

## Blackman Jones ADR Status Report

### March 28, 2008

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

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

<p>and redeploying positions created and/or staff hired under paragraph 51 of the Decree. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the plan.</p> <p>11. The agreed Backlog Reduction Plan will specifically identify each staff person working directly on reducing backlogs, the job they perform, how the job will change (if at all) under the plan, and a schedule for any job changes.</p>	<p>simultaneously reforming DCPS policy, 3) increasing related services capacity and 4) increasing cooperation with parents and parent representatives.</p> <ul style="list-style-type: none"> <li>• A six-month contract with Klemm Analysis Group was executed on January 17, 2008 with a six-month option to extend.</li> <li>• See <u>Attachment A</u> for further details about plan implementation. See <u>Attachment B</u> for a status update on requirements under the Backlog Reduction Plan.</li> </ul> <p>Completed</p> <ul style="list-style-type: none"> <li>• The plan contemplated detailing current staff to the backlog reduction effort rather than changing their job descriptions at this time. Staff would include KAG, DCPS and OSSE staff working together.</li> </ul> <p>See <u>Attachment A</u> for full listing of staff.</p> <p>Currently, the staff working on the plan include:</p>	<ul style="list-style-type: none"> <li>• DCPS and OSSE will continue to work together to issue a joint legal access folder policy.</li> <li>• DCPS and KAG will distribute dashboards to schools by April 1.</li> <li>• DCPS will work with DCPS OSE to ensure that IEPs and assessments that will come due in the next months as well as the summer are scheduled and completed to meet IDEA compliance.</li> <li>• The Backlog Reduction team will continue to create better communication between the departments and strengthen the principal's accountability for special education.</li> </ul>
---	---	--

<p>12. By February 1, 2008, the parties will determine whether an exemption from the District’s personnel system is needed to effectuate the Backlog Reduction Plan (<i>e.g.</i>, in order to timely change job descriptions, transfer staff devoted to reducing backlogs to other positions, and/or hire staff in positions devoted to directly reducing backlogs)<sup>1</sup>. If so, the parties will immediately seek the Court’s approval of an order</p>	<ul style="list-style-type: none"> <li>• <i>DCPS Staff:</i> <ul style="list-style-type: none"> <li>- Three (3) DCPS SERT staff,</li> <li>- Seven (7) full time compliance specialists and one (1) compliance specialist supervisor</li> <li>- Three (3) dispute resolution specialists</li> </ul> </li>   <li>• <i>OSSE Staff:</i> <ul style="list-style-type: none"> <li>- Eight (8) disposition specialists</li> <li>- One (1) compliance specialist</li> </ul> </li>   <li>• <i>KAG Staff:</i> <ul style="list-style-type: none"> <li>- Ten (10) FTE working on complaint/HOD analysis, data entry and complaint resolution.</li> </ul> </li> </ul> <p>Completed.</p> <ul style="list-style-type: none"> <li>• Prior to February 1, 2008, the parties decided that asking the court for an exemption from the District’s personnel system at this time was unnecessary. However, the parties may decide to revisit the issue in the future.</li> </ul>	
--	---	--

<p>effectuating the exemption.</p> <p>13. The agreed Backlog Reduction Plan will identify whether and how the 70 FTE positions referenced in paragraph 51 of the Decree were created and filled.</p> <p>14. By January 15, 2008, defendants will report in writing to the Monitor providing a full accounting of their compliance with paragraph 51 of the Decree.</p>	<p>Not Complete</p> <ul style="list-style-type: none"> <li>• The Backlog Reduction Plan did not identify whether the 70 FTE positions were filled.</li> </ul> <p>Partially Complete.</p> <ul style="list-style-type: none"> <li>• DCPS and OSSE are submitting an accounting of the 70 FTE positions with this status report. Currently, defendants can account for 68 out of 70 positions.</li> </ul> <p><i>Current Status</i></p> <ul style="list-style-type: none"> <li>• Staff assigned to the backlog reduction plan are currently working on**:             <ol style="list-style-type: none"> <li>1) HOD implementation</li> <li>2) Complaint resolution</li> <li>3) Complaint and HOD analysis and triage</li> <li>4) Special Issues (complex HODs)</li> <li>5) IBL implementation and closure</li> <li>6) Data and reporting</li> </ol> </li> </ul> <p>** See <u>Attachment A</u> for further details</p> <ul style="list-style-type: none"> <li>• Staff have not yet been but will be</li> </ul>	
--	--	--

	<p>assigned in the future to work on the legal access folder audit outlined in the Backlog Reduction Plan.</p> <ul style="list-style-type: none"> <li>• One major project, the distribution of dashboards to the schools, has not yet occurred. Major delays occurred as the backlog reduction plan built up staffing capacity and knowledge of the type of data that should be collected. Now that there are more staff members and better collection of data, DCPS and KAG will create initial dashboards for distribution to the schools by April 1.</li> <li>• Since mid-March, the Backlog Reduction team and OGC are working more collaboratively as the complaint team has taken on the task of making settlement offers in appropriate cases shortly after receiving the due process complaint.</li> <li>• DCPS reached out to plaintiffs bar by letter and email to distribute information about a hotline number staffed by a high-level staff member that can be called by attorneys representing children in special education.</li> <li>• The Backlog Reduction plan has reached out further to Office of</li> </ul>	
--	---	--

