

Study of the District's Compliance and  
Effectiveness with Section 9, Complaint  
Response Unit

Modified Consent Decree

OFFICE OF THE INDEPENDENT MONITOR

April 8, 2013

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## Executive Summary

The Modified Consent Decree (MCD) established the Complaint Response Unit (CRU) and processes for receiving and responding to parents' complaints. The CRU's primary function is to assist and facilitate families with inquiries and/or complaints regarding compliance with special education laws. The CRU is charged with providing parents a lawful response that demonstrates the District's legal obligation in addressing their inquiries and/or complaints.

The Office of the Independent Monitor (OIM), at the request of the Plaintiff's counsel, studied the compliance of the CRU with Section 9 of the MCD. The study also aimed to examine the effectiveness of the CRU in responding to parent complaints and reducing external complaints and due process cases. To determine this, the OIM completed the following: a review of all policies, procedures and communication related to the CRU, including the Procedures and Protocols Manual; a review and analysis of all cases and corresponding lawful responses during the 2011-2012 school year; and interviews with a total of 23 staff involved with the complaint process of the CRU.

The study found that during the 2011-2012 school year, the CRU received 1,044 calls resulting in 1,104 cases. The majority of the cases were inquiry or concern calls, with approximately one-third representing complaints. While it appears that the CRU provides a valuable service to parents who contact it, it represents a fraction of the concerns expressed and responded to by District staff during this timeframe.

The review of the cases and staff interviews found that the CRU does not comply with the Procedures and Protocols Manual. CRU staff reported not using or not having seen the manual in several years. Furthermore, contrary to the manual, the review noted that cases were not clearly identified as complaint calls as defined and the lawful responses did not consistently and accurately reflect the four types of responses. The process for issuing a lawful response did not include information regarding the inquiry or complaint made by parents; therefore, in many cases, the accuracy of the lawful response outlining the District's legal obligation was indeterminable. The study also found poor quality of the lawful response letters reviewed, a lack of any quality assurance procedures and oversight, and the beliefs by CRU staff that they are not properly trained in providing lawful responses.

While the CRU staff believed that the process was effective in resolving complaints without the need for external complaint and due process mechanisms, District staff had mixed opinions. Due to the inability to identify cases that may have elevated to an external complaint or due process, and a lack of a centralized complaint system, it was not possible to conclude whether the complaint process of the CRU was effective in reducing external complaints or due process.

While the current process for responding to parents' complaints has undeniable strengths, such as a system for recording and communicating cases, and the fast response time and commitment by special education support staff, it appears several problems undermine the intent of the CRU. While this study did not aim to focus on the culture of the CRU staff, it appears that it poses challenges in ensuring an effective complaint process for the District.

The MCD emphasizes the need to have processes in place that prevent substantial non-compliance. As the District nears completion of the MCD, it should consider a complaint process that is streamlined so that both parents and staff can rely on an effective and uniform system. This system should be integrated to reduce duplicative efforts and contain oversight over the District's lawful responses. The department responsible for issuing the lawful responses should have authority to hold schools and persons accountable for failure to implement such actions. Lastly, the District should review (and revise if needed) and implement the Procedures and Protocol Manual to formalize its complaint process.

## **BACKGROUND**

The Modified Consent Decree (MCD) established the Complaint Response Unit (CRU) and processes for receiving and responding to parents' complaints. The CRU's primary function is to assist and facilitate families with inquiries and/or complaints regarding compliance with special education laws. The CRU is charged with providing parents a lawful response that demonstrates the District's legal obligation in addressing their inquiries and/or complaints. The CRU was established to provide an avenue for resolving complaints without the need for parents to resort to external complaint and due process mechanisms. The CRU is available to parents mainly through a toll-free telephone hotline; however, parents may also access the CRU through appointment and/or written communication.

The CRU is synonymously known and more commonly referred to by parents and staff as the Parent Resource Network (PRN). The responsibilities of the PRN are reflected in the mission statement to provide "families of students with disabilities the information, assistance and resources they need to become meaningful participants in the education of their children." This includes activities such as serving as liaisons to the Educational Service Centers (formerly referred to as Support Units), providing an Internet resource library link and holding monthly presentations. For this report, the focus will be on the functions and responsibilities related to the complaint process and the CRU as outlined in the MCD.

### *MCD Requirements*

The MCD contains two requirements related to the CRU: Outcome 11 and Section 9. Outcome 11, Complaint Response Time, requires the District to provide a lawful response within specific timelines<sup>1</sup> to parents who file a complaint. This outcome is the performance measure of the CRU's function, which is to facilitate parents in resolving complaints. Section 9, Complaint Response Unit (CRU) (paragraphs 71-75), outlines the District's requirements for the establishment of the CRU and for the development of its operational procedures. This includes requiring the following:

- The District to establish the CRU that gives the District an opportunity to resolve parent complaints without the need for parents to resort to external complaint and due process mechanisms.
- The CRU to accurately record all parent inquiries and complaints and the District's response thereto and to provide complete and accurate information to parents who contact it.
- The District to ensure that information materials inform parents of the availability of the CRU.
- The District to establish procedures and protocols for the processing of complaints which must be approved by the Independent Monitor (IM).
- The District to establish procedures and protocols for the retention of data concerning complaint filings and dispositions which must be approved by the IM.
- With the exception of the administration of the CRU, all persons employed to respond to complaints shall be parents, and every effort shall be made to ensure a majority are parents, as defined in IDEA, of children with disabilities.

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<sup>1</sup> 25% of complaints within five working days, 50% of complaints within 10 working days, 75% of complaints within 20 working days, and 90% within 30 working days.

- The District to prepare a staffing plan for the CRU with adequate capacity to timely respond to complaints in the seven primary languages of the District. The staffing plan must be approved by the IM.
- The District to consult with the IM prior to the hiring or termination of any employee of the CRU.

