

**Study of the District's  
Complaint Management System:  
School and Family Support Services and  
Complaint Response Unit**

Modified Consent Decree

OFFICE OF THE INDEPENDENT MONITOR

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TABLE OF CONTENTS

**Executive Summary** ..... iv

**BACKGROUND** ..... 1

    MCD Requirements ..... 1

    Previous Studies of the CRU ..... 3

    Rationale of Current Study ..... 4

**METHODS** ..... 6

    Policies, Procedures, Protocols, and Communication ..... 6

    Interviews with SFSS and CRU Staff ..... 7

        Interview and Sample Design ..... 7

    Review of Call Center Cases and Lawful Responses between July 20, 2015 and December 15, 2015 .. 8

        Sample Design ..... 8

**FINDINGS** ..... 11

**Part 1. Review of Policies, Procedures, and Protocols for Receiving, Categorizing, Prioritizing, and Investigating Complaints; Resolving Calls; and Providing a Lawful Response** ..... 11

        School and Family Support Services/Call Center-Districtwide Complaint Response System: Procedures and Protocols (July 2015) ..... 11

            Summary ..... 14

        REF-6620.0 – Special Education School and Family Support Services ..... 14

            Summary ..... 15

        Sample Notification Letter ..... 15

            Summary ..... 15

        Call Center Protocol (Draft) ..... 16

            Summary ..... 17

        School and Family Support Services (SFSS) – Department Framework ..... 17

            Summary ..... 18

        Department Tiers of Responses and Resources (DTRR) ..... 19

            Summary ..... 20

        Districtwide Complaint Response System (Option B) ..... 20

            Summary ..... 21

        School and Family Support Services Brochure, and Complaint Response Unit/CRU Brochure ..... 21

            Summary ..... 21

        Categories and Subcategories of Calls ..... 22

            Summary ..... 22

**Summary** ..... 22

**Part 2. Interview Data** ..... 23

        Categorization and Prioritization ..... 24

            Summary ..... 25

        Process for Investigating Complaints ..... 25

            Summary ..... 26

        Resolution of Cases, Closing of Cases, and Provision of a Lawful Response ..... 26

            Summary ..... 27

        Processing of Calls Regarding Independent Charter Schools, Bully/Harassment, and Suspensions ..... 28

            Summary ..... 28

|  |           |
|--|-----------|
| Adequacy of the Training and Procedures and Protocols Manual for Responding to and Resolving Calls ..... | 29        |
| Summary .....  | 29        |
| Other Issues – Staffing, Next Steps .....  | 29        |
| Summary .....  | 30        |
| Strengths and Areas of Improvement .....   | 30        |
| Summary .....  | 31        |
| <b>Summary .....</b>   | <b>31</b> |
| <br>   |           |
| <b>Part 3. Review of Call Center Cases.....</b>  | <b>32</b> |
| Categorization of Call Type.....   | 33        |
| Summary .....  | 36        |
| Categorization of Call Topics .....  | 37        |
| Summary .....  | 41        |
| Process for Investigating Complaints .....   | 42        |
| Insufficient Information, Resolution Unknown, and Complaint Unfounded .....                              | 44        |
| Summary .....  | 46        |
| Provision of a Lawful Response .....   | 47        |
| Analysis of Lawful Response Letters .....  | 49        |
| Summary .....  | 49        |
| Days Cases Remained Open. ....   | 50        |
| Summary .....  | 51        |
| Charter Schools, Bullying/Harassment, Suspensions, Other.....  | 51        |
| Summary .....  | 57        |
| <b>Summary .....</b>   | <b>58</b> |
| <br>   |           |
| <b>SUMMARY AND RECOMMENDATIONS .....</b>   | <b>59</b> |

## APPENDICES

|   |
|---|
| Appendix A: School and Family Support Services/Call Center – Districtwide Complaint Response System: Procedures and Protocols (July 2015) |
| Appendix B: Reference Guide 6620.0 – Special Education School and Family Support Services (November 30, 2015)                             |
| Appendix C: Sample Notification Letter  |
| Appendix D: Call Center Protocol (Agreement) Draft  |
| Appendix E: School and Family Support Services – Department Framework   |
| Appendix F: Department Tiers of Responses and Resources (DTRR)  |
| Appendix G: Districtwide Complaint Response System (Option B)   |
| Appendix H: School and Family Support Services/CRU - Brochures  |
| Appendix I: Categories and Subcategories of Calls   |
| Appendix J: OIM Interview Guide   |
| Appendix K: Call Topic Subcategory Information by SFSS call center, CRU, and OIM  |

## TABLES

|          |   |    |
|----------|---|----|
| Table 1  | Calls Received between July 20 and December 15, 2015, by Initial Call Type .....                              | 9  |
| Table 2  | Calls Received between July 20 and December 15, 2015, by Resolution Call Type .....                           | 9  |
| Table 3  | Analyzed Sample by Initial Call Type.....   | 10 |
| Table 4  | Initial Call Type by SFSS Call Center, CRU, and OIM.....  | 34 |
| Table 5  | Comparison of Call Types (Initial and Resolution) between SFSS Call Center and OIM ..                         | 35 |
| Table 6  | Comparison of Call Types (Initial and Resolution) between CRU and OIM .....                                   | 36 |
| Table 7  | Information on Call Topic Category by SFSS Call Center, CRU, and OIM.....                                     | 38 |
| Table 8  | Information on Call Topic Subcategory by SFSS Call Center, CRU, and OIM .....                                 | 40 |
| Table 9  | CESAR Steps by SFSS Call Center and CRU .....   | 43 |
| Table 10 | Insufficient Information, Resolution Unknown, and Complaint Unfounded, by SFSS Call Center and CRU.....       | 45 |
| Table 11 | Resolution Information – Violation Type, Violation, Remedy, Lawful Response by SFSS Call Center and CRU ..... | 48 |
| Table 12 | Lawful Response Letters Complaint and Resolution Match, by Initial and Resolution Call Type.....              | 49 |
| Table 13 | Number of Days Complaint Cases Were Open by CRU, SFSS Call Center, and OIM.....                               | 51 |

## EXECUTIVE SUMMARY

The Modified Consent Decree (MCD) is a federal class-action settlement agreement that requires the District to address and improve its systemic, substantial compliance with special education law. The Independent Monitor (IM), through annual reports, the substantial compliance framework, and correspondence with the District, has consistently stated that a viable complaint management system is necessary for substantial compliance.

During the 2014-2015 school year, the Division of Special Education (DSE) established the School and Family Support Services (SFSS) unit, which supports and oversees the District's complaint management system. The Complaint Response Unit (CRU), established by the MCD, merged with the SFSS; the combined unit is now responsible for responding to parents' complaints and issuing a lawful response. Despite having equal and parallel functions, the complaint management system maintains two phone numbers - the existing CRU (800) hotline and the SFSS call center line.

To determine the effectiveness of the District's complaint management system, the Office of the Independent Monitor (OIM) completed a review of the following: policies, procedures, and communication related to the complaint management system and other District policies; a sample of calls (N=1,514) to the call center (SFSS and CRU) between July 20 and December 15, 2015; and staff interviews (8).

Given that the call center was in its first year of operation and processed a large volume of calls (more than 10,000) during the study's timeframe, the progress noted since the OIM 2013 CRU study is cause for optimism. Despite these improvements, system weaknesses were noted, some consistent with those highlighted in the 2013 study.

The policies, procedures, and protocols of the complaint management system provide a fundamental framework for a valid and credible complaint system. The structure and processes established for processing and resolving calls are noted areas of strength and improvement in the complaint management system. It is evident that the District has committed significant time and resources to develop this system.