	<p>Schools staff and Office of Special Education staff to create more communication about the necessity of scheduling meetings and assessments prior to the end of the year. There has been a challenge in strengthening communication and creating clear accountability across many departments in DCPS.</p> <p><i>Policy Revision</i></p> <ul style="list-style-type: none"> <li>• Policy revisions have been moving on schedule according to the timeline outlined in the backlog reduction plan.</li> <li>• The following policies have been drafted and are in review:             <ol style="list-style-type: none"> <li>1) Suspension of Directive No. 530.6</li> <li>2) Phaseout of MDT terminology</li> <li>3) Compensatory education policy</li> <li>4) Immediate Receipt of Services Policy</li> <li>5) LAF policy</li> <li>6) Independent evaluation rate policy</li> </ol> </li> </ul>	
--	---	--

<u>Charter Schools</u>		
<p>15. By December 14, 2007, defendants will file with the Court a statement accepting legal responsibility for ensuring timely hearings and timely implementation of HODs and SAs for charter school students. The parties agree that OSSE, as the District’s designated SEA for IDEA purposes, has ultimate legal responsibility under both federal and District law for ensuring timely hearings and timely implementation of HODs and SAs. The statement filed with the Court under this provision will address the issue regarding jurisdiction over charter schools raised in the Report and Recommendation of the Special Master regarding D.H. filed with the Court on July 31, 2007.</p> <p>16. Other provisions of this agreement commit defendants to developing a process for evaluating the special education and related services delivered at charter, as well as other, schools and a process at OSSE for resolving complaints about charter, as well as other, schools.</p>	<p>Completed.</p> <ul style="list-style-type: none"> <li>On December 14, 2007, defendants filed a statement with the Court accepting legal responsibility for ensuring timely hearings and timely implementation of HODs and SAs for charter school students.</li> </ul>	

<p><b><u>Compensatory Education</u></b></p> <p>17. Defendants will implement Attachment A, an agreement regarding compensatory education reached by the parties during the ADR process.</p> <p><u>ADR Attachment A</u></p> <p>By January 1, 2008 OSSE will propose, in writing, a work plan that, at minimum, includes [a specified list of information].</p>	<p>Partially Completed</p> <p>[Please note: Parties agreed that all Jan. 1 deliverables would be submitted on Jan. 2.]</p> <p>Completed.</p> <ul style="list-style-type: none"> <li>• Please see <u>Attachment C</u>. Among the required elements of the work plan was draft text for the mailing for review and comment by plaintiffs and the Evaluation Team. OSSE incorporated comments and worked collaboratively with plaintiffs to finalize a letter and response card that was used in the test mailing described below. Please note, as also discussed below, that based on the results of a test mailing conducted by defendants, the parties are currently discussing revisions to the work plan designed to maximize the number of class members contacted and alerted to their right to receive Blackman/Jones compensatory education awards.</li> </ul>	<p>None.</p>
---	--	--------------

<p>By January 1, 2008 OSSE will produce a list of all current class members that contains the most up-to-date contact information available to DCPS and/or OSSE including information from the school census and the transportation database.</p>	<p>Completed.</p> <ul style="list-style-type: none"> <li>• An updated list of class members containing address information was delivered at the same time the work plan was delivered. This list contained addresses obtained from a combination of DC STARS and Encore. OSSE staff did not include transportation data at that time because it learned that many of the addresses in that database are the pick-up and drop-off locations for students, not the home address of parents or caregivers. OSSE has discussed integrating this information into the follow-up effort by the community contractor.</li> </ul>	<p>None.</p>
<p>By January 1, 2008, OSSE will compile and provide to plaintiffs two lists: 1) A list of all students who have become Blackman/Jones class members since the date the original class list was generated. 2) A list of all student for whom Klemm Analysis Group has been unable to determine whether the students are class members. In all cases where DCPS is unable to verify timely implementation of an HOD, the student will be considered a current class member.</p>	<p>Completed.</p> <ul style="list-style-type: none"> <li>• As described above, the first list was delivered at the same time the work plan was delivered. At that time OSSE reported in the work plan that it was not aware of any student for which Klemm Analysis Group was unable to determine class membership.</li> </ul>	<p>None.</p>

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

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

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

<sup>2</sup> If Ms. Goldberg or any other consultant named in this agreement is unable to serve or continue to serve as a consultant, the parties will agree on the consultant's replacement.

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

<p>implementation of this agreement. Four additional staff will be hired to work for Tameria Lewis, and six additional staff will be hired to work for Richard Nyankori.</p> <p>22. If the parties determine that an exemption from the District’s personnel processes is needed to implement paragraph 21 above, the parties will immediately seek the Court’s approval of an appropriate order to this effect.</p> <p>23. A plaintiffs’ representative will participate in the hiring process for the ten staff. Plaintiffs will have no formal say in the hiring process; however, the views of plaintiffs will be seriously considered.</p> <p>24. By February 1, 2008, the parties will attempt to reach agreement on whether additional staff are needed to implement the Decree or this agreement and, if so, in what positions and how such positions should be created and/or staff hired.</p> <p>25. By February 1, 2008, defendants will evaluate and report to plaintiffs whether implementation of the Decree or this agreement requires</p>	<p>4 additional staff to work for Tameria Lewis. A third individual staff member has been identified and is completing the hiring process.</p> <ul style="list-style-type: none"> <li>• The parties are currently contemplating whether additional staff will be necessary to fully implement the Decree.</li> <li>• Due to some difficulty in processing applicants expediently through DC HR, the parties are considering whether personnel exemptions are necessary, should additional staff be necessary to carry through commitments in the Consent Decree.</li> </ul>	
---	---	--

