint process accessible for our diverse population. Translation and interpretation services will be made available to complainants. The District will also ensure that resources are provided for complainants who request assistance in preparing a written complaint.

The District has an independent Ombudsman, whose job is to help families, community members, schools and the district resolve issues satisfactorily. The Ombudsman is available to assist all parties through the informal complaint process. The district encourages parties to meet to reach resolution at the school or department level whenever possible.

I. SCHOOL/DEPARTMENT-BASED PROBLEM SOLVING

In classrooms, schools and departments, our staff, parents and students work together frequently to problem solve issues and improve our processes with the goal of creating the best possible educational experience for students. This type of collaboration is the best way to resolve concerns. While not part of the complaint process, the following procedure applies to this type of problem-solving work.

- A. If the concern is related to a classroom/school:
 1. The complainant is encouraged to first speak to the teacher or staff person involved.
 2. If the concern is not resolved through direct communication, the complainant is encouraged to speak with the principal of the school. Principals have 10



Administrative Directive 4.50.031-AD

Complaint Resolution Process

calendar days to respond to concerns, which may include an in-person conference if requested by any involved party. If the concern is not resolved to the complainant's satisfaction, the principal shall inform the complainant of the complaint process.

- B. If the concern is related to a district department:
1. The complainant is encouraged to first speak to the staff person involved.
 2. If the concern is not resolved through direct communication, the complainant is encouraged to speak with the staff person's supervisor. Supervisors have 10 calendar days to respond to concerns, which may include an in-person conference if requested by any involved party. If a complainant is not sure who the appropriate supervisor is, the complainant may contact the Ombudsman for assistance. If the concern is not resolved to the complainant's satisfaction, the supervisor shall inform the complainant of the complaint process.

II. COMPLAINT PROCESS

Informal complaints

If complainants are not able to resolve the concern at the school or department level through the problem-solving process, they may utilize the complaint process. The goal is to reach a mutually-agreed upon resolution of the complaint. The ombudsman can assist with informal complaint resolution. Upon receipt of the complaint via email, phone, or the Ombudsman's complaint intake form, the Ombudsman or his/her designee shall review the complaint confidentially with the complainant and suggest options for next steps. Ombudsman may gather information from involved parties in order to understand multiple perspectives regarding the concern. After gathering information, the Ombudsman will work with all involved parties to identify possible solutions. In certain situations, the Ombudsman may set up a meeting to discuss options and work toward a mutually acceptable outcome.



Administrative Directive 4.50.031-AD

Complaint Resolution Process

Formal complaints

Complainants can file a formal complaint at any time; they are encouraged, but not required, to engage in problem-solving and the informal complaint process. If complainants are not able to resolve the concern at the school or departmental level through the problem-solving process, they may file a formal written complaint. The receipt of the written complaint starts the 90 day completion timeline for the purposes of state law. The complaint process concludes with the issuance of a written decision by the Superintendent at Step 2. As further outlined below, the complainant at that point can either accept the Superintendent's decision, request an appeal to the Board or appeal to the Oregon Department of Education*

Step1:

- A. The written complaint must be filed with the Ombudsman or the Office of the Superintendent via letter, email or the written complaint form. The written complaint should include the name and contact information for the complainant, a description of the concern, and the student's name, if applicable. In order to facilitate the resolution process, it would be helpful if the written complaint also included the names of any other parties involved, including witnesses, a description of efforts to resolve the concern, and suggestions for resolution. The complainant shall receive a written acknowledgement of receipt of the complaint within 5 days of submitting the written complaint.
- B. In most situations, the Senior Director of Schools for the involved school, or the appropriate department supervisor, will be responsible for investigating and responding to the complaint at Step 1. The Superintendent may assign a different decision maker at Step 1 as appropriate.
- C. When applicable, the Senior Director or department supervisor will consult with district legal counsel regarding pertinent district policy, and relevant state and federal laws.
- D. All formal complaints will receive a resolution in writing within 30 days of receipt of the complaint. The resolution will include information about the next steps in the complaint process.



Administrative Directive 4.50.031-AD

Complaint Resolution Process

Step 2:

If the issue is not resolved to the complainant's satisfaction, the complainant may request a review in writing by the Office of the Superintendent. The Step 2 review will include the written complaint from Step 1, the written resolution from Step 1, any available documentation from the Step 1 process, and the request for Level 2 review.

- A. The request for review shall be submitted in writing within 10 days of the complainant receiving notice of resolution from Step 1.
- B. The Superintendent or designee will review the record, and may choose to meet with involved parties.
- C. If significant new evidence is introduced at Step 2, the complainant will be referred back to Step 1 so as to ensure there is an opportunity for meaningful dispute resolution and investigation that includes the new evidence. "Significant, new evidence" is evidence that could have changed the outcome or investigation at Step 1.
- D. If a new, additional concern is raised at Step 2, the new concern will be referred back to Step 1. The concerns that were already addressed at Step 1 will continue to proceed through the appeal process.
- E. Following the review, the Superintendent shall decide that:
 1. No substantial evidence exists and no further action will be taken; or
 2. Specific remedial action will be taken.
- F. The Superintendent or designee shall provide copies of the written decision to the complainant. The written decision shall include findings of fact, conclusions of law and legal basis for the decision as required by OAR 581-022-1941. The Oregon Department of Education has explained that "legal basis" and "conclusions of law" mean applying the statute, Oregon Administrative Rule or district policy applicable to the facts. All complaints appealed to the Superintendent will receive a resolution in writing within 30 days of receipt of the request for review. The superintendent or designee will include information on the next steps in the complaint process.
- G. The decision of the Superintendent is the final decision. Upon receiving the Superintendent's decision, if the complainant wants to continue to appeal, the complainant may choose to either request an appeal to the Board or appeal directly



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Complaint Resolution Process

to the Oregon Department of Education.