Section 9 also required the District to submit a report to the IM by June 30, 2004, on its compliance with these requirements. On March 2, 2004 (Attachment A), the IM approved the Procedures and Protocols Manual and plan for compliance with Section 9. During the 2005-2006 school year, the District made revisions to the Procedures and Protocols Manual and staffing plan of the CRU, and those were approved by the IM on June 12, 2006.

#### *Population, Size and Scope of the LAUSD*

The District's population of students with disabilities (SWD) exceeds over 82,000, served in over 1,000 schools. During the 2011-2012 school year, the District conducted over 120,700 IEP meetings, averaging 670 meetings a day. During this timeframe, the CRU logged 1,119 cases. The current CRU staff consists of five personnel with one administrator.

#### *Previous Study of the CRU/PRN*

On November 28, 2005, the District's former Program and Evaluation Research Branch (PERB) issued a report, "Evaluation of the Complaint Response Unit/Parent Resource Network" (Attachment B). The study was conducted at the request of the plaintiff's counsel to "determine the activities conducted by the CRU/PRN and determine its effectiveness in addressing parent concerns while avoiding the filing of complaints (p.2)."

In summary, this study examined the procedures, protocols and operation of the CRU, reviewed a sample of cases for information quality (completeness and accuracy), and interviewed CRU/PRN staff members and a sample of parents who contacted the CRU/PRN.

The study found several findings:

1. Inaccuracies were noted in the information entered, including information calls being categorized as complaints, inaccurate student and school names entered, and incomplete data entered in cases when parents visited the unit.
2. CRU staff reported a lack of training or professional development related to their work, and differences between leadership/administration over some procedures and protocols. (Some examples included not being able to contact schools directly, the time allowed for support units to investigate, the categorization of parent complaints, and expressed confusion over the IM's oversight regarding management decisions.)
3. Staff and administration disagreed on the purpose of the CRU/PRN, with staff believing they were primarily serving parents and children by providing information and assistance, including making parents aware of legal information, while administration and some support unit

coordinators noted that at times CRU staff would act in an “advocacy” role for parents, inconsistent with their charge.

The District provided a response to the PERB study based on its recommendations, which included:

1. Clarify guidelines used to determine special education versus general education concerns.
2. Improve completeness and accuracy of information entered.
3. Provide more professional development around procedures and protocols.
4. Achieve better balance between helping parents and primary goal of external complaint/due process reduction.
5. Track how many complaints elevated (e.g., parent filed a state complaint, utilized Informal Dispute Resolution or filed a formal due process) as evidence of CRU effectiveness.
6. Work with support services to ensure 100% quality of complaint responses in languages other than English and Spanish.

### **RATIONALE OF CURRENT STUDY**

The Office of the Independent Monitor (OIM), at the request of the Plaintiff’s counsel, studied the compliance of the CRU with Section 9 of the MCD. The study also aimed to examine the effectiveness of the CRU in responding to parent complaints and reducing external complaints and due process cases.

The study was guided by the following questions:

1. Does the CRU comply with the Procedures and Protocols Manual approved by the IM, including how parent calls are received, investigated and responded to?
2. Does the CRU accurately record all parent inquiries and complaints and the District’s lawful responses thereto?
3. Is the complaint response process effective in resolving complaints without the need for parents to resort to external complaint and due process mechanisms?
4. Does the CRU comply with the staffing plan approved by the IM, including the adequate capacity to timely respond to complaints in the seven primary languages of the District?

### **METHODS**

To determine if the District’s CRU is complying with the activities outlined in Section 9 of the MCD, the OIM completed the following: a review of all policies, procedures and communication related to the CRU, including the Procedures and Protocols Manual; a review and analysis of all cases and corresponding lawful responses during the 2011-2012 school year; interviews with a total of 23 staff involved with the complaint process of the CRU, including CRU staff (n=5), administration (n=1), support unit administrators (n=4) and special education support staff including: preschool (n=3), non-public school (n=3), related services (n=2), and program and LRE specialists (n=5).



### *Policies, Procedures and Communication*

In June 2012, the OIM requested all policies, procedures and communication related to the CRU. To facilitate this data collection, a binder of documents maintained by the OIM was provided to the CRU staff. The District responded that no other additional policies, procedures and/or documents existed.

In addition to the requirements of Section 9 of the MCD, these documents were utilized to design the data collection for both the case review analysis and staff interviews. The processes for receiving and responding to complaints are highlighted in the Findings section of this report.

### *Review of all Cases and Lawful Responses during the 2011-2012 School Year*

In June 2012, the OIM requested the complete CRU database that contains all of the information logged by CRU and District staff who respond to and investigate parent calls. The database was provided in November 2012 and consisted of 1,119 cases logged between July 1, 2011 and June 30, 2012. The OIM created a separate database utilized for the analysis, which merged select data from the CRU database with additional fields for data collection. The following information was captured to examine the effectiveness of the complaint process:

1. Information versus complaint call.
2. Time District staff took to initially respond to a case.
3. Number of entries logged by CRU and District staff.
4. Number of different CRU staff and District departments/units participating in the case.
5. Number of working days to close case.
6. If an interpreter was required, and the language spoken.
7. Information on the caller (e.g., parent, agency, school).

Similarly, all lawful response letters were requested in June 2012 and were provided by the CRU in December 2012. Hardcopies of the lawful response letters were provided in binders and were mixed with lawful responses from various years. Upon completion of the review, the OIM requested 131 letters that were missing, which the District was unable to reproduce despite assurances that parents had been provided a copy. The CRU also provided a template form letter for each of the four lawful response types (Attachment C).

The following data were collected from the lawful response letters:

1. The type of letter/lawful response selected for each case.
2. The person or department providing the information of the lawful response.

### *Staff Interviews*

The interviews were designed to gain a better understanding of how the complaint process worked from receipt of the call until the closure of the case in relation to the policies and procedures. Questions were

also included regarding the effectiveness of the data system utilized, additional requirements of the CRU, and strengths and areas of needed improvement of the process for handling complaints.

