

Systemic Complaints- Lessons Learned During the Covid 19 Pandemic



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and Kelly Walker October 28, 2021

Welcome!

Our objectives for today are to:

Gain insight into investigating systemic complaints efficiently and effectively

Discover methods and processes for reviewing documentation

Get ideas to collaboratively write letters of finding for systemic complaints

Learn about corrective action for systemic complaints

Impact on Complaint Investigators

- Exhaustion
- Time Consuming
- Impact on other work duties

A close-up photograph of a computer keyboard. A prominent blue key in the foreground is labeled 'COMPLAINTS' in white, uppercase letters. Other keys visible include 'enter', 'return', 'alt', and 'control'. A hand is partially visible on the right side of the frame, resting on the keyboard. The background is slightly blurred, focusing attention on the 'COMPLAINTS' key.

Ohio had a 284% increase in systemic complaints between March 13, 2020, and May 1, 2021.

Systemic Complaints Before the Pandemic

One complaint investigator

Largely paper review system

Specific issues, small, defined group of students generally in one location

Systemic Complaints After the Pandemic

Assigned to 2-3 complaint investigators

Completely electronic review

Involves the entire district & issues are much broader

Examples of a Systemic Issues

- The district's remote learning policy, developed in response to the pandemic, failed to ensure students with disabilities received individualized services as written in their IEPs.
- The district failed to provide interpreters and translated special education documents for non-English speaking parents during IEP team meetings.
- The district failed to provide extended school year services to all students in the district.

Lesson 1: Web-Based Collaboration

Electronic files for letters and documentation






Real-time collaboration

Improves investigation efficiency

Example of Shared Drive

+ New ▾ ↑ Upload ▾ 📄 Edit in grid view 🔗 Share 🔗 Copy link 🔄 Sync ↓ Download 📁 Add shortcut to OneDrive 📄 Export to Excel ⚙️ Power Apps ▾ ⚙️ Automate ▾ ⋮ ☰ All Documents ▾ 🔍









Documents > Complaints > Systemic Complaints > WallyWorld Public Schools

 Name ▾	Modified ▾	Modified By ▾	+ Add column ▾
 ODE Letters	About a minute ago	Kleinman, Heidi	
 Parent Interviews	About a minute ago	Kleinman, Heidi	
 Staff Interviews	About a minute ago	Kleinman, Heidi	
 Student Information	A few seconds ago	Kleinman, Heidi	

Example of Student Documentation Organization

+ New ▾ ↑ Upload ▾ 📄 Edit in grid view 📄 Share 🔗 Copy link 🔄 Sync ⬇ Download 📄 Add shortcut to OneDrive 📄 Export to Excel 📄 Power Apps ▾ ⚙ Automate ▾ ⋮ ☰ All Documents ▾






Documents > Complaints > Systemic Complaints > WallyWorld Public Schools > Student Information

 Name ▾	Modified ▾	Modified By ▾	+ Add column ▾
 1A	About a minute ago	Kleinman, Heidi	
 1B	About a minute ago	Kleinman, Heidi	
 1C	About a minute ago	Kleinman, Heidi	
 3A	A few seconds ago	Kleinman, Heidi	
 3B	A few seconds ago	Kleinman, Heidi	
 4A	A few seconds ago	Kleinman, Heidi	
 4B	A few seconds ago	Kleinman, Heidi	

Example of Staff Documentation Organization

+ New ▾ ↑ Upload ▾ 📄 Edit in grid view 🔗 Share 🔗 Copy link 🔄 Sync ↓ Download 📁 Add shortcut to OneDrive 📊 Export to Excel ⚙️ Power Apps ▾ ⚙️ Automate ▾ ⋮ ☰ All Documents ▾

Documents > Complaints > Systemic Complaints > WallyWorld Public Schools > Staff Interviews

 Name ▾	Modified ▾	Modified By ▾	+ Add column ▾
 Interviews 9.1.21	A few seconds ago	Kleinman, Heidi	
 Interviews 9.3.21	A few seconds ago	Kleinman, Heidi	
 SLP Notes	About a minute ago	Kleinman, Heidi	
 IS 1 SDI.docx	About a minute ago	Kleinman, Heidi	