The OIM's document review and staff interviews noted inconsistencies in the application and understanding of processes for categorizing call types (complaint, concern, inquiry), closing cases, and determining lawful response types. Several weaknesses were noted, primarily the two-tier process for identifying call types - once at the opening and once at the closing of a call. Furthermore, the system lacks a decision-making process for selecting call priorities, call topic categories, and subcategories.

The data review found examples of acceptable practices for investigating claims and issuing lawful responses. However, inconsistencies were noted in documentation practices, with many cases missing variables of call type, call topic, and investigation (CESAR) steps.

Differences between CRU and SFSS documentation were noted throughout the process. CRU cases demonstrated higher rates of complaint calls and better identification of these calls. SFSS call center cases considerably underidentified complaints, with staff reporting recategorizing complaint calls as concerns or inquiries when resolutions were quickly applied. Staff's misunderstanding of three of the four lawful response types also contributed to this underidentification of complaints. These practices result in the significant underreporting of complaints and renders data utilized for Outcome 11 as invalid for the 2015-2016 school year.

The system lacks clear guidance and mechanisms for closing cases and ensuring that schools or support units follow through with remedies or actions to resolve a parent's concern. A credible complaint management system cannot rely on assurances from schools or support units, particularly for a system this impacted and large.

The provision of an accurate lawful response is the cornerstone of a credible complaint management system. The quality of the lawful response letters is much improved since the 2013 study, with the majority accurately reflecting the complaint and remedy. However, oversight of lawful response data and letters requires improvement. The District provided 68 letters that matched students in the sample, yet the District had 79 complaint cases identified while the OIM identified 448 complaint cases.

Although participants noted implementing the same procedures and processes for calls related to students attending independent charter schools and non-special education related issues, the transfer of these calls to other departments and closing of cases without resolution were common practices. The lack of follow-through by these departments, and closing of these cases once referred to the DSE's charter office or local districts' operations unit, circumvents the lawful response process. Cases related to charter schools, particularly issues related to the child's special education program, cannot be abdicated to the DSE's charter office, any other office, or SELPA. The MCD is clear that students attending independent charter schools are under the purview of the MCD and, therefore, cannot be excluded from the complaint management system established to ensure substantial compliance.

The District must address the issues related to the CRU, including any differences in roles and responsibilities between the CRU and SFSS customer service representatives as well as inconsistencies in the varied inclusion and reference of the CRU as part of the SFSS call center. Full integration of the CRU must occur if the new complaint management system is to be the mechanism to ensure substantial compliance.

SFSS leadership appears to have a good understanding of the complaint management system's processes and direction to ensure systemic substantial compliance. Although the system and performance are developing in several areas, the structure and mission of the complaint system vastly improved since the 2013 study. Similarly, CRU staff performance improved.

The study found that the complaint management system addresses seven of the eight OIM recommendations in the 2013 study, to varying degrees. Required next steps are included to further the development of the complaint management system. These include continued improvement for the accurate identification and documentation of complaints, the application of the four lawful response types pursuant to the MCD, and provision of ongoing professional development. Oversight mechanisms must be improved and implemented by certificated and administrative personnel, pursuant to the SFSS's own processes established in its policies, procedures, and protocols.

## BACKGROUND

The Modified Consent Decree (MCD) is a federal class-action settlement agreement that requires the Los Angeles Unified School District (District) to address and improve its systemic compliance with special education law. The agreement charges the federally appointed court monitor to determine to disengage the District from court oversight upon achieving compliance with the MCD.

The MCD states that this agreement is “binding on all public schools in the District, including, but not limited to, charter schools, alternative schools, charter complexes, magnet schools and to any schools formed or approved in the future by the District.” It also clearly delineates the requirements the District must meet to be disengaged from court oversight. Sections 16 and 17 of the MCD summarize these requirements by stating:

Upon the Independent Monitor’s certification that the District has achieved each of the outcomes in accordance with paragraph 87 above and in the Independent Monitor’s judgment that the District’s special education program has no systemic problems that prevents substantial compliance with applicable federal special education laws and regulations then sections 5, 6, 7, 8, 9, 12, 13 and 18 of this Modified Consent Decree shall automatically terminate and have no further force or effect. The parties shall file a joint report informing the court of the termination of these sections.

Section 17 of the MCD requires that the Independent Monitor (IM) also determine there are no systemic problems within the District’s schools that prevent substantial compliance with the program accessibility requirements of special education laws and regulations.

### MCD Requirements

The MCD includes two requirements to address and resolve parent complaints in a timely manner and the establishment of a complaint management system. 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 that aims to facilitate parents in resolving complaints. Section 9, Complaint Response Unit (CRU) (paragraphs 71-75), outlines the District’s requirements for the CRU’s establishment and the development of its operational procedures. This includes the following requirements:

- The District must 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 must 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 must ensure that information materials inform parents of the availability of the CRU.
- The District must establish procedures and protocols for the processing of complaints, which must be approved by the IM.

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

- The District must establish procedures and protocols for the retention of data concerning complaint filings and dispositions, which must be approved by the IM.

As noted above, Section 16 requires the IM, based on his judgment, to determine that the District’s special education program has no systemic problems that prevent substantial compliance with applicable federal special education laws and regulations. In 2014, the IM provided the parties a framework that would ensure substantial compliance for review. The substantial compliance framework<sup>2</sup> was formalized in July 2014. The IM noted that:

This framework is based on the premise that the District must have a system to effectively monitor compliance and the capacity to correct noncompliance.

The substantial compliance framework includes the following five elements:

- I. Data system capable of monitoring key compliance and performance indicators at the District and school levels
- II. Process for monitoring special education compliance and performance at the school level
- III. Process for receiving and resolving compliance complaints
- IV. Process for resolving Individualized Education Plan (IEP) disputes
- V. Management and administrative structure with authority to monitor and enforce compliance

The third element, “Process for receiving and resolving compliance complaints,” addresses the need for a functioning and credible complaint management system. The framework specifically requires the following:

- Capacity to ensure that timelines for receiving and resolving complaints are met
- Policies and procedures that meet generally acceptable standards of investigation and resolution of complaints under the Individuals with Disabilities Education Act and Section 504
- Clear standards for the correction of deficiencies identified that:
  - Call for the immediate cessation of the violation
  - Initiate steps to prevent recurrence
  - Identify actions to correct the violation
  - Identify documentation and timeline for correction
  - Eliminate or cure any harmful past effects of the violation
- System for parents to call (i.e., hotline) or access (i.e., in person or online) with concerns or complaints that initiate investigation and facilitate resolution in a timely manner
- An annual public hearing held to hear from the public regarding issues related to compliance of special education laws and regulations at schools. The District must present its outreach procedures, including methods and timelines for notifying parents of these hearings as well as methods for publicly reporting the findings
- Capacity to collect and maintain data on issues and resolutions of complaints
- Analysis of the issues and findings to determine if systemic problems exist, which are reported annually to the Superintendent of schools

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<sup>2</sup> The Substantial Compliance Framework may be viewed in its entirety at: [http://oimla.com/pdf/20141010/AppendixL\\_SubstantialComplianceFinal\\_7-27-14.pdf](http://oimla.com/pdf/20141010/AppendixL_SubstantialComplianceFinal_7-27-14.pdf)

## **Previous Studies of the CRU**

The Complaint Response Unit has been examined twice over the course of the MCD. These studies focused on the CRU's effectiveness in responding to parent complaints and noted similar findings.

The first study was conducted by the District's former Program and Evaluation Research Branch (PERB) (2005). The study was conducted at the Plaintiffs' Counsel's request to "determine the activities conducted by the CRU and determine its effectiveness in addressing parent concerns while avoiding the filing of complaints."