CRU staff interviews (Attachment D) were framed as follows:

1. Procedures for receiving, categorizing and prioritizing complaints.
2. Lawful responses.
3. Assignment of cases, staffing and oversight.
4. Data system.
5. Positives, areas of needed improvement, and additional comments.

Support Unit staff interviews (Attachment E) were framed as follows:

1. Procedures for responding to and investigating complaints.
2. Lawful responses.
3. Data system.
4. Additional issues.
5. Positives, areas of needed improvement and additional comments.

CRU administration (Attachment F)

1. Procedures for responding to and investigating complaints.
2. Lawful responses.
3. Data system.
4. Additional issues.
5. Positives, areas of needed improvement and additional comments.

## **FINDINGS**

The function of the CRU is to receive parent inquiries and complaints and facilitate communication with the appropriate District staff to resolve parents' concerns. The CRU opens cases and is responsible for the accurate and complete reporting of the call and the District's response. District staff is responsible for investigating complaints and providing the CRU a response that represents the District's legal obligation to address such complaints. The CRU is then responsible for providing the lawful written response and closing the case.

This section includes the findings of the review of the policies, procedures and protocols related to the CRU, the analyses of all cases logged during the 2011-2012 school year, and staff interviews. The findings will be presented by the following sections:

1. Procedures for receiving, categorizing, prioritizing and investigating complaints.
2. Provision of a lawful response.
3. Adequacy of the CRU's data system.
4. Areas of strengths and needed improvement, and additional CRU responsibilities.

### *Procedures for Receiving, Categorizing, Prioritizing and Investigating Complaints*

The Procedures and Protocols Manual breaks down the process for handling parent calls and complaints. It defines how calls are to be categorized and prioritized, and what constitutes a complaint.

The following highlights this process:

Upon receipt of a call:

- Refer parent to the appropriate department.
- Provide information and resources.
- Clarify and document parent inquiries and complaints with detailed, complete and accurate reporting of parent concerns and facilitator responses.
- Calls are processed using the Welligent system and referred to the appropriate support unit or department head.

Phone calls are to be identified as either an inquiry call or a complaint call. These are defined as follows:

- Inquiry Call – One in which a parent requests basic information about services or rights, but does not involve any allegation of the violation of the special education laws or District’s special education policies and procedures manual.
- Complaint<sup>2</sup> Call – Involves any allegation of the violation of special education laws or the District’s special education policies and procedures manual (may involve school, local district or District-wide).

Phone calls are to be prioritized as follows:

- Low priority – Response time is not a critical factor.
- Medium Priority – Response time is a factor, but immediate action is deemed unnecessary.
- High Priority – Requires immediate action.
- Information only.

Once a call has been deemed a complaint, the procedures for investigating complaints include:

- The CRU will gather pertinent information regarding the complaint and will contact the appropriate department or support unit.
- The CRU is to categorize complaints from the list in the guideline document (Attachment G) that align with categories used for due process and state complaints.
- The support unit or department personnel will make the preliminary investigation and respond to the CRU within a reasonable time prior to further action by the CRU staff.

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<sup>2</sup> Complaint means the allegation of a perceived violation of: The IDEA and implementing regulations; The California State Education Code related to special education and implementing regulation; or the District’s special education compliance guide.

- Urgent priority calls may also include immediate contact with administrative coordinator or director of the CRU.
- The CRU shall act as a facilitator between the parents and the District, if required.
- CRU will keep support units or departments informed of open cases and notify the administrative coordinator and director of any cases that reach over 20 days without resolution.
- The CRU may contact the school directly after first consulting with the unit director or administrative coordinator if site contact is warranted.

The Procedures and Protocols Manual also outlines the performance standards for providing a lawful response to complaints that also govern Outcome 11. These include:

- 25% of complaints will be responded to within five working days.
- 50% of complaints will be responded to within 10 working days.
- 75% of complaints will be responded to within 20 working days.
- 90% of complaints will be responded to within 30 working days.

The Procedures and Protocols Manual provides guidance on follow-up for resolution of cases. This includes the following actions:

- The CRU staff shall follow up with support unit or department personnel to determine the status of the complaint and if a resolution has been achieved.
- The CRU staff will review their cases each day and follow up with the appropriate office until the complaint is resolved.
- A written parent satisfaction survey will be developed to receive parent input regarding facilitation of communication and the receipt of a lawful response to parent complaints.
- A similar process of sending satisfaction surveys for return and analysis will also be established to survey special education support staff.

#### *Review of Complaint Calls for the 2011-2012 School Year*

The database contained a total of 1,119 cases, with 15 of these dropped from the analysis due to the cases having either been opened in error as noted by the CRU staff, was a duplicate of another case, contained incomplete information in the database, and/or was closed without any information logged. In some instances, calls were reopened in a new case. This resulted in a total of 1,104 cases included in the analysis. It is important to note that 50 calls resulted in the opening of more than one case, for a total of 110 cases. For example, if a parent called with concerns regarding speech and language services, transportation and behavioral interventions, a total of three cases were opened. In total, the CRU received 1,044 calls representing 1,104 cases during this timeframe.

For the purpose of the study, the data were analyzed by cases logged as a specific issue. The number of cases by month was examined to determine the activity levels associated with complaints filed. Table 1

shows that the highest number of cases were logged during the months of September, October and March. September and October are typically times when schools are opening and dealing with a coordination of services such as transportation and/or placements, while March is associated with the beginning of “IEP season,” a time when a large number of IEPs are held to address placement, supports and services that will accompany a student during the next school year.

The number of cases logged showed a large range (11-142 cases) with an average of 92 cases a month, or 23 per week. Provided the staffing levels (n=5) during this timeframe, this resulted in an average of 18.4 cases a month, or 4.6 cases a week, processed per staff member.