<p>further exemptions from the District’s personnel process in addition to any exemption that may be required to implement paragraph 21 above. If so, the parties will immediately seek the Court’s approval of an appropriate order to this effect.</p>		
<p><b><u>Case Managers</u></b></p> <p>26. Defendants will contract for a case management program that will be operational on or before April 1, 2008. The initial budget for the program will be at least \$3 million (on an annual basis). Prior to the commencement of operations, defendants and plaintiffs will brief class counsel for <i>Petties</i> on the mission of the case management project, including any measurable performance indicators. Defendants and plaintiffs will brief <i>Petties</i> counsel on the project six months after the start of the project.</p> <p>27. The program will be consistent with Attachment B, a draft scope of work for the contractor.</p> <p>28. Defendants will continue to use Narrell Joyner and Michael Terkletaub as consultants for the case</p>	<p>Completed</p> <ul style="list-style-type: none"> <li>• On March 13, 2008, OSSE executed its contract with First Home Care, consistent with the draft scope of work annexed to the ADR agreement but reflecting extensive subsequent discussions with Plaintiffs and the Evaluation Team around program design. First Home Care is one of the District’s Mental Health Core Service Agencies and is already a major provider of children’s mental health case management services in the city. The executed Scope of Work for the contract is attached to this Status Report as <u>Attachment E</u>. This is a one year contract in the amount of \$3.4 million with four option years.</li> <li>• The purpose of case management is two-fold: First, case managers will, it is expected, play a role in better outcomes for students with IEPs</li> </ul>	<ul style="list-style-type: none"> <li>• After the initial training week, the case managers will begin to build their caseloads through case reviews with the schools and family outreach.</li> <li>• For the remainder of this school year, the case managers will focus on becoming familiar with families and students, the IEP process, school staff and service providers. During the summer vacation, it is expected that case managers will take on further students, as students move schools, enter and exit litigation and are referred by DCPS and nonpublic schools. The program is expected to be working at full capacity at the start of the next school year.</li> </ul>

<p>management program. Defendants will also use these individuals in evaluating the program.</p> <p>29. By August 1, 2008, the parties will try to reach agreement on revisions to and/or expansion of the program.</p>	<p>without resorting to litigation. Case managers will become experts in the services the students on their caseload receive or do not receive, and will have a direct line of communication with those at DCPS and OSSE who have the authority to remedy any gaps or problems in service delivery. Second, the case managers will bring, on a monthly basis, accurate ground-level information to the reform leaders and class counsel. The information drawn from the case managers is will inform high-level decisions around access to related services and wraparound services, addressed elsewhere in this Status Report.</p> <ul style="list-style-type: none"> <li>• Throughout January and February, OSSE and DCPS worked with First Home Care, Plaintiffs, Mr. Sundram and consultants Narell Joyner and Michael Terkeltaub to design the contours of the program. The key features of the case management program are as follows:             <ul style="list-style-type: none"> <li>○ In this first year, the case managers will serve 450 students, or 15 students per case manager, when at full capacity.</li> <li>○ The program will have eight</li> </ul> </li> </ul>	
---	--	--

	<p>“home base” DCPS schools, all of which encounter a high volume of due process litigation—two middle schools, one special education center and five elementary schools, two of which are SAM schools. Students with IEPs in these schools who are struggling in any way or who have made a formal complaint at any time will have priority access to case managers.</p> <ul style="list-style-type: none"> <li>○ Case management is always voluntary on the part of families.</li> <li>○ When any student with a case manager moves schools, whether to a charter, nonpublic or other DCPS school, the case manager will move with him or her.</li> <li>○ Case management capacity is being reserved for students participating in the Incentive Seats pilot next school year, for referrals from nonpublic schools when a student of theirs is to transfer back to a DCPS or charter school, and for students identified by those working on the Backlog Reduction Plan.</li> </ul>	
--	--	--

	<ul style="list-style-type: none"> <li>• FHC has hired thirty well-qualified case managers, including a number of parents of District students with IEPs, plus a Program Director and supervisors. All case managers are skilled in working with children, families and in the community; many also bring specific school and human services experience</li> <li>• The new case managers will receive a full week of training beginning March 24, 2008. This training will be conducted by several individuals including Narrell Joyner, Michael Terkletaub and OSSE and DCPS special education reform team staff.</li> </ul>	
<p><b><u>Nonpublic Unit</u></b></p> <p>30. By February 1, 2008, defendants, in collaboration with plaintiffs, will develop a plan for the Nonpublic Unit. The parties will consult with Special Master Elise Baach and <i>Petties</i> counsel concerning the plan.</p> <p>31. Defendants will seriously consider plaintiffs’ proposal that the Nonpublic Unit be abolished and its functions reside elsewhere. Under</p>	<p>Not completed.</p> <ul style="list-style-type: none"> <li>• Defendants have worked closely with plaintiffs to develop a plan to reform the nonpublic unit, but have not yet finalized this plan.</li> <li>• In order to ensure that the plan developed pursuant to paragraph 30 is as well designed as possible, and is informed by the experiences and expertise of nonpublic school stakeholders, OSSE, in conjunction</li> </ul>	<p>The Parties expect to finalize a plan for the reform of the Nonpublic Unit no later than May 1, 2008.</p>