Step 3:

If the complainant is not satisfied with the final decision of the Superintendent, the complainant may request an appeal in writing to the Board of Education. The appeal will include the concerns and information included in the original written complaint. Any new concerns or substantive information not previously submitted will be referred back to Step 1.

- A. The request for a Board level appeal shall be submitted to the Board Office within 20 days of the Superintendent's decision. The Board will vote on whether to consider the appeal within 20 days following the receipt of the request for appeal. The Board will be provided with the written record of appeal, including documents submitted at Steps 1 and 2, and the decision of the Superintendent.
- B. The complainant will be informed within two days after the Board vote as to whether the Board decided to consider the appeal.
- C. If the Board votes to consider the appeal, the Board will vote on the substance of the appeal within 30 days of the Board's decision to consider the appeal. The Board will have the full written record of the appeal. The complainant may submit additional written information to the Board, and may provide testimony during public comment.
- D. If the Board does not consider the appeal, the complainant may still choose to file an appeal with the Oregon Department of Education (ODE). If the Board considers the appeal, but does not vote to overturn the Superintendent's decision, the complainant can file an appeal with the ODE. Portland Public Schools does not determine which complaints the ODE will review. If a complainant appeals to the ODE, the ODE will determine if the complaint will be accepted for review.

III. ADDITIONAL PROVISIONS

- A. Complainants may file formal complaints on their own behalf, or on behalf of their enrolled student, or about district policies or practices. Complainants cannot file complaints on behalf of another person or student. This does not restrict the ability of complainants to bring an advocate to any meeting or



Administrative Directive 4.50.031-AD

Complaint Resolution Process

proceeding.

- B. The goal of the complaint process is to bring timely resolution to issues of concern to complainants. Complaints become more difficult to investigate and resolve if they are not brought forward promptly. At the same time, the District recognizes that there can be legitimate reasons for delay in filing complaints. In order to both promote timely resolution of complaints and ensure the complaint process remains accessible, complaints must be brought within one year of the incident leading to the complaint, or within one year of the complainant learning of the incident leading to the complaint, whichever is later. This one-year limitation does not bar the consideration of relevant evidence that is older than one year.
- C. In some cases, District policies or administrative directive provide a specific complaint resolution and/or appeal process. For instance, the Administrative Directive regarding Student Transfers 4.10.054-AD establishes the process by which student transfer decisions may be appealed. In such instances, the specific procedure shall apply rather than the general complaint procedure.
- D. If, during the course of the complaint process, concerns are raised that a specific employee has engaged in misconduct, the Ombudsman will ensure that those complaints are referred to the Chief Human Resources Officer for resolution through the appropriate personnel process. These personnel processes will include provisions in collective bargaining agreements if applicable to the employee. Allegations of employee misconduct are taken seriously and will be investigated.
- E. If a complainant does not feel safe addressing a concern directly with an employee, such as in cases of harassment, the complainant may go directly to that employee's supervisor or contact the Chief Human Resources Officer. The Ombudsman is also available to assist.
- F. No District employee, student or Board member may engage in retaliation against any person who files or participates in the complaint process. Any employee or student who engages in any form of retaliation against a person(s) for filing a complaint and/or for participation in an investigation or inquiry will be subject to disciplinary action. As defined in 4.30.061-AD Anti-Harassment, "retaliation" is generally understood to mean: "experiencing an



Administrative Directive 4.50.031-AD

Complaint Resolution Process

adverse impact after making or supporting a claim of harassment if the impact would deter a reasonable person from making such a claim.”

- G. The timelines set forth above may be extended by the mutual consent of the complainant and the district. In particular, if complainants seek to submit appeals after the time periods set forth in the process, the district may choose to accept those appeals if the complainants agrees to extend the overall time period for resolution for the same number of days as the extension granted to the complainant. If complaints are submitted during a school break, such as Winter Break or summer, during which relevant staff and witnesses may not be available, the District will work with the complainant on the timeline. If the time limit for a written resolution falls on a non-work day, the limit may be extended to the next business day. In all cases, the district will seek to resolve complaints as expeditiously as possible.
- H. As used in this administrative directive, “days” will be counted as “calendar days.”
- I. The Ombudsman is available to answer questions and concerns about the process. The Ombudsman will be responsible for providing information and training to staff on the implementation of the complaint process.

IV. FURTHER APPEAL

Oregon state law (OAR 581-022-1940) allows complainants to appeal a final decision by a school district to the State Superintendent of Public Instruction if the complaint alleges (1) a violation of the standards of the Oregon Administrative Rules, Chapter 581, Division 22, or (2) a violation of other statutory or administrative requirements for which the State Superintendent has appeal responsibilities. Complainants will receive written notice of this right when the decision of the school district is final.

Adopted: 11/2014; Amended 5/2016

10

Guiding Principles

CONFIDENTIAL

The Ombuds Office does not disclose any information without permission of the individual who has confided in this office. The only exceptions are threats of imminent risk of serious harm, or as required by law.

INDEPENDENT

The Ombuds Office operates independently from other entities within the district; does not represent the district; reports directly to the Superintendent and Board of Education; makes recommendations on policy and process

IMPARTIAL

The Ombuds Office advocates for fair and equitable processes; will not take sides; will consider the rights and interests of all parties; has no personal stake in the outcome.

INFORMAL

The Ombuds Office is an “off-the-record” resource. It is a place to explore options and work towards resolution in an informal way, without participation in formal procedures. The Ombuds Office has no authority to make binding decisions, mandate policies, or conduct formal investigations and does not receive formal notice.