Table 1. Number and Percentage of Cases by Month

Month	Number of Cases	Percentage of Cases
July	42	3.80
August	60	5.43
September	142	12.86
October	123	11.14
November	103	9.33
December	52	4.71
January	99	8.97
February	105	9.51
March	114	10.33
April	93	8.97
May	11	1.0
June	60	5.43
Total	1,104	100.0

Of the 1,104 cases reviewed, the majority (n=1,060, 96.01%) of callers to the CRU were identified as parents, guardians or family members (e.g., brother, aunt), while the remaining callers were personnel from outside agencies calling on behalf of families (n= 36, 3.26%) and school personnel (n=8, 0.63%). The review found many parents were repeat callers with 482 cases (43.65%) filed by 187 parents. This shows that some parents were likely to make multiple contacts with the CRU to discuss or share concerns, or required multiple cases to resolve a complaint.

There were three incidences where the case notes indicated that a language other than English or Spanish was the native language of the parent and that while the use of a District interpreter or the language line was not required, the parent required assistance in communicating. In two cases, the parent was assisted by a family member, while in the other case, personnel from an outside agency provided assistance.

## **Interview Data**

CRU staff reported that cases are received by anyone available to accept the phone call. In some instances, cases may be transferred at the discretion of the supervisor. Participants noted that some callers will request specific members with whom they may have previously interacted. All CRU members noted receiving calls from parents speaking languages other than English or Spanish, and noted that of these the most frequent languages were Armenian and Mandarin or Cantonese. One member described a case where several resources were involved in finding an interpreter, however, this case was not observed in the file review. Another member cited assisting Mandarin or Cantonese speaking parents, which similarly were not logged. A different member noted losing calls due to the language difficulties, with parents hanging up prior to providing their name or phone number.

District staff also noted that many callers have previously called the CRU hotline. It was also reported that in some instances, support unit personnel were already aware of, and/or were addressing the concern. District personnel noted that at times parents would call the CRU when their cases were not resolved immediately or if the response provided was not to their satisfaction.

District staff was asked what percentage of overall calls taken represent those from the CRU (as compared to direct calls or those referred by another office), and many provided a low percentage. The responses ranged from one percent to 20 percent. Some participants expressed that while the number of calls was low, in some instances these cases required significantly more time to resolve than calls received directly due to the communication required by the CRU. Related service supervisors noted that during the 2011-2012 school year, they received seven speech and language and four occupational therapy calls from the CRU. None of the participants reported requiring the use of the language line or utilizing an interpreter for languages other than English or Spanish.

### *Categorization and Prioritization*

The CRU categorizes calls with three primary indicators. First, calls are separated into a special or general education category. Second, calls are identified as either a concern or information call. Third, calls are assigned a category to identify the nature of the call.

Of the cases reviewed, the majority (n=1,072, 97.1%) were logged as a special education “concern” call. The remaining 32 cases were identified as general education, with 29 logged as concern calls and four being information calls. It is important to note that this level of categorization is not part of the process indicated in the Procedures and Protocols Manual. These cases were reviewed, and it was found that 30 were related to a special education issue, such as a parent calling for information on requesting an assessment. Only two calls did not appear to be specific to a special education inquiry, with one caller asking for the number of a specific charter school, and another from a school requesting PRN/CRU brochures.

Cases were assigned with one of the following priority indicators as noted in the system: low, medium, high and urgent. These priority categories are slightly inconsistent with the requirements of the Procedures and Protocols Manual, which states that calls will be assigned one of the following: low,

medium, high and information. The review found that the CRU coded almost all calls with two priority indicators, medium (n=945 or 85.6%) and urgent (n=159 or 14.4%). One case was identified as a low priority.

While the Procedures and Protocol Manual states that calls should be identified as either inquiry or complaint calls, the current CRU database once again does not adhere to these categories but rather separates calls as information or concern. As stated in the manual, a complaint is an alleged violation of either: special education laws, state education code or District policy.

In an attempt to better understand the differences between complaint and information calls, cases were identified as complaints if the information provided appeared to contain a violation of special education laws, state education code, District policy, or if the parent expressed a complaint with the school that may have not been a violation of any aforementioned laws or policies (e.g., parent alleged that school personnel made an inappropriate comment). It is important to note that this data coding was approached conservatively due to the lack of information and/or clarity in the case notes. In some instances, cases were identified as complaints based on the follow-up responses or actions made by District personnel. Further, many calls were concern calls that did not allege any violation, and in many instances were closed by CRU staff without the intervention of District staff. These calls were identified as information or assistance calls. For example, a parent called to express concerns regarding his or her child's speech or behavior, and informed the CRU that he or she would request an assessment or IEP meeting. In these instances, the CRU would assist and inform the parent on requesting an IEP and/or assessment without the need for any additional intervention. In some cases, the parent called to inform the CRU of an alleged violation or discontent and his or her intended course of action (i.e., request an IEP meeting, file due process) but did not request the District's or school's intervention. These cases were coded as information calls.

Based on the information provided in the CRU database, approximately one-third (n= 392 or 35.5%) were complaint calls, while the majority, 64.5%, (n=712), were information or concern calls. Of those cases identified by the CRU as concern calls, 142 cases (12.9%) were closed prior to any response from District Staff. Of these cases, the OIM review identified 118 information and 24 complaint calls.

Both of these findings indicate that approximately two-thirds of the calls received and responded to by the CRU are information or assistance calls that did not have evidence within the case notes of a complaint against a school or department, or alleged a violation of special education law or the District's special education policies and procedures.

Calls also receive a category to identify the nature of the case. These categories are based on those utilized for due process, which include 32 different issues. Eight categories made up the majority of cases as seen in Table 2. A complete list of the categories can be seen in Attachment H.