<p>plaintiffs’ proposal, bill payment would be performed by OSSE’s business department under the supervision of the CFO. Program evaluation would be performed by OSSE as part of a larger (and integrated) effort to evaluate -- using a unified process and set of expectations -- DCPS schools, charter schools, and private placements. “Folder” schools would be responsible for participating in the IEP process.</p> <p>32. No change to the Nonpublic Unit will be made unless it is reasonably certain that the special education system’s performance will be improved by the change.</p>	<p>with the District of Columbia Association for Special Education (DCASE), has conducted a series of focus group meetings with representatives of nonpublic schools, Blackman Jones Class Counsel and Petties Class Counsel on the following topics:</p> <ul style="list-style-type: none"> <li>○ Billing, record-keeping and Medicaid</li> <li>○ Rates and rate-setting</li> <li>○ IEP process at nonpublic schools</li> <li>○ Assessments, related services and compensatory education provision for DC students in nonpublic school placements</li> </ul> <ul style="list-style-type: none"> <li>● These focus group meetings have been well attended and have provided essential insight to the parties to consider in developing a comprehensive reform plan.</li> <li>● On March 11, 2008, the parties submitted a draft of their current thinking regarding the elements of an NPU reform plan to Petties Special Master Baach and Petties class counsel. An initial discussion of this issue was held with Petties representatives and Special Master Baach on March 13, 2008.</li> </ul>	
---	--	--

	<ul style="list-style-type: none"> <li>• A follow-up meeting to further discuss these issues was held on March 19, 2008.</li> <li>• Petties counsel submitted written comments on the NPU discussions to date on March 22, 2008.</li> </ul>	
<p><b><u>Program Evaluation</u></b></p> <p>33. Beginning in January 2008, defendants, in collaboration with plaintiffs, will design a process, to be implemented on a significant scale by the beginning of the next school year (8/08-6/09), for evaluating the provision of special education and related services to students in DCPS schools, charter schools, and private placements. The process will evaluate fidelity to the expectations for the delivery of special education and related services at the school level developed pursuant to paragraph 61.</p> <p>34. Information from the program evaluation process will be used to help manage D.C.’s special education system and to inform D.C.’s reform efforts.</p> <p>35. Defendants will employ Paul Vincent of the Child Welfare Group in</p>	<p>Project is on schedule.</p> <ul style="list-style-type: none"> <li>• The Parties have agreed to use a Qualitative Services Review program, or “QSR”, to fulfill the requirement that defendants develop a process for evaluating the provision of special education services to District students.</li> <li>• QSR is an established system evaluation technique. In a QSR, reviewers take a short time period, usually no more than two business days, to focus on a specific consumer: reviewers interview the consumer, his/her family and his/her service providers, then develop ratings using a scoring protocol to build an overall picture of both the experience of that person and the functioning of the whole system. QSR’s power is that it reflects overall system performance from a child and family perspective.</li> <li>• Paul Vincent, of the Child Welfare</li> </ul>	<ul style="list-style-type: none"> <li>• OSSE is currently preparing for its first usage of QSR. Paul Vincent’s team, including expert reviewers from around the country, will host a training session on April 3 and 4, 2008, and will conduct an initial 24-case review of students with IEPs in the weeks beginning April 21 and May 5. The goal of this small-scale review will be to introduce special education stakeholders to the interview technique and scoring, to detect trends to the extent possible with a small number of cases, and to work on formulating a unified set of “guiding principles” for the system based on lessons learned by the reviewers. The 24 students to be reviewed will be selected at random from those with IEPs in a set of approximately six DCPS, charter and nonpublic schools.</li> </ul>

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

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

---

<sup>3</sup> A “cluster” in the School-Wide Applications Model is a group of schools: four elementary schools; two elementary schools and one middle school; two middle schools; or one high school.

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

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

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

<p>37-38 above; students in the pilot referenced in paragraphs 39-42 above; and students on the caseloads of case managers.</p> <p>48. Defendants will use Knute Rotto of Choices, Inc., in Indianapolis, Indiana, as a consultant. By January 1, 2008, defendants will contract with Mr. Rotto. Mr. Rotto’s scope of work will include identifying and evaluating mental health services and evaluations presently provided in schools or as a related service, and making recommendations for improvement, as well as evaluating defendants’ use of Medicaid to finance these services and recommending strategies for increasing federal reimbursements.</p> <p>49. Defendants’ plan will consider the available mental health resources in the District and describe how these resources will be used on behalf of students. As appropriate, the plan will be developed in collaboration with DMH, CFSA, and DYRS.</p>	<ul style="list-style-type: none"> <li>• Over the last two months, Mr. Rotto has met with over 50 individuals representing the following stakeholders: psychologists working in private and public organizations, core mental health service providers, non-profit organizations, lawyers and advocates from private and public entities, 11 District of Columbia government agencies, and principals, special education coordinators, and mental health providers in 4 District of Columbia Public Schools (DCPS), and 5 public charter schools. Mr. Rotto has also conducted a documentary review of various school and mental health white papers and reports, financial documents, and DC Medicaid regulations.</li> <li>• The information gleaned from this process is being consolidated into a written report. This report is designed to provide stakeholders with what is essentially a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis of existing mental health services available to students enrolled in public schools.</li> <li>• A draft of this report was submitted to the parties and Mr. Sundram on March</li> </ul>	<p>regarding additional aspects of the plan beyond the middle school full purpose school pilot, such as ensuring improved student access to mental health services in all schools by streamlining process for referral to MCOs and DMH service providers.</p>
--	--	---