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

The study included several findings of data input inaccuracies, such as information calls being categorized as complaints, inaccurate student and school names, and incomplete data in cases when parents visited the unit. CRU staff reported a lack of training or professional development related to their work as well as differences in leadership/administration regarding certain procedures and protocols.

During the 2012-2013 school year, once again at the Plaintiffs' Counsel's request, the Office of the Independent Monitor (OIM) studied CRU compliance as it pertains to MCD Section 9. To summarize, the 2013 OIM study found problems with the procedures for receiving, categorizing, prioritizing, and investigating complaints. It also found problems with the process for issuing a lawful response, which lacked oversight and quality control mechanisms. Additional problems arose from CRU staff's belief that they lacked the necessary training to provide a lawful response as well as CRU data system limitations in maintaining and reporting data.

As a result of the study, the OIM made 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 as well as an oversight mechanism to ensure that the letters accurately reflect the action or remedy, cases are closed consistently, all related persons (including schools) receive a copy, and 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.

The District provided a plan to address these issues by July 2014 but extended some timelines to July 2015 to coincide with the expected date of a fully functional Welligent call center. Similarly, the District was to implement a uniform call center for all Division of Special Education (DSE) offices (central and local), which was to coincide with the implementation of the Welligent call center.

### **Rationale of Current Study**

During the 2014-2015 school year, the DSE established the School and Family Support Services (SFSS) unit, which supports the District's complaint management system. This new unit is staffed by approximately 20 administrative, certificated, and classified personnel. The SFSS oversees the work of call center and CRU staff, who are responsible for managing the hotline where calls are processed from parents who have inquiries, concerns, or complaints about their children's IEPs and educational programs. This combined unit is now responsible for responding to parents' complaints and issuing a lawful response. Despite having equal and parallel functions, the complaint management system maintains two phone numbers: the existing CRU (800) hotline and the call center line.

On October 13, 2015, several parents who attended the OIM's annual hearing commented on their difficulties getting help from the call center line. They noted that, at times, no one answered the calls; they were told to call their local district, who in turn told them to call someone else; and they experienced difficulty with the system, as it abruptly ended calls. On the same day, the OIM called the call center line and noted similar outcomes. One salient finding was that the call center hotline lacked a basic option for callers to make an inquiry or express a concern or complaint.

The calls found that the MCD FAQ option was a blank recording, and the option on upcoming meetings and training for parents was a recording that mentioned two scheduled training events for the 2012 school year. This recording also informed parents that the event calendar would be updated monthly.

OIM staff made three calls posing as parents of a student in the District. When the option for transportation was selected, OIM staff were instructed to call the local district transportation office. When an attempt was made to file a complaint, staff immediately placed the call on hold and transferred it to the CRU hotline, which went to voicemail. Preschool was the only option for which staff identified themselves and appeared to begin an intake. Although only a few attempts were made, there did not appear to be any protocols for handling calls and performing an intake to determine the nature of the call (inquiry, concern, or complaint).

Although the system is relatively new, the lack of information in the FAQ option and extremely outdated training calendar raised concerns regarding management's lack of regard for system quality. Simple quality assurance protocols should have identified these problems. Furthermore, it had been more than two years since the OIM recommended the District create a universal intake and protocols to ensure consistent and accurate call recording. At the time of the 2014-2015 OIM Annual Report, Part I (October 2015), the District had yet to produce these, despite assurances and inclusion of these objectives in its two-year plan. The report noted that such protocols were a fundamental aspect of ensuring a quality and consistent system and that a lack of such protocols undermined the efforts and resources dedicated to staffing and training. Furthermore, staff telling parents to call their local district support unit contradicted the call center's intent and the District's assurance to facilitate parent calls and track concerns and complaints centrally.

The District was directed to address the maintenance and update the hotline's options by December 1, 2015. In the same timeframe, it was also to include an option that clearly delineated a dedicated line for making complaints and methods to ensure quality assurance. In late January 2016, hotline was corrected and the option for making complaints was established.

The annual report noted that, in spring 2016, the OIM would review a sample of inquiries, concerns, and complaints taken by the SFSS call center and CRU personnel to examine these processes' effectiveness. On January 20, 2016, the IM provided the District a letter with the rationale for this study. It stated:

The OIM through its annual reports, substantial compliance framework, and correspondence with the District has consistently stated that absent a viable complaint management process, the District will always fail the substantial compliance test. Given the history and the significant role complaint management must play in demonstrating a system that ensures substantial compliance, the OIM is undertaking a study of the District's performance of this capacity since the establishment of the call center in July 2015.

The current study differs from previous studies, which examined the CRU's effectiveness, roles, and responsibilities. This study focuses on the complaint management system procedures and protocols, SFSS and CRU call center processing, and the data system's adequacy. Compliance with the MCD requirements regarding the CRU was also assessed.

## METHODS

To determine the effectiveness of the District's complaint management system, carried out by the School and Family Support Services (SFSS) call center and the Complaint Response Unit (CRU), the Office of the Independent Monitor (OIM) completed a review of the following: policies, procedures, and communication related to the complaint management system and other District policies; a sample of calls to the SFSS call center hotline between July 20 and December 15, 2015; and SFSS staff interviews.

On January 19, 2016, the OIM formally informed the District of this study and requested the following: the database containing calls processed by the CRU and SFSS through December 15, 2015; copies of all lawful responses; training materials; policies and procedures; and tools used by staff to process calls, such as an intake protocol. An additional request for lawful response letters was made in August 2016.

### **Policies, Procedures, Protocols, and Communication**

In July 2015, the District provided a draft SFSS *Procedures and Protocols* manual for the Districtwide Complaint Response System and screenshots of the Welligent enhancements to show how calls are taken and data are collected. The District also committed to providing a reference guide that informs schools of the call center and complaint management system processes as well as staff protocols for handling calls.

On March 9, 2016, the District provided materials, policies and procedures, database, and lawful response letters. Some documents were in draft form, and it is unknown when staff received training or followed such protocols for processing calls.

The findings of the review of policies, procedures, and communication were utilized to design the OIM database to determine whether SFSS and CRU staff followed the new policies, procedures, and protocols when processing calls.

The study examined the following documents submitted to the OIM:

- *School and Family Support Services/Call Center – Districtwide Complaint Response System: Procedures and Protocols* (July 2015) (Appendix A)
- Reference Guide 6620.0 – *Special Education School and Family Support Services* (November 30, 2015) (Appendix B)
- Sample Notification Letter (Appendix C)
- Call Center Protocol (Agreement) Draft (Appendix D)
- School and Family Support Services – Department Framework (Appendix E)
- Department Tiers of Responses and Resources (DTRR) (Appendix F)
- Districtwide Complaint Response System (Option B) (Appendix G)
- School and Family Support Services/CRU – Brochures (Appendix H)
- Categories and Subcategories of Calls (Appendix I)

In addition, the OIM reviewed the following District bulletins, reference guides, and documents. Sections of these documents are included in the findings discussion to highlight strengths and weaknesses noted in call processing.