Table 2. Number and percentage of cases by Category

Category	Total	%
IEP Meeting	238	21.56
Psycho-educational Assessment	179	16.21
Placement	121	10.96
Behavior Intervention	96	8.70
School Records	67	6.07
Transportation Services	63	5.71
Due Process Procedures	56	5.07
Speech and Language Assessment	55	4.98
Other	229	20.74
Total	1,104	100.0

While the review noted some cases where the category selected did not appear to reflect the information or concern of the call, the study did not attempt to validate the accuracy of all cases. This was not done primarily because of the difficulty in identifying the nature of the call in a number of cases, as well as the overarching categories selected. For example, the category of IEP meeting was selected for instances when parents either called to request an IEP meeting, or when the response was to hold or request an IEP meeting to discuss a wide range of parent concerns expressed. However, the OIM review noted a number of calls in three categories that were under- or not represented (preschool n=91, charter schools n=41, and NPS n=33). These cases, while referred to the appropriate department (e.g., preschool, NPS), were categorized under a broader category. Of the calls related to preschool issues, the review noted the majority of these cases were information calls as parents had been referred from regional centers or by their child’s physician, to request assessments or obtain information on services.

**Interview Data**

When asked how cases are prioritized and categorized, CRU staff noted that it depends on the nature and urgency of the case. Staff gave various examples of urgent cases such as when a student is out of school or there is an upcoming pre-expulsion meeting for a student that requires immediate attention. Staff indicated there were no parameters or standardized methods to guide the prioritization of calls. Two members noted that all cases are either assigned a medium or urgent priority. One member noted that a low priority is meaningless in his or her opinion, while another member noted that the system automatically defaults all calls as a medium priority. CRU staff all agreed that the categories available in the data system were limited, and they expressed their desire to revise (i.e., add or remove) the categories to reflect the changing nature of the cases.

CRU staff noted that inquiry calls are when parents request general information such as clarification on timelines or a phone number to a specific office. Staff gave examples of complaint calls and noted that



the system doesn't differentiate between concerns and complaints. Three members noted that they believed there was no difference between a concern and complaint call.

When asked if they believed cases accurately reflected the priority and categorization assigned to cases, District staff expressed mixed observations. Overall, support personnel from specific departments (related services, NPS and preschool) believed that the categories accurately reflected the nature of the case. Support unit personnel noted inconsistencies in the categorization selected, and some attributed these inconsistencies to differences of the quality of intake by CRU staff members and/or limited information contained in the original intake. These differences may be attributed to the nature of the referrals made to specific departments, versus the broader nature of calls referred to the support units. For example, cases referred to departments such as preschool, speech and language, occupational therapy and non-public schools were limited to issues such as services not being provided, requests for assessments and/or placement concerns.

The majority of participants noted that the case notes provided by CRU staff were the most important variable in determining the nature of the case, and all noted that cases forwarded by the CRU were handled with urgency regardless of the priority assigned. Support unit personnel noted that in some instances, cases lacked sufficient information regarding the nature of the complaint which required additional efforts and inquiries to assist the parent. Additionally, participants noted that in some cases, the complaint or issues appeared to get elevated and increased by CRU staff. Some participants noted that these concerns could be addressed by having a standardized intake conducted by the CRU that clearly identifies the issues and gathers information on steps already taken by parents to resolve their complaint.

#### *Investigating Complaints, Closing Cases and the Provision of a Lawful Response*

The review attempted to better understand the process for responding to, investigating and closing cases. Data were collected on several activity indicators associated with closing cases. This included the following: initial response time of the District staff, number of personnel involved (CRU and District), number of entries per case by CRU and District staff, and the number of days to close a case.

Overall, the response time for the support unit or appropriate personnel in the majority (65.22%) of cases was within eight hours. The remainder were responded to within 8-16 hours (10.14%) and after 16 hours (12%). Lastly, similarly to that reported above, approximately 12% of the cases received were closed prior to the support unit responding.

Overall, the majority of cases were responded to by one department<sup>3</sup> (82.90%), while only a few required two or more departments to provide a lawful response (3.6%). In some instances, cases were incorrectly routed initially to the wrong department or support unit by the CRU. On the other hand, 62% of the cases logged were processed by only one CRU staff member. The remaining 38% of the cases had

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<sup>3</sup> More than one person of a department may have participated in the case; however, due to the lack of identifying information for entries, this data could not be reliably collected.

multiple members working on the same case (2 members, 32.70%; 3 members, 4.89%; and 4 members, 0.27%). It was also noted that the supervisor was involved in 70.56% (n=779) of all cases.

The number of entries by both CRU staff and District staff was counted to observe the activity levels required to close a case. In approximately half of all cases (52.99%), the CRU<sup>4</sup> entered one to five entries prior to closing a case. About one-third (34.51%) had six to 10 entries, while the remaining cases had 11 or more entries. District staff entered zero to two entries for 60.0% of the cases, three to five entries for 30.6% of the cases, and six or more for the remaining cases. This may indicate that for the majority of cases (80-90%), minimal communication between the CRU and the appropriate department is required to close a case. This finding is also supported by the number of days required to close a case.

The majority of cases were closed within 10 working days (89.3%), while many were responded to within five days (Table 3). There were no instances of cases going over 30 days, and there were only 14 cases requiring between 21 to 30 days to be closed. Some calls received in June were not closed prior to June 30, 2012, therefore the data field was left blank. This performance exceeds the targets established for Outcome 11, and has been consistently achieved since June 30, 2006.

Table 3. Timelines for Closing Cases by Number and Percentage

<b>Days to Close (Range)</b>	<b>Number of Cases</b>	<b>Percentage</b>
1-5	774	70.11
6-10	212	19.2
11-20	93	8.42
21-30	14	1.27
30+	0	0.0
Blank	11	1.0

Upon investigation of the complaint and closure of the case, the Procedures and Protocols Manual indicates the CRU will provide parents with a written response that satisfies the District’s legal obligation, which may include one of the following types of responses:

1. A remedy and, where appropriate, the date by which a remedy shall be implemented.
2. Information that an appropriate referral has been made.
3. Suggested action a complainant may wish to take such as due process, mediation, state complaint or IDR.
4. A determination that a complaint has been investigated and determined to be unfounded.

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<sup>4</sup> CRU staff had considerable more entries which were attributed to reasons such as daily requests for updates or multiple members participating in a case.