	<p>7, 2007 and we are currently in the process of reviewing the draft and collecting comments from various stakeholders.</p> <ul style="list-style-type: none"> <li>• As the evaluation of existing services and the Medicaid system is not yet final, we have not yet finalized the plan to improve and enhance mental health services. However, significant preliminary work has been done towards the development of the plan to expand capacity and, as appropriate, modify existing services for students within the District of Columbia.</li> <li>• Eight DCPS middle schools have been identified to serve as a pilot for school-wide reform focused on meeting academic, social and psychological needs of both general and special education students. The Deputy Mayor of Education, OSSE, and DCPS are working together along with other District agencies to further develop the various components of this school-wide reform which will encompass supports for school administrators, teachers, and related staff.</li> <li>• The vision for this cohort of schools is to create “Full Purpose” schools that</li> </ul>	
--	--	--

	<p>not only improve the academic achievement of these students, but create a school environment where students feel accepted, parents are involved, and all the necessary supports and resources for academic and behavioral success are accessible to ALL students.</p> <ul style="list-style-type: none"> <li>• Finally, a major focus of the pilot will be to develop enhanced in-school mental health services and “wrap-around” care for those students with intensive mental health needs in the eight pilot schools and across the school system.</li> </ul>	
<p><b><u>Other Related Services</u></b></p> <p>50. By March 1, 2008, defendants, in collaboration with plaintiffs, will develop a plan for evaluating and improving the provision of related services other than mental health services, including development of an effective process for identifying and addressing related service lapses.</p>	<p>Partially complete</p> <ul style="list-style-type: none"> <li>• A draft Related Service Plan was submitted on March 1<sup>st</sup> and reviewed by Ira Burnim and Clarence Sundram. Based on their feedback DCPS is crafting a short term and long term plan for related services.</li> <li>• The short term plan involves establishing workload requirements for providers, determining how related services will be provided at SAM Schools and mental health pilot schools, and creating a mechanism for DCPS to immediately address service</li> </ul>	<ul style="list-style-type: none"> <li>• Draft will be resubmitted using input from Ira Burnim and Clarence Sundram</li> <li>• DCPS is working with outside sources (grad schools) to augment the staffing need.</li> </ul>

<p>51. By March 1, 2008, defendants, in collaboration with plaintiffs, will develop and implement a written policy that identifies the process and criteria that DCPS will itself use to award compensatory education when related services are not adequately provided. The process, which will be tied to the IEP process, will involve parents and respect their views.</p> <p>52. The policy developed pursuant to paragraph 51 will not be used to avoid or impede hearing officers awarding compensatory education or avoid or impede hearing officers determining the nature and amount of compensatory education that may be</p>	<p>gaps.</p> <ul style="list-style-type: none"> <li>• The long term plans involves a larger reorganization of related services centered on establishing a performance reporting system, defining quality service, and determining the best service delivery model.</li> <li>• D.C.'s biggest issue around related services right now is the lack of resources within the Blackman Jones Team to devote to related services.</li> <li>• Partially complete; parties have agreed to new timelines in ADR agreement</li> <li>• By March 1, a compensatory education policy tying compensatory education into the IEP process was drafted and vetted through DCPS and Ira Burnim. OSSE will also review the policy.</li> </ul>	
--	--	--

<p>due.</p>		
<p><b><u>Data</u></b></p> <p>53. Defendants will use their best efforts to develop an accurate and reliable data system in conformity with paragraphs 60-65 of the Decree. By January 1, 2008, defendants will identify the date by which they expect to have an accurate and reliable data system that meets the requirements of the Decree.</p> <p>54. Defendants will continue to contract with Rebecca Klemm to maintain the “Klemm data base” until a new data system is developed, and its functionality and accuracy is confirmed.</p>	<p>In progress and On Schedule</p> <p>On January 2, 2008, Defendants submitted a statement to plaintiffs detailing the following timeline for the procurement and implementation of an accurate and reliable special education data system.</p> <ul style="list-style-type: none"> <li>• Beginning in July 2008 OSSE will begin to roll out a basic version of a state special education data system to a limited number of schools. Among other things, this basic system will permit users to create and track compliance with IEPs and to both order related services and track the provision of those services. This basic system will primarily consist of off-the-shelf software and will not yet contain an independently designed legal module (see below).</li> <li>• By the beginning of the 2008-09 school year, the basic data system will be rolled out to all DCPS schools. It is also anticipated that by this time the basic data system will be rolled out to all charter schools that elect to have DCPS serve as their LEA. OSSE is currently evaluating the manner in which this data system will be offered</li> </ul>	<ul style="list-style-type: none"> <li>• Project development Schedule:             <ol style="list-style-type: none"> <li>1. Review Teams of process flow, requirements, configurations (current – 5/27/08)</li> <li>2. Phase I configuration complete (5/27/08)</li> <li>3. Phase I training begins (5/27/08)</li> <li>4. Phase I pilot cutover (6/18/08)</li> <li>5. Phase I full cutover (8/28/08)</li> <li>6. Phase I training complete (9/30/08).</li> </ol> </li> </ul> <p>The SEDS development team will contact DCASE to ensure clear communication and coordination with concurrent DCASE IT development projects.</p>