Contact Us

Hours: 8:00 a.m. – 4:30 p.m.

Phone: 626.396.3680 (direct line)
626.396.3600 x 88009

If you reach voicemail, please leave your name (optional), preferred phone number, and whether a message may be left in the event you are unavailable.

Location:

351 S. Hudson Ave., Room 221*
Pasadena, CA 91109

*This is a temporary office until our new location is ready. Visit the Ombuds Office Website for updated information.

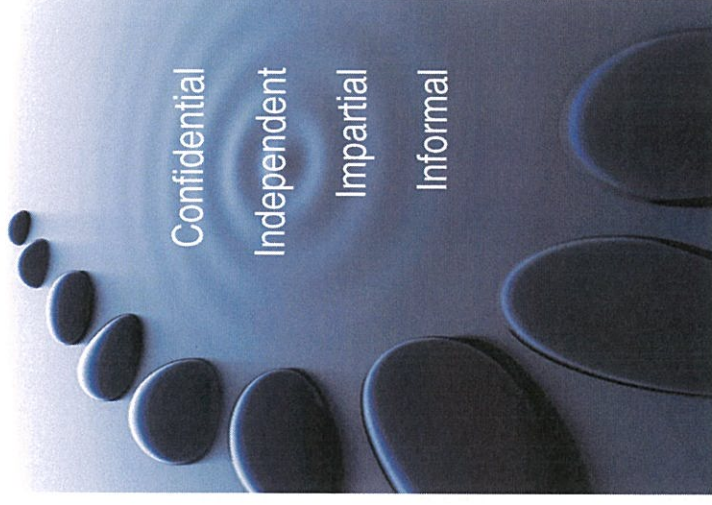
Appointments are recommended to ensure privacy of all visitors. Walk-in visitors will be accommodated when possible. Appointments may be scheduled outside normal office hours.

Email: ombuds@pusd.us

Please limit email communication to requesting a confidential meeting and refrain from sending sensitive personal information. Email is not a secure form of communication.

Website: gopusd.com/ombuds

Communications with the Ombuds Office are privileged. The Ombuds Officer will not testify or participate in any formal or legal proceedings. This fosters confidentiality and provides a neutral place for discussing concerns.



**PASADENA UNIFIED
SCHOOL DISTRICT**

Ombuds Office



*Esther Salinas, Ed.D.
Ombuds Officer*

What is an Ombuds?

Ombuds (pronounced "om-budz") comes from the Swedish term that means "representative."

The Ombuds Officer serves as an independent, confidential, neutral and informal resource for all PUSD employees, students, families, volunteers, and community partners. The Ombuds Office seeks to ensure fairness, promote respect for all PUSD constituents, and support systemic changes to achieve this goal.

PUSD is a complex organization and it can sometimes feel overwhelming to find a way to make your voice heard. The Ombuds Office helps you express concerns, resolve disputes, manage conflicts, and learn more productive ways of communicating. It is a place for you to be heard and receive impartial attention without fearing loss of privacy. The Ombuds Office will assist you in achieving fair, equitable outcomes consistent with district policies and statutory regulations.

The PUSD Ombuds Officer is a member of the International Ombudsman Association (IOA) and practices according to the IOA Standards of Practice and Code of Ethics.

Reasons To Visit The Ombuds Office

Contact the Ombuds Office as a first step, as a last resort, or anywhere along the way

- When you need someone to listen
- When you are uncertain where to take a problem involving PUSD
- When you are unclear about a PUSD policy, process, procedure or regulation
- When you wish to work through a neutral third party
- When you need help in clarifying or resolving a conflict
- When you think you have been unfairly treated, or that a policy has been unfairly applied
- When you think someone has engaged in misconduct or believe there has been an ethical violation

About the Ombuds Office

The Ombuds Office will:

- Provide a confidential place to share concerns, questions, and complaints
- Listen attentively to understand the issue
- Provide or clarify information on policies, procedures, services and programs
- Explore a range of formal and informal solution options
- Guide or coach individuals to prepare for difficult conversations
- Open channels of communication
- Refer individuals to appropriate resolution resources
- Facilitate informal dispute resolution processes
- Identify problematic issues and trends
- Make recommendations for review or changes in policy or practice

The Ombuds Office will NOT:

- Make decisions for you
- Advocate for any individual or entity
- Take sides in a dispute or concern
- Create or maintain records on behalf of the visitor
- Conduct formal investigations
- Replace existing formal resources for complaints or grievances
- Establish or change PUSD policies or management decisions
- Determine the outcome of disputes
- Receive formal notice to the district of a conflict, dispute or complaint
- Participate in grievances or other formal resolution process
- Provide legal advice or psychological counseling

Pasadena Unified School District OMBUDS OFFICE CHARTER

I. Introduction

The Pasadena Unified School District ("PUSD" or the "District") established the Ombuds Office (the "Office") and the position of Ombuds Officer ("Ombuds") in 2016, to provide an alternate channel of communication and an independent, impartial, confidential, and informal conflict-resolution resource for all members of the PUSD community who have a District-related conflict, question, issue, concern or recommendation.

II. Purpose

The primary purpose of the Office is to provide assistance in a manner that contributes to an improvement in the overall function and environment of the District, thus promoting improved management of and relationships between District constituents and greater organizational and operational efficiency. The Ombuds represents an objective voice and a safe place where District constituents, including parents, guardians, students, community members, teachers, administrators, and staff of all levels, can seek guidance regarding disputes or concerns at any informal stage in the resolution process free of charge and without fear of retaliation. In this way, the Office helps foster the kind of educational and professional environment in which individuals in the District community can thrive.