- Reference Guide 1341.13, *Complaint Response Unit/Parent Resource Network (CRU) for Parents of Students with Disabilities* (July 8, 2014)
- REF-5267.1 – *Guidelines for the Individualized Education Program (IEP) Team When Students with Disabilities Are Being Considered for Extended School Year (ESY) Programs and Services*
- BUL-5003.3 – *Transportation Guidelines for Individualized Education Program (IEP) Teams*

- BUL-5526.5 – Procedures for Requests for Educationally Related Records of Students with or Suspected of Having Disabilities
- BUL-5655.2 – Guidelines for Student Suspensions (pp. 6-8 deal with IEP and 504 students suspended)
- REF-1410.8 – *Special Education Dispute Resolution – The Three Options for Parents Wishing to Initiate a Form of Dispute Resolution Regarding the Proposed Components of an IEP: 1) Informal Dispute Resolution 2) State Mediation Only, and 3) Formal Due Process Hearing*
- IEP Translation Request Form
- BUL-5376.0 – Behavior Intervention Regulations for Students with Disabilities with Serious Behavior Problems
- BUL-6231.0 – Discipline Foundation Policy: School-Wide Positive Behavior Intervention and Support (p. 6, independent charter schools’ responsibilities)
- BUL-5212.2 – Bullying and Hazing Policy (Student-to-Student and Student-to-Adult) (p. 10, resolution of incidents of bullying, describes that it needs to be investigated, monitored, and documented, and defines resolution)

### **Interviews with SFSS and CRU Staff**

The OIM conducted interviews with SFSS and CRU staff to better understand the process and procedures for responding to and resolving parent complaints as well as the effectiveness of the call center and quality assurance mechanisms. The call center began processing calls in July 2015, coinciding with the SFSS’s absorption of the CRU.

The SFSS consists of 19 staff members, including five CRU members. The unit’s administrative structure includes a director, assistant director, and coordinator. The remainder includes three specialists, five customer service representatives, one parent liaison representative, three parent community facilitators, three office technicians, and one secretary.

### **Interview and Sample Design.**

An interview guide was designed to understand various staff members’ roles and responsibilities, and the relationship between the procedures and protocols and staff practices when processing calls (Appendix J). The interview guide included a range of questions for varying roles; therefore, not all questions were relevant for all staff. Some questions were included from the previous study to determine whether staff opinions or perspectives had changed. The guide contained inquiries for the following:

- Effectiveness of the procedures and protocols for receiving and responding to calls and complaints
- Procedures for investigating concerns and complaints
- Determination of categories (call type and topic) and priorities
- Procedures and responsible person for closing cases
- Determination of, and issuance of, a lawful response
- Procedures for follow-up calls and cases that require a lawful response
- Oversight mechanisms for ensuring the accurate reporting of cases, data maintenance, and lawful responses
- Adequacy of the Welligent call center module
- Adequacy of trainings
- Adequacy of the *Procedures and Protocols* manual

- Processing of calls related to independent charter schools, suspensions, and bullying/harassment
- System strengths and areas of improvement

Interview participants were selected by the OIM to represent various staff levels in the unit's organizational structure. Eight interviews were conducted over two days and included the following staff:

- Director
- Coordinator
- Former specialist
- Specialists (2)
- Parent community facilitator/CRU staff (2)
- Customer service representative

### **Review of Call Center Cases and Lawful Responses between July 20, 2015 and December 15, 2015**

The database of call center cases from July 20 through December 15, 2015, contained a total of 10,758 processed calls. The OIM created a separate database for its analysis, which merged select data from the call center database with additional fields of data collection. The following information was captured to examine the effectiveness of the complaint process:

- Initial call type categories (complaint, concern, inquiry)
- Resolution call type categories (complaint, concern, inquiry)
- Call topic category, subcategory (IEP, compliance, transportation)
- Call priority (low, medium, high)
- Call management protocol – claim, evidence, steps previously taken, actions to resolve, resolution (CESAR)
- Number of working days to close case
- Evidence of investigation
- Resolution information, including information providing evidence that a complaint was unfounded, violation type, violation, remedy, or if the resolution was unknown due to insufficient information

Lawful response letters were reviewed to determine correspondence with the allegations and resolutions identified in the call center database. The following data were collected from the lawful response letters:

- Type of letter/lawful response selected for each case
- Lawful response complaint match
- Lawful response resolution match

### **Sample Design.**

Calls processed by the SFSS (call center and CRU) are categorized at two points during the case. Cases are given a call type category (complaint, concern, inquiry) when first assigned (initial type) and when the case is closed or resolved (resolution type). In addition, calls are assigned a priority code of high, medium, or low. To examine the decision-making processes for determining call type, data were reviewed for both initial and resolution categories. The sample selection strategy aimed to better

understand the processing of complaints and was not designed to be representative of each call type category.

Between July 20 and December 15, 2015, the SFSS and CRU unit logged 10,758 calls. Of these, the majority were initially identified as inquiry calls (76.8%, n=8,267), while the remaining cases constituted concern calls (7.7%, n=823) and complaints (3.7%, n=400), or were missing a category designation (11.8%, n=1,268) (Table 1).

Call data were disaggregated between call center and CRU staff to ensure sufficient representation. The majority of calls (93.3%) were processed by call center staff, while CRU staff accounted for the majority of complaint calls (80.8%).

Table 1. Calls Received between July 20 and December 15, 2015, by Initial Call Type

|           | Initial Call Type |       |        |       |     |       |
|-----------|-------------------|-------|--------|-------|-----|-------|
|           | Total             |       | SFSS   |       | CRU |       |
|           | #                 | %     | #      | %     | #   | %     |
| Complaint | 400               | 3.7   | 77     | 0.8   | 323 | 44.8  |
| Concern   | 823               | 7.7   | 668    | 6.7   | 155 | 21.5  |
| Inquiry   | 8,267             | 76.8  | 8,031  | 80.0  | 236 | 32.7  |
| Blank     | 1,268             | 11.8  | 1,258  | 12.5  | 7   | 1.0   |
|           | 10,758            | 100.0 | 10,034 | 100.0 | 721 | 100.0 |

Table 2 provides the breakdown of call types as coded at the point of resolution. Resolution call type decreased considerably for complaints, with 400 (3.7%) being initially identified, while 94 (0.9%) were categorized as complaints at the point of resolution. Considerable reductions were seen for complaints initially identified by SFSS (0.8% vs 0.3%, resolution) and CRU staff (44.8% vs 9.0%, resolution).

Table 2. Calls Received between July 20 and December 15, 2015, by Resolution Call Type

|           | Resolution Call Type |       |        |       |     |       |
|-----------|----------------------|-------|--------|-------|-----|-------|
|           | Total                |       | SFSS   |       | CRU |       |
|           | #                    | %     | #      | %     | #   | %     |
| Complaint | 94                   | 0.9   | 29     | 0.3   | 65  | 9.0   |
| Concern   | 861                  | 8.0   | 598    | 6.0   | 263 | 36.5  |
| Inquiry   | 9,356                | 86.9  | 8,963  | 89.3  | 393 | 54.5  |
| Blank     | 447                  | 4.2   | 444    | 4.4   | 0   | 0.0   |
|           | 10,758               | 100.0 | 10,034 | 100.0 | 721 | 100.0 |

The sample of cases for review was selected using three variables: calls processed by the CRU, calls initially identified by the SFSS as complaints, and a subsample of calls by priority type. CRU calls made up slightly less than half (47.0%) of the sample. The sample was selected as follows:

- All CRU calls n=721
- All initially identified complaints by the SFSS n=77
- Sample of n=750 selected by the following variables
  - 50% calls with a high priority
  - 50% calls with a medium priority
  - 50% calls with no priority information
  - Remaining low priority

This yielded a sample of 1,527 cases, with 13 cases dropped due to lack of information in the case record. The analyzed sample includes 1,514 cases, consisting of complaints (26.4%), concerns (17.8%), inquiries (46.4%), and missing information (9.4%). The sample represents 14% of all calls received and 100% of complaints processed (Table 3).