Lesson 2: Assign Roles

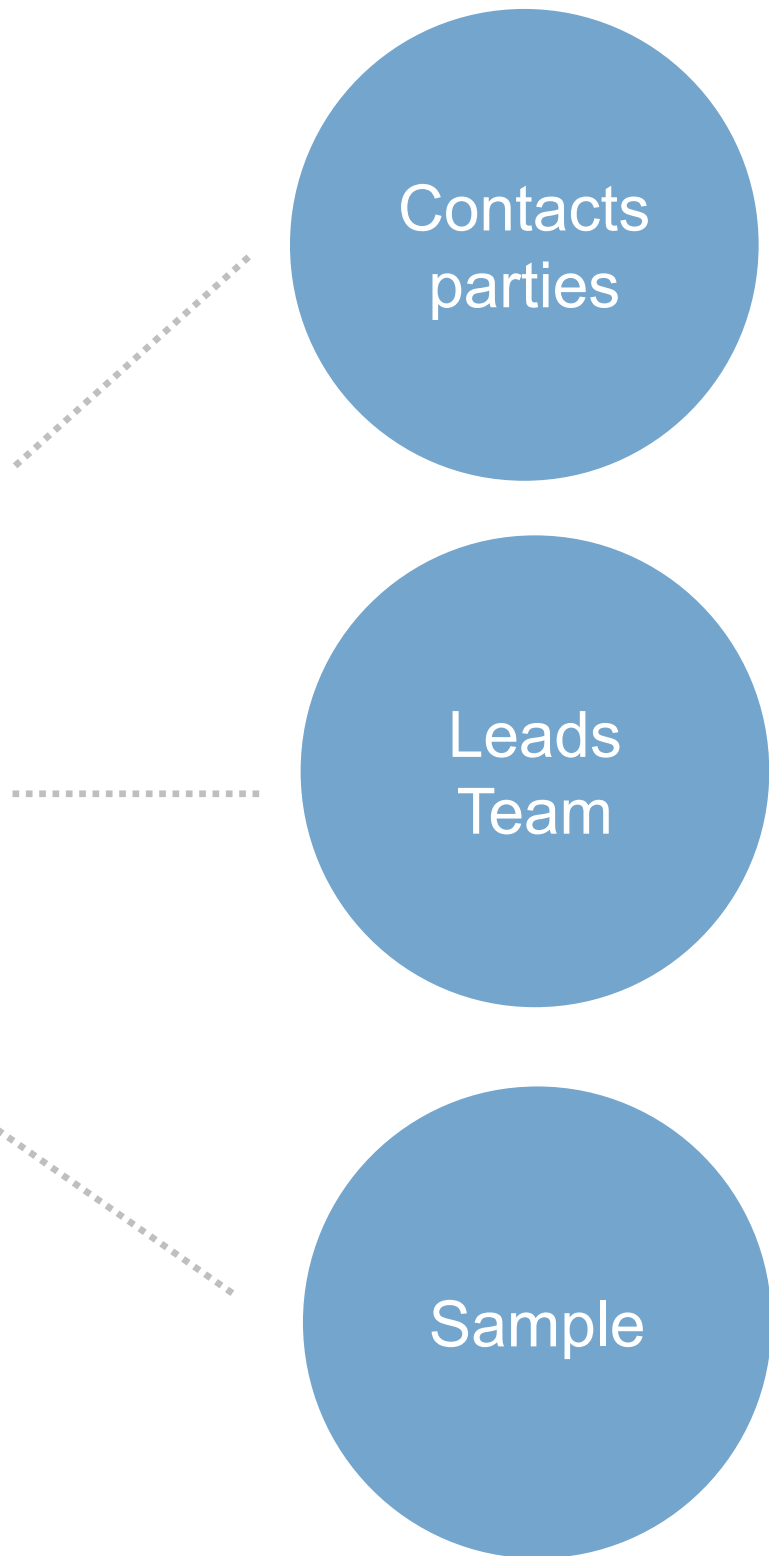
Primary Contact

Parent Contact

District Contact

Documentation Coordinator

Corrective Action Gatekeeper



- Contacts Complainant
- Contacts District
- Sets Up Initial Meetings

- Leads Meetings
- Introduces Investigators
- Coordinates/Communicates with Internal Team

- Selects Representative Sample of Students
- Assigns Team Roles
- Collects Background Information

Parent Contact

Notifies
Parents

- Creates notification letter
- Primary contact for parents

Coordinates
Interviews

- Creates questions for parents
- Schedules interviews and assigns interviewers

Findings

- Synthesizes interviews
- Incorporates parent interviews into the findings

District Contact



Schedules Interviews

- Works with the District
- Leads interviews
- Assigns a notetaker for each interview