In the spirit of this important function, this Charter defines the role and responsibilities of the Ombuds and the Ombuds Office at PUSD. Because this is a resource made available on a voluntary basis to all District constituents in accordance with the principles outlined below, use of the Office will be considered to be an agreement to abide by the terms of this Charter—including not calling the Ombuds to testify with respect to confidential communications in any formal or legal proceedings.

III. Scope of Services

Any District-related conflict, issue, complaint, or recommendation may be brought to the Office. The Ombuds provides informal dispute resolution services by confidentially receiving disagreements, concerns or questions and thereafter serving as a neutral information and communication resource, consultant, dispute resolution expert, and source of recommendation for institutional change.

With the primary objective of ensuring a fair process for surfacing and resolving disputes and other issues, the Ombuds will always first listen with an unbiased ear. Thereafter, the Ombuds will exercise discretion in seeking to facilitate the resolution of conflicts. Depending on the circumstances, the Ombuds may identify and reframe issues and patterns, make informal inquiries or otherwise review matters received, suggest approaches and coach parties regarding addressing or managing conflicts, help ascertain, develop, and evaluate a range of alternatives for resolution, provide options and counseling, make referrals, assist in finding resources (internal and external), facilitate shuttle diplomacy, mediate, and provide feedback to those in authority when trends, patterns, policies, or procedures generate conflicts or concerns.

While working to improve relationships and address issues in a neutral environment, the Ombuds seeks to protect the ethical standards of the Office, as well as the principles of fairness, equity, and respect for all. Although responses are tailored to the dynamics of the situation and the concerns of the individual, the Ombuds consistently endeavors to help visitors¹ find, select, and work towards a resolution which suits the specific circumstances and the individual needs of the person as he or she interprets them. As detailed below, the Ombuds does not replace any existing formal channels and does not advocate for any side in a dispute, offer personal opinions, give legal, medical, or psychological advice or attempt to dictate a visitor's course of action.

Additionally, the Ombuds assists the District by identifying trends and emerging issues observed by or communicated to the Ombuds, while maintaining the confidentiality of individual communications. The Office maintains contact with formal channels and offers consultative services to offer suggestions to improve existing or create new policies when appropriate. To the extent possible, the Ombuds serves as an early warning system by attempting to identify and discuss with appropriate management representatives, changes that may prevent issues from becoming significant or recurring.

IV. Operation of the Office

The Ombuds shall take action to inform District constituents about the role, function, and limitations of the Office and position. This includes the fact that the District's intention is for the Office to be a neutral, safe, confidential, and comfortable environment in which individuals can seek guidance without fear of retaliation. The Ombuds shall take care to ensure that information about the Office and the position is available to District constituents in appropriate forms, including electronic means.

All District constituents shall have access to the services of the Ombuds. The Ombuds shall ensure that the Office location is easily accessible and that alternative arrangements can be made for individuals requiring assistance who are unwilling or unable to visit the physical office. Visitors shall not be required to have pursued other avenues for the resolution of a problem before bringing it to the Office.

The Ombuds shall have direct access to all District constituents and shall be entitled to informally inquire about any issue concerning the District or affecting any member of the community. District employees are expected to cooperate with the Ombuds and to make available all information pertinent to matters being reviewed.

¹ The term "visitor" includes all District constituents who seek assistance from the Office, whether in person, over the phone, or in any other capacity.

V. Standards of Practice and Code of Ethics

PUSD's Ombuds operates in accordance with the "Standards of Practice" and "Code of Ethics" of the International Ombudsman² Association (IOA) and strives to operate in accordance with IOA's "Best Practices" to serve the interests of the District and its constituents. Copies of the IOA Code of Ethics, Standards of Practice, and Best Practices are available in the Ombuds Office and links to the IOA website, where these documents may also be found, are provided below. These documents identify four principles that are fundamental to the operation of the Ombuds Office-- Independence, Informality, Impartiality, and Confidentiality. As a general practice, the Ombuds will explain to all visitors these four principles, also referred to as the four tenets of the Office, including the limited exceptions to confidentiality. The Ombuds will ensure that these standards are publicized and readily available to District constituents.

A. Independence

The Ombuds Office operates independently of ordinary staff structures and follows the reporting framework detailed in this document. The Ombuds should be in fact and in appearance free from interference in the performance of his or her duties. The Ombuds does not serve any management or compliance function and does not hold any other position that might compromise independence. The Office is a department and entity separate from every other, but may choose to contact any Department or level within the District in the course of handling a case. Subject to the limitations on confidentiality described below, The Ombuds exercises sole discretion over whether and how to act regarding individual matters and systemic concerns, including those shared with the Ombuds and those observed directly.

To fulfill functions and meet the operating needs of the Office, the Ombuds will have adequate space and sufficient resources. This includes budgetary elements such as technology (software, computer, cell phone, etc.) and access to District files and records. The Ombuds shall have access to any organizational records needed subject only to the limitations imposed by any privacy legislation.

B. Informality

The Ombuds Office is an informal District resource which supplements, but does not replace formal channels and existing departments or resources, *including but not limited to the District Superintendent, the Cabinet, Assistant Superintendents, Directors, Supervisors, Principals, Advisors, Counselors, Unions, Human Resources, Employee Assistance Programs, and Legal Representation.*

² The term "Ombudsman" is of Scandinavian origin and means "representative" or "proxy." The term is gender-neutral and is used by men and women of the International Ombudsman Association referring to the office and function rather than a particular gender. While variations of the term exist, Pasadena Unified School District has chosen to use the shortened term, "Ombuds."