	<p>to and/or required for charter schools that function as their own LEAs. OSSE will keep plaintiffs informed of any developments in this area.</p> <ul style="list-style-type: none"> <li>• By January 2009 the data system vendor will deliver to OSSE a legal module that will allow the tracking and implementation of HODs and SAs. This module will be designed to conform with DC's unique special education legal environment in addition to all federal and state requirements. The legal module will also be designed to interface on a limited basis with the SHO docketing system.</li> <li>• By the beginning of the 2009-10 school year the legal module will be rolled out to all participating schools.</li> </ul> <p>OSSE has now executed a contract with PCG, Inc to design and implement the Special Education Data System (SEDS) according to the following project plan and schedule:</p> <ol style="list-style-type: none"> <li>1. Award to PCG made on 2/26/08 along with public announcement by Deborah Gist and Mayor Fenty. Contract award amount \$4.3 million.</li> <li>2. Project Launch on 2/27/08             <ol style="list-style-type: none"> <li>a. Review Teams including representatives of the user</li> </ol> </li> </ol>	
--	---	--

	<p>community (in LEAs and OSSE) convened daily around specific special education functions and processes. (3/10 – current)</p> <p>b. Executive kickoff meeting including Superintendent Deborah Gist, Chancellor Rhee, Josephine Baker, Vivek Kuundra, and PCG CEO convened to relate sense of urgency and prioritization of this project for the District. (3/18/08)</p> <p>c. Project team kickoff including Project Team, Executive Stakeholder staff representatives meeting to discuss overall protocols and process for managing implementation. (3/18/08)</p>	
--	--	--

<p><b><u>Student Hearing Office</u></b></p> <p>55. Defendants will secure a consultant to help them improve the operations of the Student Hearing Office. The scope of work for the consultant will be consistent with Attachment C to this agreement.</p>	<p>Completed.</p> <p>A consultant, Gail ImObersteg, Esq., was hired and completed Phase I of her contract. As described below, she has now begun work on Phase II as well. In addition to providing a brief summary of Ms. ImObersteg’s work, the following is a general overview of some of OSSE’s ongoing efforts to improve the operation at the Student Hearing Office (SHO).</p> <hr/> <p><i>Continued Work of Expert Consultant</i></p> <ul style="list-style-type: none"> <li>Phase I of the contract for consulting services of Ms. Gail ImObersteg, Esq., has been completed. Under this contract, Ms. ImObersteg, Esq. has, among other things: 1) Reviewed current SHO practices, soliciting both Hearing Officer and SHO staff input; 2) Reviewed and reported on administrative records and on an assessment of Hearing Officer Determinations (HODs); 3) Developed a model pre-hearing agenda, checklist and HOD format for Hearing Officers; 4) Developed evaluation criteria of HODs and administrative records; 5) Reviewed written policies, procedures and directives on the docking system project, reporting deficiencies in the system and on proposed business</li> </ul>	<ul style="list-style-type: none"> <li>Begin work with vendor on docketing system on April 7, 2008.</li> <li>Hold input session with attorney stakeholders on April 9, 2008.</li> <li>Continued work on all of the reforms listed in the Current Status the section.</li> </ul>
--	--	---

	<p>processes; and 6) Conducted Meetings and Discussion with Hearing Officers. (<u>Attachment G</u> contains three of Ms. ImObersteg, Esq.'s reports: 1) Report on the Review of Administrative Records and Hearing Officer Determinations; 2) Hearing Officer Qualifications, Functions, and Responsibilities; and 3) Evaluation of Special Education Hearing Officers for the District of Columbia. )</p> <ul style="list-style-type: none"> <li>• Phase II of Gail ImObersteg Esq.'s services have begun. Phase II of the contract for consulting services is designed to build on the systemic changes effected in Phase I and to implement adopted recommendations to transform the SHO, and the hearing system itself, into high functioning systems. Phase II includes an intensified effort to identify and change systemic deficits in the conduct of pre-hearings, hearings, and decision writing and to provide resources to individual Hearing Officers to support them in their efforts to perform consistent with standard and best legal practices.</li> <li>• To provide the Hearing Officers a dedicated resource, Mrs. ImObersteg, Esq. has secured the</li> </ul>	
--	---	--

	<p>services of another expert in the conduct of special education hearings, Mr. Lyn Beekman, Esq. Mr. Beekman will be observing individual Hearing Officers in the conduct of pre-hearings and hearings and will be reviewing decisions to provide them feedback to enhance their performance. His assistance is intended to be short-term and will be performed in a manner that ensures decisional independence.</p> <ul style="list-style-type: none"> <li>• Phase II will also include the recruitment, selection, and training of Hearing Officers and a revised contract to align with the transformation of the system. Based on the expansion of the functions and responsibilities of the position of Chief Hearing Officer consistent with other hearing systems, a full time Chief Hearing Officer will also be recruited. The recruitment processes will include a transition plan to ensure it does not affect the orderly conduct of hearings and timely decisions.</li> <li>• During Phase II of the Contract, a Chief Administrative Officer (CAO) for the SHO will also be recruited, selected, and trained .The functions and responsibilities of the SHO CAO</li> </ul>	
--	--	--