Table 3. Analyzed Sample by Initial Call Type

|           | Initial Assignment Type |       |      |       |     |       |
|-----------|-------------------------|-------|------|-------|-----|-------|
|           | Total                   |       | SFSS |       | CRU |       |
|           | #                       | %     | #    | %     | #   | %     |
| Complaint | 399                     | 26.4  | 77   | 9.6   | 322 | 45.2  |
| Concern   | 270                     | 17.8  | 115  | 14.3  | 155 | 21.8  |
| Inquiry   | 703                     | 46.4  | 475  | 59.2  | 228 | 32.0  |
| Blank     | 142                     | 9.4   | 135  | 16.8  | 7   | 1.0   |
|           | 1,514                   | 100.0 | 802  | 100.0 | 712 | 100.0 |

## FINDINGS

The function of the SFSS call center and CRU hotline is to receive parent inquiries and complaints and to facilitate communication with the appropriate District staff to resolve parents' concerns. Whereas the 2013 OIM study focused only on the CRU's role in processing parent calls, this study examines the overall complaint management system. The CRU and SFSS staff perform parallel functions. Some findings have disaggregated CRU and SFSS staff to examine whether differences in performance exist.

This section presents the findings in three parts. Part 1 discusses the review of policies, procedures, and protocols related to the complaint management system. Part 2 presents findings from the SFSS staff interviews. Part 3 includes the analyses of reviewed call center cases (combined SFSS and CRU) and lawful response letters. Case studies are also included to illustrate areas of strengths and weaknesses in call processing. Findings from the review of other (non-special education) District policies will be incorporated in relevant discussions regarding case processing protocols.

### **Part 1. Review of Policies, Procedures, and Protocols for Receiving, Categorizing, Prioritizing, and Investigating Complaints; Resolving Calls; and Providing a Lawful Response**

The following documents provide guidance for the processing of call center cases. Procedures and protocols are the foundation of the complaint management system and were designed to ensure a consistent and valid process for responding to and resolving parent inquiries, concerns, and complaints.

The review examined the policies, procedures, and protocols to determine if the processes in the complaint management system align with the Modified Consent Decree (MCD) requirements and addressed the OIM's recommendations from its 2013 study. All policies, procedures, and protocols are intended to guide the CRU and SFSS staff in processing calls.

Section 9, CRU of the MCD requires the District to establish and obtain the Independent Monitor's (IM's) approval of the following: procedures and protocols for call processing, retention of data concerning complaint filings and dispositions, and a staffing plan for the CRU with the adequate capacity to respond to complaints in the District's seven primary languages.

A description of each document is provided outlining the protocols and procedures for processing cases. Letters to parents, brochures, and other communication to parents and staff were also reviewed.

#### ***School and Family Support Services/Call Center – Districtwide Complaint Response System: Procedures and Protocols (July 2015).*** (Appendix A)

This document notes that the SFSS established a Districtwide complaint response system through its call center to facilitate the resolution of parent inquiries, concerns, and complaints. It notes that the "SFSS has developed a system for responding to inquiries, concerns and complaints" utilizing the Welligent call center module and cites clear and rigorous procedures and protocols. These include five of the OIM's recommendations from the 2013 CRU report, summarized below:

- Establish and implement a uniform intake
- Establish protocols for identifying the complaint
- Establish a system that categorizes and prioritizes calls
- Establish procedures for determining a lawful response
- Provide pertinent training to all parties involved

Included is staffing information with a description of roles including classified, certificated, and administrative personnel. The document does not mention the CRU but refers to its 800 phone number as being for the Department of Special Education (DSE).

Information regarding the SFSS call center was distributed through various methods including the DSE website, SFSS posters and brochures, informational meetings, the telephone directory, and a reference guide for schools. The document does not mention how information related to the CRU will be disseminated.

Classified staff are described as being first responders and are not authorized to determine lawful responses or manage cases. Their role is to assist calls with tier I calls, which include:

- Frequently asked questions
- Information from a “Parent’s Guide to Special Education Services”
- Latest information of District memos, bulletins, and reference guides

Classified staff are responsible for handling all tier I calls by responding to the inquiry and providing the necessary information, recording the resolution type in Welligent, and closing the record in the system. Classified staff are instructed to forward tier II and III calls to appropriate District staff.

Tier II calls are defined as:

- Complex inquiries
- Concerns surrounding specific issues
- Technical issues
- Sensitive matters

Tier III calls are described as “higher and more complex tier II calls that require greater knowledge and experience and the attention of a Specialist, including violations of special education regulations.”

When classified staff identify a concern call, it is then assigned to a case manager, who becomes responsible for ensuring the concern is addressed, logging detailed information into the system, passing information on to the school or other necessary personnel or departments, then closing the case.

When classified staff determine a call is a complaint, a case is opened and assigned to an administrator who in turn assigns it to a specialist. Certificated and administrative staff are responsible for conducting investigations of alleged violations and drafting lawful response letters to parents.

Protocols for receiving and responding to inquiries, concerns, and complaints begin with the assignment of a case manager for each call. Case managers are responsible for seeing each call through completion or resolution and updating the caller. For concerns and complaints, case managers are required to contact callers within 24 business hours and update progress for resolving the case within 48 business hours.

The intake process requires SFSS classified staff to “document all incoming calls and written communications with clear, accurate and concise reporting to determine if the call or written communication is an inquiry, concern or complaint following our ‘Claim, Evidence, Steps, Taken, Actions to Resolve, and Resolution’ protocol (CESAR).” The information is to be entered into the call center module with a priority rating of low, medium, or high.

The procedures manual defines the three categories of calls (inquiry, concern, complaint) as:

- An inquiry is a call or written form of communication in which a parent, school, teacher, or community member requests basic information about services or rights, but does not involve an allegation of a perceived violation of special education laws and regulations or the District's *Special Education Policies and Procedures Manual*.
- A concern is a call or written form of communication in which a parent, school, teacher, or community member expresses a matter of interest or importance to them. The concern is not a violation of law of the *Special Education Policies and Procedures Manual*. However, a response might require the expertise of a specialist or program specialist who will be deemed the case manager. The case manager is charged with responding appropriately to the concerns.
- A complaint is defined in the MCD as an allegation of perceived violations of:
  - The Individuals with Disabilities Education Act and implementing regulations;
  - The California State Education Code related to special education and implementing regulations; or
  - The District's *Special Education Policies and Procedures Manual*.

The procedures and protocol manual includes a five-step procedure for processing complaint calls (pp. 4-5).

- STEP 1: Thoroughly investigate the complaint. Consult with an administrator as needed.
- STEP 2: Make appropriate contact with District schools and offices to resolve the complaint and generate a lawful response letter as defined below. Consult with administrator as needed.
- STEP 3: Forward a copy of the lawful response letter to complainant and to all involved parties (i.e., school site, applicable related services departments, etc.) within the following performance standards set forth below.
- STEP 4: Upon resolution of the complaint and issuance of a lawful response letter, SFSS LRE [Least Restrictive Environment] specialist/case manager will log details and close the case in the Welligent call center module.
- STEP 5: The case manager will follow up with the complainant and District parties to ensure that the resolution was implemented when action was required.

The document defines a "lawful response" and provides timelines consistent with those in the MCD. The procedures and protocols manual states:

A Lawful Response as defined in the MCD means that a parent is provided with a written response that satisfied the District's legal obligations and may be one of the following: 1) a remedy and, where appropriate, the date by which the remedy shall be implemented; 2) information that an appropriate referral has been made; 3) suggested action the complainant may wish to take; or 4) a determination that the complaint has been investigated and determined to be unfounded.

SFSS staff are to receive ongoing training through a series of modules and ongoing feedback on differentiating between inquiries, concerns, and complaints that are violations of federal and state special education laws and/or District policies and procedures. Training of SFSS classified staff on intake procedures is also noted.