The Ombuds Office has not been authorized to receive notice of claims against the District by District constituents. The Ombuds does not maintain records for the benefit of the District, serve any compliance functions, or conduct formal investigations, including those involving allegations of misconduct. Further, the Ombuds has no authority to impose remedies, sanctions or corrective action, make or overturn management decisions, mandate, enforce, or change any policy, procedure, or rule, or report specific occurrences to the District, including but not limited to incidences of sexual harassment or past violence. The Ombuds will refer visitors who have complaints requiring legal intervention or involving alleged illegal activity, as well as those who express a desire to make any kind of formal report, to the appropriate office within the District.

The Ombuds is not a required step or a participant in any formal process, inside or outside of the District, but may participate in informal aspects of District processes to the extent that this can be done without compromising the Office. For example, the Ombuds may act as a facilitator for the District's Special Education Informal Dispute Resolution (IDR) alternative, as this is an informal, voluntary, and optional process that District constituents can choose to pursue instead of or before entering into a formal and official process such as State Mediation or Due Process. In much the same way, the Ombuds may facilitate conversations or conduct mediations as an informal, voluntary, and confidential supplement to other formal District procedures, such as the employee grievance process.

The Ombuds' review of a conflict or concern and contacts with those involved may take place at any informal stage in the process through which that issue is being addressed. If a person who has raised a matter with the Ombuds thereafter decides to initiate a formal procedure, such as a grievance or lawsuit, the Ombuds may discuss the process of such a procedure prior to the formal initiation. However, the Ombuds shall then refrain from involvement while the process is ongoing, except to the extent that the Ombuds may be able to do so consistent with the tenets of the position as detailed above. This is a case by case determination to be made by the Ombuds.

The Ombuds does not testify with respect to confidential communications in any formal process inside the organization and resists any such testimony in any formal process outside the organization, even if given permission or requested to do so. The Ombuds may testify only about the general functions of the Office or systemic patterns or trends but only to the extent that such information can be discussed without breaking confidentiality or revealing individual identifying information.

The Ombuds may assist in mediating the settlement of a case, but may not be called as a witness or otherwise required to provide information outside of the general duties of the position in any proceeding, inside or outside of PUSD. Party participation in mediations performed by the District Ombuds is voluntary and may or may not produce a written agreement. In the event the parties ask the Ombuds to write the terms of an agreement stemming from mediation, the

Ombuds will act as scrivener only and will not maintain any documents or written agreements within the Office.

Use of the Office is voluntary and terminable at the will of the visitor and/or the Ombuds. The Ombuds may in his or her discretion withdraw from or decline to look into a matter.

C. Impartiality

The Ombuds shall be neutral, impartial, objective, and unaligned. The Ombuds advocates only for fairness and equity, and not on behalf of any individual or group within the District or for the District itself. The Ombuds may help to develop a range of available options to resolve problems and facilitate discussions to identify those most suited to meet the interests specified by the visitor, but will not provide legal, medical, or psychological advice, offer personal opinions, command or direct a visitor to take a specific course of action, or take sides in any conflict, issue, or dispute.

The Ombuds shall consider the legitimate interests and concerns of all parties involved in or affected by matters under consideration, and will do so impartially with the aim of facilitating communication and assisting the parties in reaching mutually acceptable resolutions that are fair, equitable, and consistent with the mission and policies of the District.

The Ombuds will make every effort to avoid involvement in matters where there may be a conflict of interest which would hinder neutrality and will take the steps necessary to disclose and/or avoid such a conflict where it exists. For these purposes, conflict of interest is to be defined as when private interests, real or perceived, affect or compete with the neutrality and independence inherent in the Ombuds role.

D. Confidentiality

The effective functioning of the Office requires that communications be kept confidential to the greatest extent feasible and legally permissible. The Ombuds holds all communications with those seeking assistance in strict confidence and will refuse access to any confidential information, except when, in the course of confidential communications, the visitor consents to the disclosure for the purpose of performing the services of the Office.

The Ombuds takes reasonable steps to safeguard confidentiality, including the practice of not keeping permanent or formal records of confidential communications. The Ombuds prepares reports and statistics in a manner that preserves confidentiality, and destroys any notes taken and/or confidential information tied to a case once the Office's involvement ends and/or at regular intervals throughout the year. Additionally, the Ombuds maintains a calendar to which only the Office has access where appointments are not tied to identifying or contact information.

The Office asserts that the Ombuds holds a privilege that cannot be waived by others with respect to the identity of visitors and confidential communications. The Ombuds will not confirm communicating with a party who contacts the Office for help or disclose confidential information without that party's express permission. The Ombuds takes specific action related to a visitor's issue only with that individual's express permission and only to the extent permitted, and even then at the sole discretion of the Ombuds. This is of special consideration in cases where third-party intervention is prudent.

It is not appropriate for a visitor or other District constituent to attempt to compel the Ombuds to reveal confidential communications, including as part of an official proceeding. In cases where a challenge to these practices arises, the Ombuds will pursue the legal avenues necessary to resist such disclosure, including seeking a protective order in legal proceedings.

1. Exceptions to Confidentiality

The only two exceptions to confidentiality are when the Ombuds determines that there is suspected child abuse or an imminent threat of serious harm, as required by law and IOA Standards of Practice. In such cases, the Ombuds will follow the procedures detailed below.

a. Suspected Child Abuse

As an employee of the District, the Ombuds is a mandated reporter of suspected child abuse. To comply with this legal requirement, where signs of child abuse are present in the judgment of the Ombuds, the Ombuds will report the necessary details to Child Protective Services and document the fact that this report was made per District policy. This is the **only** exception to the Office's policy against maintaining records for the benefit of the District.

b. Imminent Threat of Serious Harm

When the Ombuds determines that there is an imminent threat of serious harm, the Ombuds may breach confidentiality to try to avoid such harm. For this purpose, "imminent threat of serious harm" will be defined as narrowly as possible to mean imminent risk to human life or serious bodily injury, which is a determination to be made by the Ombuds. The Ombuds may, where appropriate, take the appropriate action even in the presence of the visitor in question.