	<p>are currently being performed by Mr. Dakarai Thompson, Esq., Special Assistant to the Executive Director of the Office of Review and Compliance, on an interim basis. Ms. ImObersteg, Esq. will assist him in the recruitment, selection, and training of the CAO, as necessary, and in the transition of functions and responsibilities.</p> <ul style="list-style-type: none"> <li>• Other activities in Phase II of the contract, will include: 1) the provision of technical assistance to the selected vendor for the SHO docketing system on the IDEA business rules; 2) ongoing assistance to the record archivist on the maintenance of administrative records; 3) technical assistance to the CAO on staffing capacity issues; 4) participating in the solicitation and consideration of input from stakeholders on the hearing system and operation of the SHO; and 5) assistance, as needed, in the revision of law, regulations, policies, and procedures relating to the special education hearing system for consistency with the IDEA and alignment with standard and best legal practices.</li> <li>• The SHO also provided an interim report in January at the request of the</li> </ul>	
--	--	--

	<p>Court Monitor. <u>Attachment H</u> (without enclosures) lists a number of the reforms also described below.</p> <p><i>Files, Records &amp; Docketing</i></p> <ul style="list-style-type: none"><li>• The docketing system contract has been signed by OSSE’s selected vendor, Customer Expressions, Inc., and the development of system will begin on April 7<sup>th</sup>. (The contract will be fully executed by OSSE upon receipt of a notarized tax form from the vendor.)</li><li>• Pending the rollout of the electronic docketing system, the SHO continues to utilize the software application Quickbase to track the "life cycle" of a due process complaint. This software is currently being utilized as an interim internal docketing system for the SHO.</li><li>• The SHO continues to clean up and restore order to the records and administrative files of the SHO. This includes the maintenance and storage of all current files and all files in the “90-Day Appellate Period.” The Records Manager for the Office of Review and Compliance also continues to work on cleaning and</li></ul>	
--	---	--

	<p>inventorying all administrative hearing files currently housed at the SHO.</p> <ul style="list-style-type: none"> <li>• The SHO has implemented an administrative file checklist that corresponds with what the OSSE consultant and the Office of the Attorney General/ Civil Division recommends and has deemed a part of an administrative file of the due process hearing. This document is being maintained by both SHO staff and Hearing Officers to ensure that original documents are filed and catalogued. (See <u>Attachment I</u>)</li> <li>• Hearing Officers have been provided sample administrative hearing record certifications to begin to certify records. This reform is integral to the reform effort in formalizing and streamlining the process by which administrative hearing files are handled and maintained.</li> <li>• The SHO has instituted a policy of signing “in and out” administrative hearing files. This process will ensure that the SHO knows where every file is at any time. This further ensures that original materials filed at the SHO end up in the case file.</li> </ul>	
--	--	--

	<ul style="list-style-type: none"> <li>• To support the reforms of record keeping and file maintenance, the SHO will begin to record every due process hearing on an individual audio CD. This reform will allow the audio CD to be easily copied and sent for transcribing while retaining the original recording in the case file for appellate and file management purposes.</li> </ul> <p><i>Training &amp; Technical Support for Current Hearing Officers/Recruiting New Hearing Officer</i></p> <ul style="list-style-type: none"> <li>• The SHO held a meeting with Hearing Officers to discuss and Q &amp; A on implementation of pre-hearing conferences and on implementation of the ADR “Blanket Resolution Session Waiver Agreement” on March 13th. Additionally, Mr. Lyn Beekman, Esq. was introduced to the Hearing Officers as a technical assistance resource in support of the reform effort.</li> <li>• The SHO has scheduled regular Monday meetings with Hearing Officers to provide them with the opportunity to share/ gather information, pose questions, discuss issues, and be alerted to new or recent caselaw or decisions on special</li> </ul>	
--	---	--

	<p>education law.</p> <ul style="list-style-type: none"> <li>• The SHO, in coordination with Gail ImObersteg, Esq. and OSSE Stakeholders, is currently finalizing a Request for Proposals (RFP) for additional Hearing Officers. Once this proposal meets both legal and contract procurement sufficiency, the OSSE will establish a timeline whereby Hearing Officers will be solicited, evaluated, and hired.</li> </ul> <p><i>Process Reforms</i></p> <ul style="list-style-type: none"> <li>• The SHO has begun to as a routine matter schedule and host pre-hearing conferences. These conferences present the parties to the due process system with the opportunity to clarify the issues for the hearing, including the formulation or simplification of the issues, discuss whether there are any admission of certain assertions of fact or stipulations and to discuss any matter that may aid in simplifying the proceeding and disposing any matter in controversy, up to and including settlement of the dispute.</li> </ul> <p><i>Front Office Operations</i></p>	
--	--	--

	<ul style="list-style-type: none"> <li>• The SHO has identified a need to increase the number and capability of its staff to provide high-quality service to parties in the due process hearing system and has posted positions for a staff assistant and two docketing/paralegal clerks. The SHO has begun to solicit and recruit additional staff educated in and experienced with legal processes and matters. Applications and resumes from applicants have been collected and prospective employees will be interviewed.</li> <li>• Additionally, the current SHO staff will begin attending the DC Department of Human Resources Workforce Development trainings and courses. In April 2008, the staff will attend customer service training.</li> <li>• In compliance the notice received from DCPS implementing the ADR Agreement’s “Blanket Resolution Session Waiver Agreement,” the SHO is scheduling specially set hearings held within 20 days of filing.</li> <li>• There are no outstanding requests for transcripts for cases administered from January 2006 to the present. There are requests for transcripts older than</li> </ul>	
--	---	--