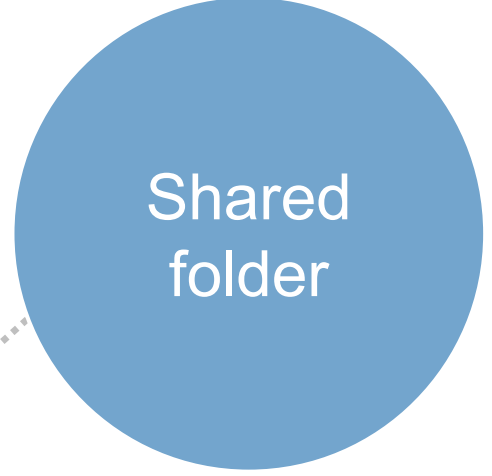
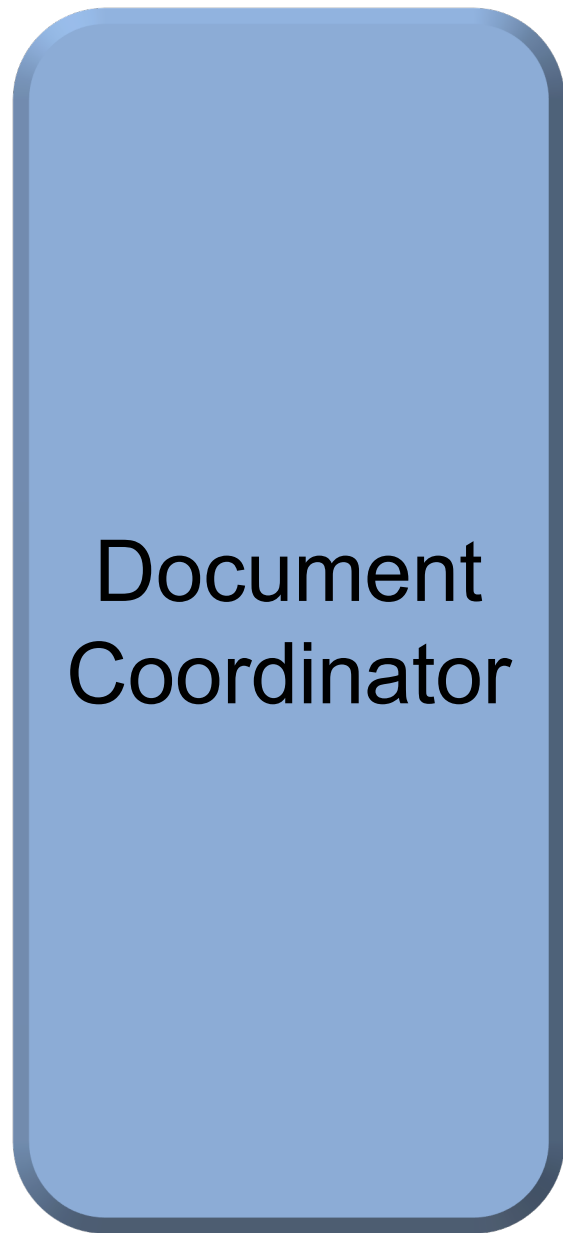
Creates Questions

- Ensures questions address allegations
- Gathers input and feedback from the team



Findings

- Synthesizes interviews
- Incorporates staff interviews into the findings



- Creates collaborative web folders for each role
- Organizes documentation within the folders

- Creates a spreadsheet to highlight required student information
- Organizes and adds tabs

- Synthesizes information from student documentation spreadsheet
- Writes the student portion of the letter of findings

Corrective Action Contact

Post Findings

Gatekeeper of
CA

Closure

Reviews
findings with
parties

Informs
internal
groups of
status

Monitors
completion

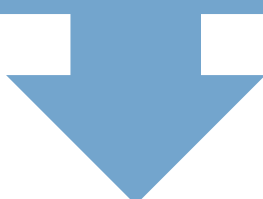
Extension
requests

Drafts/sends
closure

Notifies
internal team
of closure

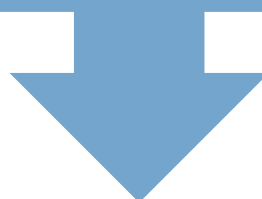
Example Cases

Toledo Public Schools



- Full Investigation
- Early engagement w district
- Letter of findings can be found [here](#)

Columbus City Schools



- Partial Acknowledgement
- No early engagement
- Letter of findings can be found [here](#)

Dayton Public Schools



- Full acknowledgement
- Submission of a corrective action plan
- Resolution letter can be found here.