VI. Reporting Relationship

A. Superintendent

PUSD's Ombuds reports directly to the Superintendent and will meet periodically throughout the year to maintain this reporting relationship, which may include information such as the number and basic category of cases, visitor demographics, and disclosure of trends and observations witnessed or brought to the attention of the Ombuds. Where possible, the Ombuds will assist the

Superintendent in the early identification of issues, development of resolution options, and recommendation of enhancements or alterations to District policies or procedures to respond to or prevent the recurrence of such issues.

B. Board of Education

PUSD's Ombuds will also provide periodic reports to the Board of Education and will meet periodically throughout the year to maintain this reporting relationship, which may include general information such as the number and basic category of cases, visitor demographics, and disclosure of trends and observations witnessed or brought to the attention of the Ombuds. Where possible, the Ombuds will assist the Board of Education in the early identification of issues, development of resolution options, and recommendation of enhancements or alterations to District policies or procedures to respond to or prevent the recurrence of such issues.

C. Written Reports

The Ombuds will issue periodic written reports, specifying the number and overall nature of the cases brought to the Office. In general, non-identifying terms, the reports may include the category and demographics of the visitor, the number and form of contacts made, the way(s) in which issue(s) were addressed, the services provided, and the extent to which problems were, or were not resolved. If, in the view of the Ombuds, certain cases have revealed broad issues that it would be appropriate to discuss in such a forum, the report may explore such issues. Upon publication, written reports may be circulated and made widely available.

VII. Miscellaneous Provisions

A. Legal Counsel

On occasion, the Ombuds may require legal advice or representation in the course of performing the duties of the position. This includes but is not limited to instances in which the Ombuds is asked for documents or testimony related to a formal process arising out of the Office's activities. In such cases, the Office shall have access to legal counsel at the expense of the District. Where warranted, the Ombuds reserves the right to request separate and independent legal counsel.

B. Professional Development

In the interest of protecting the District and the Office, and maintaining the standards of this evolving field, the District will Ombuds will maintain membership in IOA and attend trainings, professional development opportunities, and annual conferences when possible and engage in continuing education to increase knowledge and skills related to the Ombuds Office.

C. Expansion of the Office

In the event the Office expands to include any other personnel, including but not limited to one or more additional Ombuds or any support staff, this Charter and the standards and policies within it shall apply equally to every such person.

D. Protection from Retaliation

The District shall not tolerate retaliation against individuals for use of the Office. Similarly, the Ombuds shall be protected from retaliation as a result of his/her role. The Ombuds shall serve a set and renewable term.

E. Amendment/Revocation of the Charter

This Charter Agreement remains in effect unless revoked. It may only be amended at the agreement of the Ombuds Officer and the Superintendent.

VIII. References

Best Practices. The international Ombudsman Association.
<http://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx>

Code of Ethics. The international Ombudsman Association.
http://www.ombudsassociation.org/IOA_Main/media/SiteFiles/Code_Ethics_1-07.pdf

Standards of Practice. The international Ombudsman Association.
<http://www.ombudsassociation.org/About-Us/IOA-Standards-of-Practice-IOA-Best-Practices.aspx>

IX. Signatures

In signing this Charter Agreement, the parties accept and agree to abide by the terms herein.

Esther Salinas, Ed.D. Date
Ombuds Officer, Pasadena Unified School District
On Behalf of the Ombuds Office

Brian McDonald, Ed.D. Date
Superintendent, Pasadena Unified School District
On Behalf of the District

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Pasadena Unified School District
OMBUDS JOB DESCRIPTION DRAFT

POSITION SUMMARY

- The Pasadena Unified School District (PUSD) ombuds is a designated neutral or impartial dispute resolution practitioner whose major function is to provide confidential and informal assistance to constituents of the district community, including students, employees, parents and community members in response to inquiries submitted to the Ombuds Office concerning actions and policies.
- The ombuds role has a long and honorable tradition of protecting against abuse, bias, and other improper treatment, or unethical and unfair practices. Serving as a designated neutral, the ombudsman is neither an advocate for any individual or for the district as a whole but, rather, advocates for ethical practices and equitable processes who acts as a source of information and referral, and aids in answering individuals' questions, and assists in the resolution of concerns and critical situations. In considering any given instance or concern, the rights of all parties that might be involved are taken into account. This office supplements but does not replace, the district's existing resources for conflict resolution.

REPORTING

- The ombuds function is independent of existing administrative structures and reports directly to the Superintendent of Schools. The ombuds does not accept notice on behalf of the district.
- While maintaining confidentiality of communications, the ombuds may prepare a periodic report to the Superintendent. Based on anonymous aggregate data, this report may discuss trends in reporting concerns, identifies patterns or problem areas in district policies and practices, may recommend revisions and improvements, and may assess the climate of the district.

CRITICAL SKILLS AND CHARACTERISTICS

- **Communication and Problem-Solving Skills**
 - Outstanding communication skills.
 - Able to effectively communicate with individuals at all levels and across the district community.
 - Excellent problem solving skills.
 - Able to gather information, analyze it and as necessary, help the inquirer develop appropriate options and actions.
- **Decision Making/Strategic Thinking Skills**
 - Awareness of how all decisions might impact the inquirer, as well as other stakeholders and the district.