Lawful response letters were reviewed to identify the frequency of the four types of case closures parents received. Information was also collected on the department or person providing the lawful response.

Table 4 shows the number of cases that received lawful responses, by type of response and the department or person responsible for providing the response. Of the 1,104 cases logged, 991 had a corresponding written lawful response. As noted earlier, the District noted that it was unable to provide copies of 113 of these letters but gave assurances that parents had received a copy. Of the letters reviewed, the majority (91.4%) of responses to parents indicated that a remedy, or the date of when the remedy was made, was the reason for closing the case. The letter indicating a suggested action was the second most frequent letter provided (6.7%), while referral letters (1.0%) and those indicating a parent’s complaint were unfounded (0.8%) were minimally utilized.

Table 4 also demonstrates the frequency of which department or person providing the lawful response. This was based on the information written by the CRU describing the response. Support unit staff (36.5%) and parents (35.3%) had the highest frequency of providing the information that determined the lawful response. The remaining letters contained information from specific special education departments and other sources such as school personnel on the lawful response.

Based on the lawful response letter, it appears the number of closed cases were comparable among CRU staff members, with four of the staff closing 12%-17% of the cases and the supervisor having closed 44%.

Table 4. Number and Percentage of Lawful Response Types by Provider

Provided by	Cases		Letter 1		Letter 2		Letter 3		Letter 4	
	N	%	N	%	N	%	N	%	N	%
SU	362	36.5	351	38.7	2	20.0	7	10.6	1	12.5
Parent	350	35.3	328	36.2	3	30.0	18	27.3	1	12.5
Department	131	13.2	128	14.1	1	10.0	0	0.0	2	25.0
CRU	103	10.4	58	6.4	4	40.0	39	59.0	2	25.0
Other*	45	4.5	41	4.5	0	0.0	2	3.0	2	25.0
Total	991	100.0	906	91.4	10	1.0	66	6.7	8	0.8

\*Letters cited school site personnel, agency representatives and the Welligent data system

Lawful response letters recommending a referral to an appropriate office or agency, a suggested action, and those that informed a parent that his or her complaint was unfounded were examined to determine if the information included conveyed such a response.

Ten cases received a template letter indicating a referral had been made to an appropriate office or agency. A review of the letters did not show any references of an offer of such referral. Eight of the letters contained either general information or the action taken by the District, while the remaining two

informed the parent that his or her case was closed due to the inability to contact him or her. Additionally, the case review noted a number of inquiry calls where parents were referred to departments such as pre-school, non-public school and due process, however, they did not receive this letter.

The CRU responded to 64 cases with a template letter indicating a suggested action a parent may consider. Of these, seven (10.9%) contained a suggested action, with five recommending parents to submit a written request for an IEP or assessment, one suggesting the parent file a complaint with the Education Equity Compliance Office, and the remaining one suggesting a parent visit the state's Office of Administrative Hearing website. The majority of the suggested action letters provided information regarding the call or action taken (e.g., filing due process) by the parent (n=34, 53.1%) or informed the parent a case had been closed due to the inability to contact the parent (n=23, 35.9%).

Lawful response letter four informs a parent that his or her complaint was investigated and was determined unfounded. A total of eight cases received a letter that states the parent's complaint was unfounded. Of these, seven (87.5%) included information in the case notes to support that the investigation found no evidence of the complaint. Of these, one letter did not include information that provided evidence that the complaint was unfounded, and simply stated that the case was closed due to the inability to contact the parent. The remaining case did not have evidence of a complaint that was unfounded, as the call was an inquiry call regarding a preschool assessment, and the matter was closed due to the inability to contact a parent.

The review identified an additional 29 cases that appeared to demonstrate evidence that a parent's complaint was unfounded, however, the parent did not receive a corresponding lawful response. The majority of these cases (27) received lawful responses indicating a remedy, while one received a letter indicating a suggested action. The remaining case did not have any lawful response letter on file.

The review of the lawful responses shows that in many instances, letters do not accurately reflect the type of closure corresponding to one of the four responses. In a number of cases, the information included in the lawful response did not clearly state the remedy or action that was taken. Letters also did not include a statement regarding the reason for the call or complaint, therefore the information included lacked a clear link to the lawful response. In the majority of cases, the information in the letter was taken directly from the case notes of the data system, and at times contained names or initials of District support staff. Furthermore, a number of letters contained many grammatical and spelling errors.

### **Interview Data**

CRU staff reported that they determine when a case is closed and what type of lawful response letter is selected based on the information reported by the appropriate personnel who took action to close the case. All staff reported that the individual who opens the case is responsible for sending the lawful response, and that there are no quality assurance procedures to review the letters before they are sent to the parent. Staff noted that letters should be sent within 24 hours, but at times may be sent later, citing workload issues related to decreases in staff coverage due to furlough days. Copies are provided to the parent and support unit or appropriate department, and one is maintained at the CRU. When

asked if they believed the CRU staff was properly trained for determining a lawful response, all participants responded “no.”

District staff reported that cases are primarily closed when information is provided to the CRU that responds to the concern. In some instances, District staff reported that the CRU staff was not satisfied with the response provided which delayed the closure of the case. Support unit and District staff reported that at times, the CRU distrusted their commitment to providing a lawful response or their knowledge of the law or education code. For example, cases were not closed based on the information that an assessment plan was to be sent, but remained opened until the CRU staff received confirmation from the parent that the plan was received. The case review noted inconsistencies regarding when cases would be closed, with some cases being closed with pertinent information, while other times cases were closed when the question or concern was resolved. The review also discovered cases where CRU staff disagreed with District staff, and in some instances, the CRU cited IDEA or education code. In other instances, cases were referred to staff to consult with the Office of General Counsel. District staff noted these instances created an environment that undermined the process, and stated that in some cases, CRU staff incorrectly cited law.