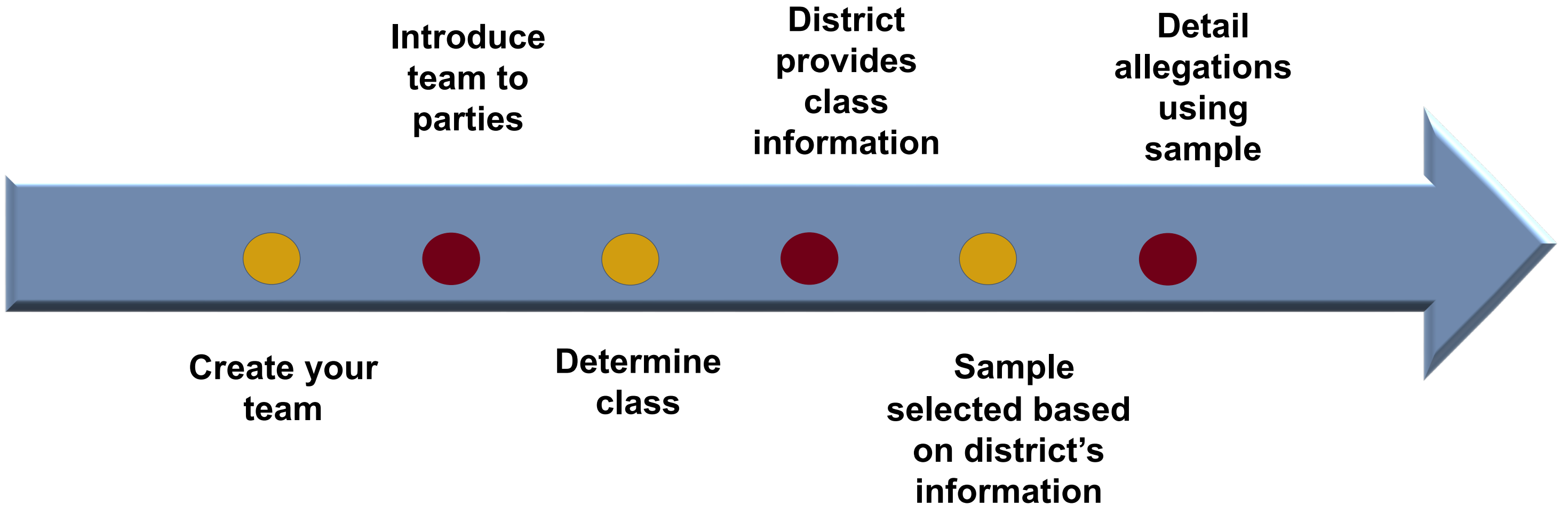
Lesson 3: Engage Early with the District

**Expedites
documentation
for the
investigation**

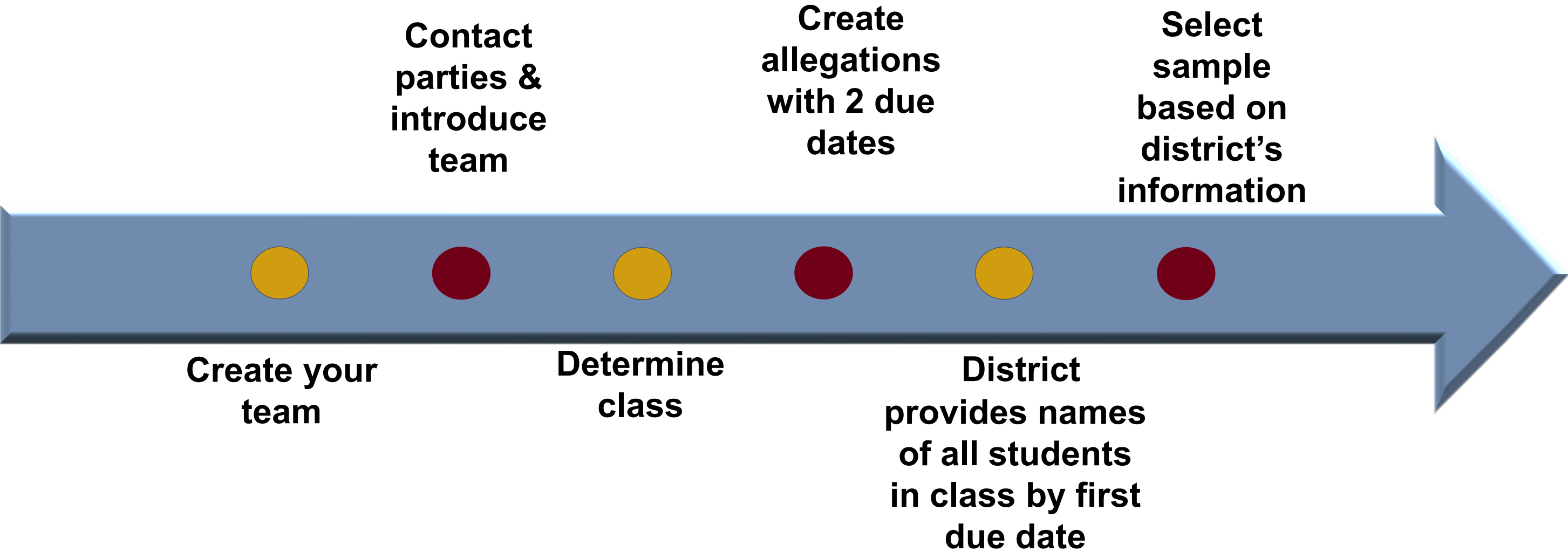
**Interviews with
staff are
scheduled
sooner**

**More of an
opportunity to
communicate
with parents**

Overview of Systemic Complaints with Early Engagement



Overview of Systemic Complaints without Early Engagement



Lesson 4: Define a Representative Sample

Decide number of students in the sample

Ensure representation of each:

- Type of building (elementary, middle or high school)
- Disability category
- Placement (LRE)
- Related Service Provider

Early District Engagement: Determining a Sample for an Investigation Involving all Students

OEC randomly selects schools

District provides list of intervention specialists (ISs)

OEC randomly selects ISs at each school

District provides all students assigned to selected ISs

OEC randomly selects students

District provides contact information for students

Example of Allegations for a Large District who Engaged Early with the OEC for a Systemic Complaint

Due to the large class of students investigated in this complaint and to stay as close to the timelines of this complaint, the following activity occurred between the District and the OEC:

- On June 29, 2020, the EPSs notified the District of the list of randomly selected school buildings that would be examined for this investigation.
- On July 7, 2020 the District provided a list of each IS assigned to the selected buildings and on the same day, the EPSs provided the randomly selected ISs from the District buildings.
- On July 7, 2020, the District provided the case list of Students assigned for each of the selected ISs.
- On July 8, 2020, the EPSs provided a list of randomly selected students from each IS. One student for every five students was selected from an IS's case list. For example, if an IS had 12 Students on their caseload, two students were randomly selected.

Ohio | Department of Education
Mike DeWine, Governor
Paolo DeMaria, Superintendent of Public Instruction

March 8, 2021

Superintendent

RE: Complaint #CP 0009-2021, Letter of Allegations

Dear Superintendent

On February 5, 2021, (the Parents) filed a formal complaint with the Office for Exceptional Children (OEC) that (the Community School) violated special education laws involving the education of (the Students).

The Parents provided additional information about the allegations in this complaint via conference call on February 19, 2021, pursuant to 34 C.F.R. 300.152(a)(2) [Minimum state complaint procedures].

MEDIATION IS AVAILABLE AT NO CHARGE TO COMMUNITY SCHOOL OR PARENTS

The OEC offers mediation to parents and schools to help them resolve disagreements about the education of a student with a disability, or a student who may have a disability. Mediation is a process in which parents and schools agree to have a neutral, third party (a professional mediator) come to a meeting for the purpose of resolving such disagreements. Participation in the mediation process does not terminate the complaint process. If you are interested in mediation to try and resolve the issues in your complaint and have yet to express your interest to the OEC, or if you have any questions in regard to the complaint, please contact Karen Johnson, Education Program Specialist at 614-995-3442 or by e-mail at karen.johnson@education.ohio.gov.

ISSUES THE OEC WILL INVESTIGATE

ISSUE 1:

The Parents allege the Community School failed to obtain the Parents' consent prior to changing the Student's educational placement from a "resource room as written in the IEP to the general education classroom." The Parents further allege, the Community School did not provide a prior written notice prior for the change of placement or in response to requests, concerns and issues raised in communications between October through December 2020. The Parents allege the prior written notices that were provided excluded or contained incorrect information. These are alleged violations of O.A.C. 3301-51-05(C)(5) [Parental consent for a change of placement], 34 C.F.R. 300.327 [Educational placements] and 34 C.F.R. 300.503(a) and (b) [Prior notice by the public agency; content of notice].

REQUIRED DOCUMENTATION:

1. A copy of the Parents' written consent to change the Student's educational placement;
2. A copy of documentation including emails, meeting notes and internal Community School correspondence which memorializes discussions concerning the change of placement from a resource room to a general education classroom;
3. A copy of all prior written notices pertaining to this issue;
4. A copy of the Parent Invitation for the IEP meeting pertaining to this issue; and

25 South Front Street
Columbus, Ohio 43215

(877) 644-6338
education.ohio.gov

What if a District Does not Engage Early in a Complaint?