Steps for obtaining caller feedback, maintaining call data, and ensuring quality assurance are also outlined. A satisfaction survey is to be “provided to all parties involved in the complaint to receive input regarding the process of responding to and resolving complaints.” This feedback is to be analyzed to identify category trends, which will guide ongoing SFSS training and recommendations for improving the complaint management system. The document notes that “upon request from the Independent Monitor, the Division of Special Education will disaggregate the number of complaints by Local Districts.” To ensure quality control, SFSS administrative staff are to regularly review the intake data, observe staff processing calls, and review lawful response letters.

### **Summary.**

The *Districtwide Complaint Response System - Procedures and Protocols* document provides an adequate framework for processing parents’ inquiries, concerns, and complaints. It introduces the CESAR process for conducting intakes and processing calls. Definitions of an inquiry, concern, complaint, and lawful responses, as well as the timelines to measure performance, are consistent with the MCD. The manual generally addresses the five OIM recommendations.

The manual does not include information related to the CRU’s role or the dissemination of CRU materials to schools and parents. Although SFSS call center staffing is described, this information does not fulfill the requirements of a staffing plan as intended by the MCD. It also lacks information of the reference guide as it was incomplete at the time it was submitted to the OIM. Training information is mentioned but limited. Last, it is unclear why it is incumbent on the IM’s request for data to be disaggregated by a Local District.

Although the manual provides adequate descriptions and guidance of the process for responding to and resolving parents’ inquiries, concerns, and complaints, it is incomplete and fails to meet some of the requirements specified in the MCD. The MCD specifically charges the District to establish a unit for processing complaints, specifically the CRU; therefore, the manual must include contact information and the unit’s role as part of the call center.

### **REF-6620.0 – Special Education School and Family Support Services. (Appendix B)**

Reference Guide 6620.0 – *Special Education School and Family Support Services (November 30, 2015)*, replaced Reference Guide 1341.13, *Complaint Response Unit/Parent Resource Network (CRU) for Parents of Students with Disabilities (July 8, 2014)*. The document notes that one major change from the previous reference guide is that the SFSS unit is now responsible for overseeing the DSE call center and the CRU’s procedures and protocols to address parent inquiries, concerns, and complaints.

It recognizes that, for the District to ensure it has no systemic issues that would prevent the District from being in substantial compliance with special education laws and regulations, it must have a process in place for receiving and resolving complaints of alleged violations.

It outlines the SFSS responsibilities as:

1. Increasing parent understanding and awareness of special education legal requirements to inform decisions and enhance their participation in their child’s education;
2. Responding to inquiries, resolving concerns, and/or assisting in resolving complaints that allege a violation of federal or state special education laws and regulations;
3. Offering information about parent engagement opportunities; and
4. Facilitating collaboration between District staff and parents.

The reference guide defines what constitutes an inquiry, concern, and complaint call consistent with the definitions included in the *SFSS Procedures and Protocols* manual. It also establishes internal timelines for the resolution of each call type, noting that inquiry calls will be resolved within two business days, concern calls within 10 business days, and complaints in between five and 15 days. Although these timelines do not align with those in the MCD, it is noted they are intended to fulfill the requirements of Outcome 11, Complaint Response Time. A lawful response is also defined, consistent with that included in the *SFSS Procedures and Protocols* manual, and notes that lawful response letters will be uploaded to the student's Welligent record.

The reference guide informs schools and offices of the expectation to cooperate and respond in a timely manner to all SFSS communication to ensure compliance with federal and state special education laws and regulations as well as District policies. It also includes information on the materials schools will be provided to inform parents of the SFSS and CRU, and requirements for posting and making these materials available. Parent notification letters are included in the seven primary District languages.

### ***Summary.***

Reference Guide 6620.0 redefines the organizational structure of the District's complaint management system. It replaces Reference Guide 1341.13, which identified the CRU as the unit established to "respond to the concerns of parents of students with disabilities and provide information at monthly parent trainings." It establishes the SFSS unit as overseeing the duties of the call center and CRU and melds these units' responsibilities for responding to parents' inquiries, concerns, and complaints.

Although this reference guide merges the call center and CRU under the auspices of the SFSS, it contains specific information on materials that are to be distributed to and displayed at schools for the CRU and SFSS. Phone numbers to both the CRU and call center are included but not specified for each. Timelines are inconsistent with Outcome 11 and the MCD, yet more restrictive, requiring calls to be resolved much timelier. Monthly training for providing information to parents is not addressed.

### **Sample Notification Letter. (Appendix C)**

Pursuant to Reference Guide 6620.0, parents will be notified of the SFSS services via a letter sent from their child's school. The letter informs parents that the District is "required to ensure it has no systemic issues that would prevent the District from being in substantial compliance with the special education legal requirements in accordance with the Modified Consent Decree." It notes that part of this requirement is having a process in place for "receiving and resolving alleged compliance complaints." It includes a brief description of the SFSS's responsibilities for responding to parents' complaints as well as the timeline for providing a lawful response letter (10-15 days).

In the letter, parents are also notified that the SFSS manages the call center and CRU and given methods to access the SFSS via US mail, email, and call center and CRU phone lines. The letter also includes the hours of operations.

### ***Summary.***

The letter informs parents of SFSS's function and includes contact information and ways parents can access its services. This includes written communication (mail), email, and telephone numbers for the SFSS call center and CRU<sup>3</sup>. It provides a brief description of the process for responding to and resolving cases, and notes the internal timeline for providing a lawful response.

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<sup>3</sup> The brochure includes both phone numbers but does not specify the corresponding unit.

The letter indicates the CRU is part of the SFSS but generalizes the functions of responding to complaints to the SFSS.

#### **Call Center Protocol (Draft).** (Appendix D)

This document outlines the steps and responsibilities for processing calls and complaints. It contains five steps differentiating responsibilities by positions. The protocol consists of five points of data collection and actions: CESAR. These procedures are carried out by call center staff, which include customer service representatives, CRU personnel, program specialists, specialists, and administrative staff. Oversight mechanisms for quality assurance are to be carried out by the coordinator and assistant director.

The first step provides guidance for conducting initial intake by call center staff, program specialists, and specialists. This includes opening a call record and collecting basic caller information, assessing the areas of caller's concerns, and selecting the call type category and subcategory (e.g., transportation, route info). Staff are to determine whether the call is an inquiry, concern, or complaint and document the caller's claim and corresponding evidence in "clear, concise, and concrete terms."

Step two includes detailed protocols for collecting claim and evidence information and processing calls. Staff are to align categories and subcategories with the call information type (inquiry, concern, complaint) and steps for investigating calls. This includes reviewing the Welligent IEP system, the My Integrated Student Information System (MiSiS), and the Department Tiers of Responses and Resources (DTRR).

The third step requires staff to collect information on steps the caller has taken to resolve the issue, be it an inquiry, concern, or complaint.

The fourth step describes the follow-up procedures for cases that require an "Action to Resolve the Case." Inquiry calls are to be responded to the same day or within 48 hours of a call and recorded in the Welligent system. Responses can be provided in three ways: a call back, email, or regular mail. Staff are instructed to find responses in the DTRR, the Los Angeles Unified School District (LAUSD) website, or FAQs and verify that the provided information satisfied the request. Inquiries and concerns handled by specialists or program specialists are to "prescribe steps and a timeline to address the concern" in five to 10 days. Specialists or program specialists must also update the case every 48 hours with information on the steps accomplished. The actions pending to resolve the concern are to be recorded and must include next steps to resolve the complaints in five to 10 days. Complaints require the same process, with the timelines extended to 10 to 15 days. In cases of complaints, specialists are to prepare a draft of the lawful response letter.