All District staff noted not having any role in the selection of the type of response letter sent to parents, and many were unaware of the four different types of responses. Upon learning of the four types, staff noted knowing the responses would help their approach in investigating and resolving cases. Staff had mixed responses when asked if they received a copy of the lawful response sent to parents, with most stating that they recalled getting some but not all of the letters, and all noted that schools were not provided a copy.

#### *Adequacy of the CRU Data System*

The Procedures and Protocols Manual states that the CRU database would be a part of the Welligent IEP system. While this was never done, CRU staff had access to Welligent and utilized it for obtaining information related to cases. In October 2012, the CRU shifted to a new system that is utilized by due process. The data reviewed and findings presented were primarily of the previous database only. All participants were asked general questions about the adequacy of the new data system.

Based on the review of cases, the CRU database appears to be inadequate for processing parent complaints. The category (i.e., special education vs. general education, information vs. concern) and priority indicators were not aligned with those required by the Procedures and Protocols Manual approved by the IM. Furthermore, the system lacks a standardized intake which may contribute to the inconsistent application of these data variables by CRU staff, thereby limiting the database’s ability to accurately collect and maintain information regarding parent complaints.

Overall, the CRU staff noted that the system was adequate for prioritizing complaints and communicating with District staff. All members noted limitations with the categories represented in the data system, stating that the system contained categories that were not needed, but lacked others that reflected current issues at schools.

District staff reported that the system was adequate for both categorizing and prioritizing complaints, as well as for communicating with the CRU. While participants believed the system was adequate, some noted that the quality of information was inconsistent and suggested including a standardized intake to improve the data collected from parents.

All participants noted that the previous system did not include a timeline field that would indicate the number of days the case had been opened.

CRU staff noted that the new system has some improvements such as a timeline indicator, but that similar issues related to categories exist. While all reported being included in the design and planning of the new database, some members stated that some of their recommendations were not integrated. All noted that the system continues to have glitches and is still a work in progress, which was also supported by the director.

All District staff reported they no longer respond to complaints routed through the CRU, due to operational changes made as a result of the recent reorganization. Staff noted that complaints are now responded to by staff from operations, and therefore do not have experience with the new data system.

#### *Additional CRU Responsibilities, Areas of Strengths and Needed Improvement*

The primary function of the CRU is to provide parents an opportunity to resolve complaints without the need for external complaint or due process mechanisms. The data were reviewed and it was noted that 64 (5.8%) cases involved parents who indicated they would file or consider filing for due process. In some cases, parents simply called to inform the CRU of their decision to file, while others said they considered filing after going through the complaint process. In some instances, the CRU case notes appeared to encourage parents to pursue their due process rights. In a handful of cases, parents were encouraged to pursue complaints with the Educational Equity Office.

When asked, all CRU staff reported believing that they were achieving the function of reducing due process or other external complaints. District staff had mixed responses, with some noting that overall the process was effective for reducing complaints. Several staff reported that in some cases, they believed the CRU acted in an “advocacy” role, elevating complaints and encouraging parents to pursue due process.

One of the CRU’s additional responsibilities includes generating reports pursuant to the requirements of the MCD, including surveys for both parents and special education support staff to obtain input on the process for responding to complaints. The latter has never been developed. The CRU provides the OIM annual reports indicating the number of cases to which it responded, including the categories and department and person who closed the case/provided the lawful response. A review of the 2011-2012 report (Attachment I) notes considerable differences in the number of cases reported by the CRU during this timeframe, than those available in the database reviewed (1,443 vs. 1,119 OIM). Additionally, the report notes that the CRU was responsible for resolving 938 or 65% of these (n=1,443) cases, while the review of lawful responses attributed approximately 10% of lawful responses provided to the CRU. The accuracy of the number of cases in the annual report was also questioned by the director of the CRU,

who stated that while the database generates these reports, it appears the system double-counts cases. When asked, support unit staff reported having seen the report, and questioned the accuracy or the method for determining who resolved the case.

When asked about the positives regarding the current process for responding to complaints, CRU staff noted the following:

1. Accessibility of the staff, which is predominately bilingual in English and Spanish.
2. The ability to immediately record and forward complaints to District staff.
3. That parents have a place to call with concerns or just to be heard.
4. That the role of the CRU can help expose weaknesses within the District.

District staff noted the following positives:

1. The CRU enables parents to call an office that is a third party to assist them in resolving their complaints and to be heard.
2. One participant noted that calls processed through the CRU also create a formal record, which is lacking when parents call them directly.
3. The system is efficient for making District staff aware of a concern immediately.

When asked about areas to improve on, CRU staff noted:

1. The location of their office in the Beaudry Building limits parent access due to the inability to provide childcare and the location of the visitor parking.
2. Staff believes it is a conflict of interest to be under the supervision of the due process office, since some parents may perceive them as biased.
3. A conflict of interest in the process for investigating complaints since personnel who investigate complaints also are responsible for supporting schools.
4. The need for additional staff, particularly those who speak languages currently unrepresented, and a lack of overall training for staff.
5. The need to revise the categories available in the data system.
6. Meetings with District staff who investigate and respond to complaints in order to improve relationships and work out common procedures.

When asked about things that could be improved, District staff stated the following:

1. To establish a standardized intake form and train CRU staff to accurately and consistently report facts of the case in non-biased ways.
2. To structure the database to clearly identify issues and complaints, actions already taken by parents, and personnel already contacted or involved.
3. Having District staff who investigate and respond to complaints be aware of the four types of lawful responses.
4. To have an improved culture of the CRU that works with District staff and not against them or in the role of advocates, and shows faith that schools and support units are implementing remedies as stated.

5. To improve consistency in how cases are closed, based on satisfaction of the District's legal obligation and not the personal beliefs of CRU staff members.
6. Improving the feedback mechanisms once a response has been provided, since at times District staff is unaware of the result of the case.