Request two separate dates for documentation

First date: List of contact information for students and families

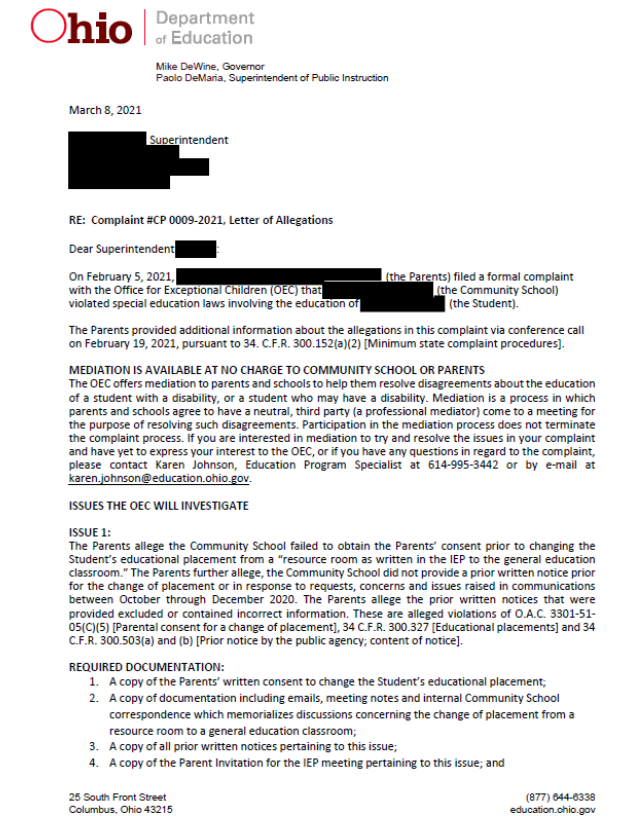
Second Date: All needed documentation

Example of Allegations for a Large District who did not Engage Early with the OEC for a Systemic Complaint

The District is required to submit the documentation for Issue 2, items 1-3 to the attention of Kelly Barger by May 3, 2021.

The District is required to submit, at a minimum, all other documentation to the OEC, attention Heidi Kleinman by May 21, 2021. The Complainant may also submit documentation, addressed to the attention of Heidi Kleinman by May 21, 2021. Please keep original copies of documentation for your records as documentation submitted to the OEC will not be returned.

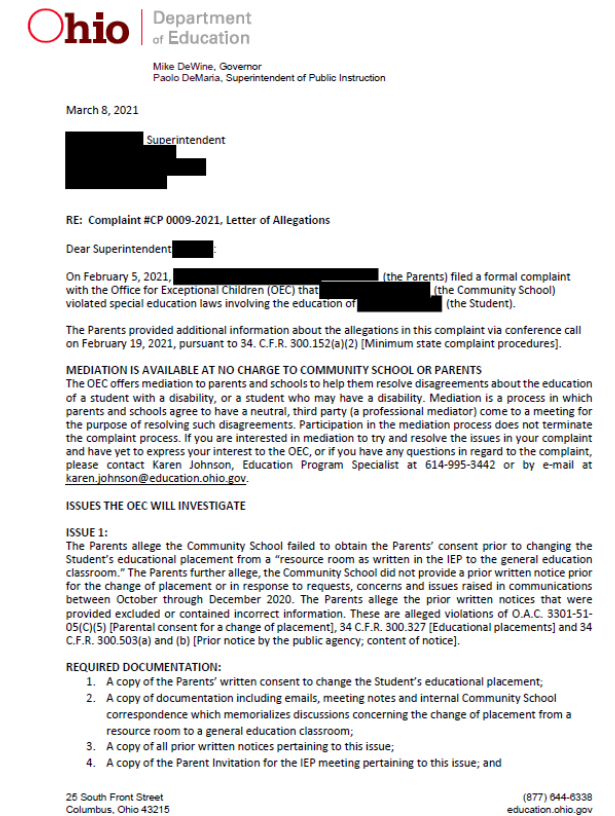
If you have any questions about the procedures or this investigation, please contact Heidi Kleinman, Education Program Specialist, at 614-995-0979, or via email at Heidi.Kleinman@education.ohio.gov




Example of Allegations when a District Acknowledges

In an August 26, 2021 email, the District's counsel informed the Assistant Director of Dispute Resolution within the OEC that the District acknowledged the issues brought forth in the complaint. In addition to the acknowledgement, the District agreed to provide a "proposed plan for resolving the complaint including a timeline for implementation."

As a result of the acknowledged, the OEC requires the District to submit its proposed plan to remedy the violations. The plan must address the following:



A young girl with dark hair in two pigtails, wearing a white long-sleeved shirt and dark pants, is sitting on a colorful mat. She is looking down at an open book she is holding in her lap. The mat has horizontal stripes of red, purple, blue, light blue, green, and yellow. The background is slightly blurred, showing what appears to be a classroom or play area.

Lesson 5: Consistency is Key

Ensure all investigators collaborate and agree on the process.
Ensure process is neutral and consistent.

Consistency with Parents: Preparing the Interviews

Review questions with complaint team

Questions should be the same for all parents

Allow multiple modalities for responses

July 17, 2018

[REDACTED]

RE: Complaint #CP [REDACTED], Systemic Letter to Parents

Dear [REDACTED]:

On June 1, [REDACTED], the Office for Exceptional Children (OEC) received a formal complaint alleging that [REDACTED] Public School is in violation of federal and/or state laws relating to the education of any student who received 30 or more days of academic instruction during the [REDACTED] school year at the [REDACTED] Program [REDACTED].

Your child, [REDACTED], has been identified as one of these students.

The OEC is conducting an investigation into this complaint. The District is cooperating with this investigation and will be providing documentation requested by the OEC. Your child's records will be included in this documentation. The OEC will be contacting you in the next few weeks by telephone to conduct a brief interview concerning your child's special education services.