The fifth step, the resolution phase, indicates timelines and procedures for closing inquiries, concerns, and complaint calls. Inquiries requiring immediate action are to be closed within 24 hours, whereas those needing follow-up action are to be closed within 48 hours. Concern calls handled by the program specialist are to be closed within 10 days, whereas complaints are to be resolved in between five and 15 days. Resolution information is captured in the Welligent system's Resolution tab. Lawful response letters, once approved, are uploaded as a PDF file to the student's Welligent record.

The oversight procedures for the coordinator and assistant director are identified for each of the five steps. A primary function that spans all steps is the support of staff in the "application of protocols and procedures." During intake, this support is done to ensure that staff accurately collect contact

information, paraphrase caller's concerns, apply good customer service skills, review note-taking, accurately label call type (inquiry, concern, or complaint), and ensure the accuracy of the claim and evidence.

Oversight during Step 2, claim and evidence, aims to ensure calls are accurately categorized or labeled as well as the proper input of caller's claim and evidence. A sense of urgency and the maintenance of an accurate DTRR are stressed.

Step 3, management, aims to ensure that the steps to find a resolution are entered in a timely manner.

Step 4 requires management to review cases to ensure that follow-up efforts that lead to a resolution are recorded every 48 hours.

The last step is ensuring the accuracy of the legal lawful response letter and monitoring cases for evidence that cases are being addressed within the five- to 15-day timeframe.

### ***Summary.***

The Call Center Protocol thoroughly outlines the procedures for processing inquiry, concern, and complaint calls as well as the documentation and oversight mechanism for each. It breaks down procedures for each CESAR step by call type and responsible personnel. This includes providing guidance to staff on resources to aid them in finding responses as well as procedures for raising calls to higher administrative levels. Internal timelines are embedded for each step.

The document does not identify or reference the CRU as part of the call center staff. Although the term "call center staff" might include CRU staff, its exclusion is inconsistent with the establishment of this unit in the MCD as the responsible department for processing parent complaints.

### **School and Family Support Services (SFSS) – Department Framework. (Appendix E)**

This framework provides the roadmap for the SFSS's function, role, and responsibility. It lays out the unit's mission, vision, values, and goals; outlines the four areas of work; and lists methods for accomplishing this work and the ways effectiveness will be monitored.

The SFSS's mission is to "work collaboratively with our LAUSD families, students, colleagues and other partners in education to promote each student's success and well-being as he/she prepares for future endeavors by providing all partners with the ongoing delivery of the most accurate information, resources, assistance, and guidance in special education."

Its vision is to "establish mechanisms by which all of our stakeholders can access accurate information resulting in a positive partnership and resolution to all inquiries and calls made."

The values of the unit are to promote "positive engagement, active listening, sense of urgency, responsiveness, respect, professional relationships, cultural humility, diversity, responsibility, professional growth, transparency, ethical responsibilities, respect for rules/law/regulations, customer service."

Its goals are focused on three organizational aspects: accuracy, accountability, and support. Each goal has been operationalized to describe the condition for developing the capacity of a goal, expectations or criteria for the behavior, a measure for determining effectiveness, and timelines for fulfilling the behavior. For example, the first goal is aimed at accuracy, which will be developed "after providing trainings on systems, protocols, and programs, special education law, education code, and district policy." Staff is expected to demonstrate this capacity by "collecting pertinent information; cross

referencing information; concluding the type of call (inquiry, concern, complaint); determining steps and supports needed from other departments; resolving cases; and, responding to parents.” The objective for effectiveness is that 100% of parent inquiries, concerns, or complaints are accurately and uniformly addressed. Timelines are included for each call type, with the expectation that resolutions occur within the following: inquiries, within 48 hours; concerns, between five and 10 school calendar days; and complaints, between 10 and 15 school calendar days.

The framework includes four service standards or SFSS roles: compliance, accountability, professional development, and support/guidance. This includes understanding the District’s roles and responsibilities for complying with state and federal special education laws and regulations, and District policy. Accountability is accomplished through the use of systems and protocols and the monitoring of systems to comply with all required mandates. One method is through the implementation and use of the SFSS *Procedures and Protocols* manual for “processing inquiries, resolving concerns, and responding to complaints.”

Welligent data are to be used to identify trends that will lead to opportunities for professional development aimed at building school-site personnel and District staff capacity. Knowledge of data trends will be used to develop supporting systems to improve school personnel capacity and quality of call center processes for responding to and resolving inquiries, concerns, and complaints.

To accomplish this work, the framework outlines the following functions and efforts (summarized):

- Adopting a bidirectional information system among all the special education departments
- Implementing a three-tiered response system to address inquiries, concerns, and complaints
- Maintaining a current FAQ available online
- Adopting multiple intake mechanisms (phone, email, etc.) for parents to make inquiries, concerns, and complaints
- Ongoing and differentiated professional development on systems; protocols; data analysis; available resources; legal updates; and ways to improve efficiency, accuracy, and responsiveness
- Reinforcing timelines, procedures, protocols, expectations, and accountability
- Capturing accurate information at the onset of each contact using the Welligent tracking system
- Instituting a monthly dashboard to inform stakeholders of what is working, areas of potential growth, and trends
- Disseminating data and trends using the Monthly SFSS Snapshot feature

Monitoring the effectiveness of the complaint management system will consist of various efforts based on time schedules. Random formal and informal monitoring of calls will ensure that staff are applying good practices related to consultation strategies, report accuracy, routing of calls, and updating and consistently closing of calls. This oversight mechanism has four goals: ensuring that lawful response letters reflect the action or remedy, cases are closed consistently, all involved parties receive a copy of the letter, and stakeholders are held accountable. A similar review will be conducted weekly.

Monthly, quarterly, and annually, data from the calls will be analyzed for trends, developing plans of actions, and gauging progress on annual goals. The framework notes that random surveys will be instituted for quality assurance purposes; however, no detailed information of the survey’s content or process was provided.

### ***Summary.***

This framework provides comprehensive information on SFSS's mission, vision, and values; goals; roles and responsibilities; methods to achieve the functions; and an oversight mechanism to monitor effectiveness. It clearly defines organizational structures and expectations for establishing a valid complaint management system. Staff's behavioral expectations are operationalized and include performance benchmarks. The document includes how call center data will be collected, maintained, and utilized. If implemented, the framework would result in a credible complaint management system with oversight mechanisms to ensure a quality and consistent process.

The document is a conceptual framework and does not include information on whether steps or actions have been implemented, such as the random surveys for ensuring quality assurance and the monthly dashboard for disaggregating data by multiple categories to inform external and internal stakeholders of trends. The document does not mention the CRU's role or function.

### **Department Tiers of Responses and Resources (DTRR). (Appendix F)**

The extensive document (63 pages) provides SFSS staff with a range of topics callers might raise, with scripted responses and related resources such as District bulletins and reference guides. The document is organized by call category and subcategory (i.e., behavior and discipline), tier (I, II, III), response, and resources. The following are some examples of the call category and subcategories covered:

- General information
- Charter schools
- K-12 instruction
- Assessment and evaluation
- English learners
- Extended school year (ESY)
- Least Restrictive Environment
- Behavior and discipline
- Private school
- IEP development

In many instances, the scripted response provides callers with explanations of the related laws and regulations or District policy. Links to the related bulletins, reference guide, or documents are included. Many of the items contain Tier I call types and responses. Tier II responses and resources are limited, and Tier III entries are very limited. Topics and responses are designed for two types of callers, parents (or parent representatives) and various school staff. The following is an example of the process for using the DTRR for receiving and responding to calls:

|            |   |
|------------|---|
| Category:  | Extended School Year  |
| Tiered:    | ESY Tier I  |
| Topic:     | Will my child continue to receive related services and supports during ESY?   |
| Response:  | Students who received related services, as indicated in the IEP, will be provided with the appropriate service by the related service providers assigned to that ESY school site. |
| Resources: | 2015 Procedures for Extended School Year (ESY) Special Education Programs and Services MEM-6445.0 Feb. 16, 2015   |

**Summary.**

This comprehensive document contains valuable information and guidance for processing parent inquiries, concerns, and complaints. Some topics include thorough responses and links to District resources such as reference guides, bulletins, brochures, and booklets. The tool is well organized and thought out.