	<p>January 2006 that the SHO has been unable to fulfill. Additionally, the SHO is granting transcript requests on an average time of within “two weeks,” well within the 30-day requirement. This improved turnaround time is a result of a streamlined process by which the SHO sends the transcript vendor audio recordings of administrative due process hearings. The SHO no longer uses a courier to send audio CDs to the vendor to transcribe; the SHO uploads an audio file of the recording onto a secure site and the transcriber retrieves the recording from the site. This reduces the time and cost in having due process hearings transcribed.</p> <ul style="list-style-type: none"> <li>• The SHO has increased the service delivery of notice of Hearing Officer Determinations (HODs) and Orders by forwarding these documents to parties and stakeholders at 12:30pm and at 4:00pm daily.</li> <li>• The SHO has formalized the process whereby Hearing Officers are appointed to administer due process hearings on a rotational basis. This fully implements the current SOP and replaces any informal arrangements that may have been in place</li> </ul>	
--	--	--

	<p>previously. Additionally, the SHO and OSSE’s General Counsel are finalizing the process by which parties who wish to file a complaint against a Hearing Officer may do so.</p> <ul style="list-style-type: none"> <li>• In our efforts to streamline the due process hearing system and to provide greater customer service, the SHO is notifying plaintiffs, respondents, and Hearing Officers, of their provisional pre-hearing and hearing dates, as well as the name and contact information of their assigned Hearing Officer, within 3-5 days of filing a complaint. The notice that is sent out is also a consolidated notice that replaces previously duplicative forms and processes. The SHO now sends out a Due Process Hearing Notice with provisional pre-hearing and hearing dates, and with the contact information of the plaintiff, respondent, and Hearing Officer. (See <u>Attachment J</u>)</li> </ul> <p><i>Improvement to SHO Equipment &amp; Facility</i></p> <ul style="list-style-type: none"> <li>• The SHO has increased the capacity of the office to conduct pre-hearings and hearing by adding two hearing rooms. In purchasing additional recording machines, microphones, etc. the SHO</li> </ul>	
--	--	--

	<p>can now accommodate 10 hearings during every scheduled period.</p> <ul style="list-style-type: none"> <li>• The SHO has obtained eFax accounts with the goal of eliminating or reducing past hardware problems.</li> <li>• Improvements to the physical plant at the Van Ness site are ongoing. This effort includes retrofitting the building with new boilers to ensure that parents, students, parties and staff are working in a comfortable environment and repairing or replacing all broken windows to ensure safety and security at the site.</li> <li>• The SHO has placed “notice boards” in the reception room where parents and their representatives can be informed of process and reform changes at the SHO.</li> </ul> <p><i>Integrating SHO Reform into Broader Special Education Reform Effort</i></p> <ul style="list-style-type: none"> <li>• To integrate the SHO reform efforts into the broader special education reform effort, SHO administrator Dakarai D. Thompson, Esq. has been invited to sit on weekly regularly scheduled conference calls to ensure collaboration and consistency in all of</li> </ul>	
--	--	--

	<p>OSSE's reform efforts.</p> <ul style="list-style-type: none"> <li>• The SHO, in coordination with OSSE stakeholders, have scheduled what will be the first of many input and discussion sessions with stakeholders in the due process hearing system. This meeting, scheduled for April 9th, will provide stakeholders with an opportunity to discuss and propose reforms and to provide constructive solutions to problems in the due process system. (See <u>Attachment K</u>)</li> <li>• The SHO, in coordination with the OSSE Office of Community Relations and Communications, has proposed revisions to the Student Hearing Office website. The SHO has compiled federal, state and local documents and links, model forms, Hearing Officer Bios, Hearing Officer Contact info, etc. to enable the SHO website to be user friendly and informative.</li> </ul>	
<p><b><u>State Complaint Process</u></b></p> <p>56. By May 1, 2008, defendants will implement an effective state</p>	<p>In progress</p> <ul style="list-style-type: none"> <li>• Initial discussions between the parties regarding the development of an</li> </ul>	<ul style="list-style-type: none"> <li>• Complete development of policies and procedures for the Office of State</li> </ul>

<p>complaint process that conforms with 34 C.F.R. 300.151-153.</p> <p>57. The process will be available to resolve complaints regarding students in DCPS schools, charter schools, and private placements, including complaints regarding the implementation of HODs and SAs.<sup>4</sup></p> <p>58. The process must ensure that OSSE has the power to require corrective actions of – and, as appropriate, to withhold funds from and/or impose other sanctions on – DCPS, charter schools, and private placements.</p>	<p>effective state complaint process have begun.</p> <ul style="list-style-type: none"> <li>• OSSE is in the process of recruiting for the position of Director of the Office of State complaints.</li> </ul>	<p>Complaints.</p> <ul style="list-style-type: none"> <li>• Hire and train Director and line staff in new process.</li> </ul>
---	---	---

---

<sup>4</sup> This provision is not intended to require that a parent use the state complaint process before or instead of requesting or participating in a due process hearing.

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

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