## **SUMMARY AND RECOMMENDATIONS**

During the 2011-2012 school year, the CRU received 1,044 calls resulting in 1,104 cases, with 43% of all cases from repeat callers. The majority of the cases were inquiry or concern calls, with approximately one-third representing complaints. While it appears that the CRU provides a valuable service to parents who contact them, it represents a fraction of the concerns expressed and responded to by District staff during this timeframe. One support unit administrator, while acknowledging the value of the CRU, questioned whether a separate unit was still needed, given all of the changes and improvements in staff being more accessible to parents that have occurred since the inception of the MCD.

The review of the cases and staff interviews found that the CRU does not comply with the Procedures and Protocols Manual. CRU staff reported not using or not having seen the manual in several years. They also expressed that they never received training on the manual, while one indicated the manual should be revisited. When asked about how they processed calls, they responded based on their years of experience in the unit which ranged from 12 to 16 years. Furthermore, based on the lawful responses reviewed, the CRU does not appear to consistently and accurately respond to complaints in accordance with the four types of responses. Additionally, the lack of awareness by District staff responsible for investigating and responding to parents' complaints indicates that the overall process outlined by the Procedures and Protocols Manual, approved by the IM, has been ignored and rendered ineffective.

Furthermore, the failure to clearly identify complaint calls as defined by the Procedures and Protocols Manual undermines the intent of the CRU which was to identify and address issues that were alleged violations of special education law, education code or District policy.

While the data system contains data fields to assist in the accurate reporting of parent inquiries and complaints, the effectiveness relies mainly on the consistency of its implementation. Due to the subjective nature of the calls and in some instances, limited case notes, it does not appear that the CRU cases are accurately reflected. The process for issuing a lawful response does not include information regarding the inquiry or complaint made by parents; therefore, in many cases, the accuracy of the lawful response outlining the District's legal obligation becomes indeterminable. This is exacerbated by the fact that schools do not receive a copy of the lawful response, especially since in many cases, schools are primarily responsible for implementing the remedy or action. Lastly, the MCD places the responsibility of presenting parents a lawful response that is the District's legal obligation on the CRU. Based on the quality of the lawful response letters reviewed, the lack of any quality assurance procedures and oversight, and the beliefs by CRU staff that they are not properly trained in providing lawful responses, questions were raised as to the appropriateness of such an approach as stipulated in the MCD. The



provision of a lawful response should be taken very seriously by the District, and in its current state presents a liability.

While the CRU staff believed that the process was effective in resolving complaints without the need for external complaint and due process mechanisms, District staff had mixed opinions. To reliably determine if the CRU is effective in reducing due process complaints, it would require analyzing due process cases filed within the same timeframe, as well as reviewing other calls and complaints filed through different avenues. While the current data system lacks the ability to identify cases that may have elevated to an external complaint or due process, it is impossible to conclude whether the complaint process of the CRU was effective in reducing external complaints or due process.

The current composition of the CRU complies with the staffing plan, including the capacity to timely respond to complaints in the seven primary languages of the District. CRU staff expressed beliefs that the lack of calls from parents who speak languages other than English and Spanish is due to a lack of representative staff and outreach. However, despite reports from CRU staff that they received calls in languages such as Armenian and Mandarin or Cantonese, there was no evidence in the database of calls where parents were unable to be assisted due to language or communication difficulties.

While the current process for responding to parents' complaints has undeniable strengths, such as a system for recording and communicating cases, and the fast response time and commitment by special education support staff, it appears several problems undermine the intent of the CRU. While this study did not aim to focus on the culture of the CRU staff, it appears that it poses challenges in ensuring an effective complaint process for the District. District staff and the director of the CRU all expressed times when the CRU disagreed with District staff responses, acted in an advocacy role and/or engaged in hostile exchanges with schools and staff. Examples substantiating these concerns were observed in the case review. Similarly, CRU staff expressed the perception that the unit lacks neutrality due to the current reporting structure, which places them under the supervision of the due process unit. Both of these findings appear to contradict and undermine the intent of the CRU, which was to create an office where parents can receive information and when necessary, have communication facilitated between schools and special education support staff. In short, the CRU cannot be neutral if its staff behaves in an advocacy role or maintains a distrust of District staff and schools. This creates a detrimental environment that defeats the purpose of the complaint process. While any district will eventually experience staff behavior at schools that results in non-compliance with special education law or District policy, an effective system can only exist if all parties involved in the complaint response process share a mutual trust and mission. The study found no evidence that those special education support staff responding to parent complaints were not committed to ensuring compliance with all applicable laws and policies.

The MCD emphasizes the need to have processes in place that prevent substantial non-compliance. As the District nears completion of the MCD, it should consider a complaint process that is streamlined so that both parents and staff can rely on an effective and uniform system. This system should be integrated to reduce duplicative efforts and contain oversight over the District's lawful responses. The department responsible for issuing the lawful response should have authority to hold schools and

persons accountable for failure to implement such actions. The District should review (and revise if needed) and implement the Procedures and Protocol Manual to formalize its complaint process. Lastly, the findings of this study continue to highlight the issues and concerns reported in the 2005 PERB study, which indicates a lack of importance on improving the complaint process.

The District should also consider the following recommendations:

1. Establish and implement a uniform intake within the database that collects pertinent information regarding a parent's inquiry, concern or complaint.
2. Establish protocols for identifying the complaint in relation to an alleged violation of special education law, education code or District policy.
3. Establish a system that categorizes and prioritizes calls in a meaningful way for all parties who receive, investigate and respond to complaints.
4. Revise the lawful response letters to include the reason for the call or complaint.
5. Establish procedures for determining a lawful response, and an oversight mechanism to ensure that: the letters accurately reflect the action or remedy, cases are closed consistently, that all related persons receive a copy (including schools), and that schools and/or staff are held accountable for implementing the action and/or remedy.
6. Provide pertinent training to all parties involved.
7. Review the business rules of the reports generated by the data system to ensure accurate reporting of cases and the applicable office that provided the lawful response.
8. Establish a series of voicemail boxes that parents who communicate in languages other than English and Spanish may call to leave a message. These voicemail boxes should have distinct extensions, and may facilitate responding and assisting these parents.