- Knowledge about how to proceed with issues, and help the inquirer assess who should be involved and when, endeavoring to do no harm.
- **Conflict Resolution Skills**
 - Able to facilitate the resolution of conflict between parties.
 - Understand what leads to conflict, the nature of conflict and methods of resolution.
 - Assist inquirers to resolve their conflicts.
 - Ability to help the inquirer determine which conflict resolution method would be appropriate for the specific situations.
- **Organizational Knowledge and Networking Skills**
 - Knowledgeable about the Pasadena Unified School District, its structure, culture, policies and practices.
 - Excellent networking skills.
 - Engage in collaboration with others; able to establish and maintain broad contacts throughout the PUSD.
- **Sensitivity to Diversity Issues**
 - Embrace the PUSD's expectation to create an environment that values human differences.
 - Sensitive to dealing with individuals from a wide variety of backgrounds, cultures, and special needs.
 - Must be open, objective, and seek to understand issues from different perspectives.
 - Should be innovative in developing options that are responsive to differing needs.
- **Composure and Presentation Skills**
 - Maintain a professional demeanor.
 - Strong presentation skills.
 - Able to organize and communicate information to a variety of groups of people.
- **Integrity**
 - Reputation for integrity and for dealing fairly, effectively, and in a timely fashion with all constituents.
 - Sensitive to cultural issues within the PUSD.
 - Keeps information confidential.
 - Uses good judgment about when and how information can be shared.
 - Maintains professional standards that are consistent with the code of ethics and standards of practice of the International Ombudsman Association.
 - Should not be risk-averse, and should understand that this position may, on occasion, challenge even the highest levels of the administration in an effort to foster fair and just practices.

ACCOUNTABILITIES/RESPONSIBILITIES

- **Dispute resolution/consultation and referral**
 - Provide impartial and confidential consultation to members of the PUSD community who are aggravated or concerned about an issue.
 - Remain independent, neutral and impartial, and exercise good judgment
 - Assist inquirers in interpreting PUSD policies and procedures.
 - Provide assistance to inquirers by clarifying issues and generating options for resolution.
 - Facilitate the inquirer's assessment of the pros and cons of possible options.
 - If direct action by the ombuds may be an appropriate option, obtain the inquirer's agreement and permission before proceeding.
 - If necessary, and while maintaining confidentiality, conduct appropriate informal fact-finding in order to better understand an issue from all perspectives.
 - Consult with managers/faculty/staff to develop cooperative strategies for complaint resolution.
 - When appropriate, facilitate group meetings, use shuttle diplomacy, or negotiation skills to facilitate communication among parties in conflict.
 - Encourage flexible administrative practices to maximize the PUSD's ability to meet the needs of all members of the district community equitably.
 - Whenever possible and appropriate, provide referrals to other resources.

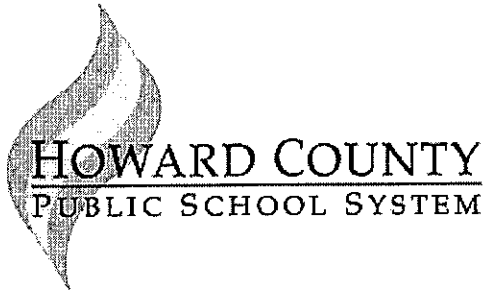
- **Policy Analysis and Feedback**
 - Serve as a resource for district officials in formulating or modifying policy and procedures, raising issues that may surface as a result of discrepancies between the stated goals of the district and actual practice.
 - Review periodically, the pattern of grievances. Make appropriate recommendations for policies or practices that would reduce or eliminate recurring grievances.
 - Act as a liaison between individuals or groups and the district administrative structure, serving as a communicator or informal facilitator, as appropriate.
 - Function as a sensor within the district community to identify problems or trends that affect the entire district or significant parts of the community; if appropriate, recommend creative ways to address these concerns.
 - Provide early warning of new areas of organizational concern, upward feedback, critical analysis of systemic need for improvement, and make systems change recommendations.

- **Community Outreach and Education**
 - Responsible for on-going education and communication about the office's role to all potential inquirers as well as to district leadership.
 - Design and conduct training programs for the district community in dispute/conflict resolution, negotiation skills and theory, civility, and related topics.

- **Establish/Maintain Office of Ombuds Services**
 - Supervise office staff, as necessary. Formulate, manage and monitor the overall goals, direction, programs, and budget of the office.
 - Ensure that the integrity of the office is maintained by all ombudsman office staff through independence, fair process, neutrality, impartiality, confidentiality and timely attention to the resolution of issues while treating people with dignity and respect.

QUALIFICATIONS

- The ombuds should be a person of recognized knowledge, judgment, objectivity, and integrity.
- Bachelors Degree is required. Master's Degree (or equivalent) is preferred.
- Mediation or alternative dispute resolution experience is strongly desired.
- Understanding of diverse cultures and backgrounds is essential.
- Must be willing and able to obtain relevant education and periodic updating of the ombuds' qualifications.
- Must be an active member of professional associations related to ombuds and alternative dispute resolution in order to stay on the leading edge of critical ombuds' issues.



POLICY 2030-PR
IMPLEMENTATION PROCEDURES
OMBUDSMAN

Effective: November 29, 2007

There are no implementation procedures for policy 2030.

I. Policy Statement

The Board of Education of Howard County believes that an Ombudsman can facilitate positive relationships among the Board of Education, school system employees, and the public. The Ombudsman reports directly to the Board, and will serve as a neutral party collaborating with Howard County Department of Education staff and the community to ensure a fair process that equitably and reasonably resolves concerns received from parents, employees, and community members.