If you have any questions about the procedures or this investigation, please contact Heidi Kleinman, Education Program Specialist, at 614-995-0979 or by e-mail at heidi.kleinman@education.ohio.gov.

Please refer to the above referenced complaint number when corresponding with this office.

Sincerely,

Heidi Kleinman, Education Program Specialist
Office for Exceptional Children

cc: [REDACTED], Special Education Director
[REDACTED], Superintendent

Example of Notification Letter to Parents

Example of Parent Interview Questions

How did the IS communicate with you?

Was work individualized for your child?

Does your child receive related services? How were they provided?

Was your child able to access technology?

Did your child receive IEP progress reports with specific comments?

Consistency with District Staff: Preparing Interview Questions

Schedule interviews quickly and in blocks

One person should be the interviewer

Organize questions specific to staff role

Example of District Interview Questions

Make sure questions stick to the issue and are differentiated for special education and general education staff, related service providers and administration

Did the district provide you with training to use remote learning?

How did you provide SDI to the student?

How did you track progress?

How often and how did you communicate with parents?

Did you provide IEP progress reports to families?

Lesson 6: Keep Calm and Review with Purpose!

Select specific documentation

Stay linear

Ongoing review with team



Documentation Review

Pick specific areas of focus

Get on the same page

Check in frequently

- Items selected *should* be as concrete as possible
- Meet with other reviewers before beginning to review documentation to make sure expectations are the same.
- Discuss trends noticed during review
- Does the documentation reflect what was in parent and staff interviews?

Example of a Spreadsheet

- Information can be sorted
- Multiple locations can be on one spreadsheet
- Answers can largely be answered 'yes' or 'no' which helps with determination of violation
- Trends are easier to spot
- Can be embedded into letter of findings
- Helps determine corrective action

The screenshot shows a spreadsheet application interface. The top row contains column headers: A (Last Name), B (First Name), C (IS), D (Disability Category), E (ETR Date), F (IEP Date), G (Goal), H (SDI), I (Progress Report), and J (Documentation of Contacts). Below the headers are several rows of data, with the first few rows highlighted in light blue. The spreadsheet is displayed in a window titled 'WallyWorld Elementary' and 'Wally_High'.

Lesson 7: Compliance May Vary

Use a Range

Helps Districts understand the *WHY* of a violation

Acknowledges staff that are compliant

Better Corrective Action

Corrective action becomes individualized to student or staff

Allows District to review on their own files

How Does Compliance Vary?

1

- Documents reflect compliance
- Interviews support compliance

2

- Some documents reflect compliance
- Interviews reflect partial compliance

3

- Documents do not support any compliance
- Interviews demonstrate violations

Set a Score to the Variance

Compliant
7-9 points

**Partial
Compliance**
4-6 points

Noncompliant
0-3 points



**Example of Language Used
to Determine Facts**

Green (7-9 points): There was individualized documentation which demonstrated the Students received SDI, or documentation which demonstrated that despite multiple attempts, the Student and Parent did not respond to any efforts to engage the Students. Students in this category had IEP progress reports, which provided data that supported a FAPE was provided during the school building closure. Finally, the Parent, IS and related service provider interviews supported the documentation submitted by the District.

Yellow (4-6 points): There was some documentation which demonstrated the Students received SDI or related services, or documentation which demonstrated individual contact or attempts were made to contact the Student and Parent. Students in this category had IEP progress reports that stated no progress could be collected due to the Governor's school closures or no reported progress. Finally, the Parent, IS and related service provider interviews supported that some services were provided, and FAPE was attempted, despite inconclusive documentation.

Red (0-3 points): There was no documentation provided which demonstrated the Students received SDI or related services, or that contact was made consistently with Students and Parents. Students in this category had no progress reports, or blank progress reports. Finally, the Parent, IS and related service provider interviews supported the documentation submitted by the District.

Example of Language Used for Findings

As part of its determination, the OEC considered guidance provided by the Office for Special Education Programs (OSEP) that noted the provision of services required by a student's IEP may look different in light of the unprecedented nature of the COVID-19 school building closures. However, due to the quality of records maintained by some individual staff members, there were three categories of Students determined. First, the documentation demonstrated FAPE was substantially provided to some Students. Second, there were Students for whom the documentation did not conclusively demonstrate FAPE was provided. Finally, there were Student's for whom the records conclusively demonstrated that the Students did not receive a FAPE.