II. Purpose

The purpose of this policy is to describe the core role, responsibilities, and authority of the position of Ombudsman. At the discretion of the Board, the Ombudsman may perform other tasks that foster the goal of school-related problem resolution and/or assist the Board in its functioning.

III. Definitions

- A. Confidential – For purposes of this policy, information that is private, not intended to be shared with others unless they have a legitimate educational interest.
- B. Confidentiality – For purposes of this policy, the obligation of a school system official not to disclose or transmit information to unauthorized parties.
- C. Neutral – Not serving as an advocate for any party to a dispute; advocating for fair process and fair administration only.
- D. Parent – Any one of the following, recognized as the adult(s) legally responsible for the student:
 - 1. Biological parent – A natural parent whose parental rights have not been terminated
 - 2. Adoptive parent – A person who has legally adopted the student and whose parental rights have not been terminated
 - 3. Custodian – A person or agency appointed by the court as the legal custodian of the student and granted parental rights and privileges
 - 4. Guardian – A person who has been placed by the court in charge of the affairs of the student and granted parental rights and privileges
 - 5. Caregiver – An adult resident of Howard County who exercises care, custody, or control over the student, but who is neither the biological parent nor legal guardian

6. Foster parent – An adult approved to care for a child who has been placed in their home by a State agency or a licensed child placement agency as provided by section 5-507 of the Family Law Article.

IV. Standards

A. General Authority

1. The Ombudsman will provide assistance to parents, employees, and community members who are unfamiliar with system policies and procedures or who are uncomfortable with addressing issues and concerns by themselves.
2. Communications made to the Ombudsman are not official notice to the school system for any legal purpose. The Ombudsman neither acts as agent for, nor accepts notice on behalf of, the school system and does not serve in a role that is designated as a place to receive notice on behalf of the system. However, the Ombudsman may refer individuals to the appropriate place where formal notice can be made by the individual.
3. The Ombudsman will review and recommend changes and updates to Board policies, regulations, and procedures as appropriate during the course of his or her work. The Ombudsman will participate as directed in policy development and review activities.
4. The Ombudsman will have full access to all files, records, data, reference and research materials, and sources of information within the school system that the Ombudsman deems relevant to the task on which he or she is working, subject to confidentiality policies.
 - a. Access to confidential material in a personnel file requires consent in accordance with Policy 7010, Confidentiality of Personnel Records.
 - b. Access to confidential material in a student record requires consent in accordance with Policy 9050, Student Records and Confidentiality.
5. The Ombudsman will exercise discretion regarding the appropriate response to concerns of individuals contacting the office. This includes referring individuals to appropriate channels of information and support or offering problem resolution services.
6. The Ombudsman may proactively offer his or her services to address a problem he or she perceives.
7. The Ombudsman will maintain confidentiality, consistent with law.

B. Information and Community Outreach

1. The Ombudsman will direct persons with questions, concerns, information, or suggestions to the appropriate channels of communication and support.
2. The Ombudsman has the authority to communicate with school system staff and outside agencies, when necessary and appropriate, in order to respond to requests, assist in resolving disputes, or assist the Board.
3. The Ombudsman will facilitate and participate in activities and presentations to various groups. The Ombudsman will promote positive school-community

relationships and champion Board policies and systemwide goals, procedures, and initiatives.

C. Problem Resolution

1. The Ombudsman will seek to resolve problems brought forth by parents, employees, or community members in a timely fashion within the context of Board policy and procedures.
2. The Ombudsman has a responsibility to remain neutral and consider the concerns of all parties known to be involved in the dispute.
3. The Ombudsman may facilitate discussion to identify the best resolution options available and, when appropriate, help develop new ways to solve problems.
4. The Ombudsman may assist parties in reaching a mutually satisfactory resolution of disputes or problems through informal mechanisms.
5. The Ombudsman is an advocate for meaningful and fair administration of school system problem resolution mechanisms and will assist individuals to access the appropriate formal process.

V. Compliance

- A. The Ombudsman will notify those seeking assistance that communication with the Ombudsman office does not constitute official notice to the school system for any legal purpose.
- B. The Ombudsman will not undertake any duties or assignments which contravene the authority of the superintendent of schools, as set forth in the Public School Laws of Maryland or any other laws, bylaws, rules, or policies of the Maryland State Board of Education.
- C. The Ombudsman will not interfere with contractual grievance procedures.
- D. The Ombudsman will not violate any of the constitutional or statutory rights of complainants or persons against whom complaints may be brought.
- E. The Ombudsman must take all reasonable steps necessary to protect records and files pertaining to confidential discussions and shall resist testifying in any judicial or administrative hearing concerning a matter in which he/she was involved.
- F. The Ombudsman will maintain confidential records, keep databases of relevant information, monitor outcomes, and provide reports upon request.
- G. The Ombudsman will develop and provide quarterly and annual reports summarizing issues, concerns, and inquiries to the Board.

VI. Delegation of Authority

- A. The Board will designate representation from its membership to oversee the function of the Ombudsman.
- B. The overall effectiveness of this function will be reviewed annually by the Board and the Superintendent.

VII. References

- A. Legal
 - The Annotated Code of Maryland, Education Article, §4-101(b)
 - The Annotated Code of Maryland, Education Article, §4-108(4)
- B. Board Policies
 - Policy 1000 Civility
 - Policy 7010 Confidentiality of Personnel Records
 - Policy 9050 Student Records and Confidentiality
- C. Other
 - A Parents' Guide to Resolving School Concerns and Complaints

VIII. History

ADOPTED: January 13, 2005

REVIEWED: July 1, 2014

MODIFIED:

REVISED: November 29, 2007

EFFECTIVE: November 29, 2007