Example of Variance Embedded in Letter of Findings

- Identifier is clearly marked
- Information from spreadsheet is summarized
- Items marked 'yes' (Y) are given 1 point
- Items marked not applicable (N/A) are given 1 point
- Items marked 'no' (N) are give 0 points
- The range allows for flexibility but captures compliance

	B11	B12	B13	B14	B15	B16	B17	B18	B19	B20
Documentation of SDI	N	N	N	N	N	N	N	N	Y	N
Documentation of Student contact	N	N	N	N	N	Y	N	N	Y	Y
Documentation of Individual Parent Contact	N	N	N	N	N	N	Y	N	Y	N
Progress Report Submitted	N	N	N	N	N	N	Y	N	Y	N
Specific Comments on Progress Report	N	N	N	N	N	N	N	N	Y	N
Data submitted on Progress Report	N	N	N	N	N	N	N	N	Y	N
Evidence of SDI based on IS interview	N	N	N	N	Y	Y	Y	N	Y	Y
Evidence of SDI based on Related Service Provider Interview	Y	n/a	n/a	n/a	n/a	n/a	Y	n/a	n/a	n/a
Evidence of SDI based on parent Interview	N	n/a	n/a	n/a	n/a	n/a	n/a	n/a	Y	n/a
Total	1	2	2	2	3	4	5	2	9	4

Lesson 8: Corrective Action is All Hands-on Deck

Debrief with district

Set expectations

Use internal and external resources

Corrective Action Determinations

Size Matters!

Scope of corrective action depends on size of systemic complaint

Comp Ed

Set up in the sample and have the district review the rest

Training & Review

Use reliable resources to provide training a review records to ensure compliance

Consider Potential Priority Groups of Students

Students set to graduate or age out of services

Students with behavior issues

Immunocompromised students or students with significant disabilities

Other Corrective Action Pointers

Consider 'check ins' as part of the corrective action

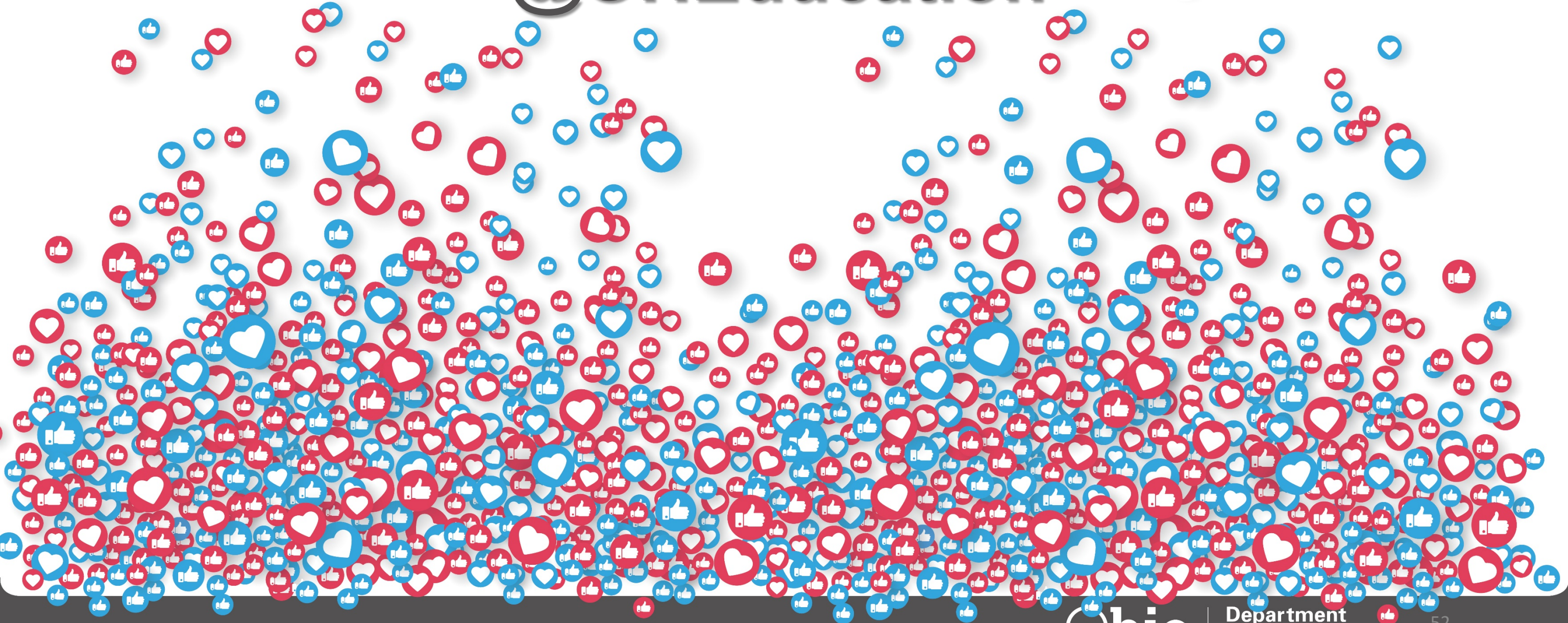
The SEA may assign itself corrective action

Use trusted resources

Encourage open communication and flexibility



@OHEducation



Share your learning
community with us!

#MyOhioClassroom



Celebrate educators!

#OhioLovesTeachers