Although the review did not include a thorough review of the topics, responses, and resources, the DTRR is incomplete, particularly with Tier II and Tier III topics and responses. Topics such as transportation are not included, yet this issue accounts for a high number of calls. It also lacks resources related to the federal special education regulations and had only one topic referencing the California Education Code.

The DTRR has the potential to be an excellent tool for ensuring calls are processed and resolved consistently with the appropriate inclusion and application of District policy and state and federal special education regulations. This document was not included in the District’s submittal of all relevant complaint management system information, and was identified by the OIM after the majority of interviews were conducted. The use of this tool will be discussed further in Part 2.

**Districtwide Complaint Response System (Option B). (Appendix G)**

This document provides guidance regarding the provision of lawful responses for complaints received. It includes internal timeframes aligned with the SFSS and CRU procedures for addressing complaints. The document presents guidance by timeframe for the “required action,” “primary responsibility,” and “strategies and response.” The process is broken down by the following timeframes: within 24 hours; within 48 hours; within 72 hours; between five and 10 days; and between 10-15 days. The document breaks down the stages of the call from the initial intake, the determination of a special education law/regulation/policy violation, updating of case notes in the Welligent call center module, case resolution, and communication with parents.

An example of this guidance is noted below:

|                          |   |
|--------------------------|---|
| Timeframe:               | Within 48 hours   |
| Required Action:         | Specialist identifies issues, recommends action plan, and begins to determine if there is a violation of special education law/policy   |
| Primary Responsibility:  | Specialist  |
| Strategies and Response: | Identifies all issues that are alleged violations of federal/state regulations and/or District policies that require a lawful response. Determines the priority and anticipated “Action Steps” to resolve. Determines possible “Action Steps” needed to resolve identified issue to show a lawful response and the actions required (and by whom) to close case in the 10- to 15-day resolution timeline. Document efforts made to contact the parent regarding the progress of the case. |

***Summary.***

This document provides clear guidance for determining violations and the process for issuing a lawful response. The responsible personnel identifies actions and documents steps throughout the process, including the remedy and issuance of a lawful response letter. Procedures are included for closing cases and notifying parents, school administrators, and other pertinent parties. The CRU staff are included as participants in the process for issuing a lawful response.

**School and Family Support Services Brochure, and Complaint Response Unit/CRU Brochure.**  
(Appendix H)

The SFSS brochure provides information regarding the SFSS's role and function. It includes its mission statement, contact and website information, hours of operation, a brief description of how the unit can help parents, definitions of "complaint" and "lawful response," and parent resources. The parent resource information includes pertinent information on the DSE website as well as a description of, and contact information for, the Community Advisory Committee (CAC) and Parent Community Liaison unit.

The CRU brochure provides information on the unit's purpose and functions, which includes assisting parents in resolving complaints without the need to utilize external complaint and due process mechanisms. The brochure includes contact information for the CRU, the Parent Community and Student Services Branch, six local Special Education Services Centers, and the SFSS. It includes information on the parent resources, such as the CAC, and definitions of "complaint" and "lawful response."

***Summary.***

Both brochures contain contact information, a mission statement, definitions of a complaint and lawful response, and a description of services provided. District resources for parents such as the CAC and Parent Resources for Engagement and Student Success are also included.

Differences in the descriptions of the services provided are noted, with the SFSS brochure containing statements specific to responding to and resolving complaints. For example, the SFSS brochure states that one of its functions is:

Promptly responding to inquiries, resolving concerns, and/or helping mediate and resolve complaints related to the Individualized Education Program (IEP).

Although the brochure mentions the purpose of the CRU is to "give the District an opportunity to resolve parent complaints," a similar statement is absent in the CRU brochure. Additional indirect language is noted in CRU's mission statement, which notes that the "CRU will facilitate collaboration between District staff and parents to enable the District to provide a lawful response in a timely manner."

The lack of direct language of the CRU's function for receiving and responding to parent complaints is inconsistent with its charge pursuant to the MCD.

### **Categories and Subcategories of Calls. (Appendix I)**

The chart lists the 13 primary categories and 75 subcategories contained in the Welligent call center module. The 13 primary categories are as follows: Assessment, Compliance, Discipline, Employee, Equity, Feedback, General, IEP, Instructional, Other, Operation, Services, and Transportation.

The document notes that specific related services are found by selecting the “IEP” category, “Service” subcategory, and “Other” subcategory. Although not listed, this contains 27 specific related service types.

Examples of the selection of categories and subcategories are demonstrated below:

Category: Transportation

Subcategories: Address Change, Other, Route Info

Category: Services

Subcategories: Disagree with discontinuation, Disagree with not qualifying, Disagree with provider, Disagree with time and frequency, Not Implemented, Other, Compensatory, Service Logs

#### ***Summary.***

The document simply lists the categories and subcategories assigned. It does not provide any information on how categories or subcategories are selected or whether more than one primary category is allowed.

The review did not include an analysis to determine if potential categories were excluded, but “placement” and “charter schools” were notably missing. The use of categories will be discussed in additional detail in Parts 2 and 3.

#### **Summary**

The policies, procedures, and protocols of the SFSS complaint management system provide a fundamental framework for the establishment of a valid and credible complaint system. Overall, the documents address the following recommendations made in the 2013 OIM CRU study (summarized):

- Establish and implement a uniform intake
- Establish protocols for identifying the complaint
- Establish a system that categorizes and prioritizes calls
- Establish procedures for determining a lawful response
- Provide pertinent training to all parties involved

The series of documents describes a comprehensive approach for receiving, investigating, and responding to calls and providing lawful responses. Overall, procedures and definitions are consistent with the MCD and the intent of the complaint management system.

Inconsistencies are noted in the varied inclusion and reference of the CRU as part of the call center and SFSS. Some documents are incomplete, particularly the DTRR, which when complete, will be valuable for ensuring a consistent process and complaint system. Although internal timelines are inconsistent with those in the MCD, they require the closing of cases in a timelier manner.

The documents reviewed address the five OIM recommendations made in the 2013 study, in varying degrees. It is evident that the District has committed time and resources to develop its complaint management system. Based on the documents provided, it is unclear if all aspects of the framework have been completed and implemented. For example, random surveys and dashboards are to be developed and implemented; however, the documents did not show any evidence of their utilization or products yielded. Training materials and procedures for categorizing call topics were not provided. These documents would provide insight into the application of the procedures, protocols, and policies reviewed. The effectiveness of these procedures and protocols are evaluated in Parts 2 and 3 of this report.

## **Part 2. Interview Data**

The OIM conducted interviews with call center staff (SFSS and CRU) to better understand the process and procedures for responding to and resolving parent complaints as well as the effectiveness of the quality assurance mechanisms.

Although the call center began processing calls in July 2015, coinciding with the SFSS's absorption of the CRU, the unit's administration began developing the framework, mission, and training modules in February 2015. This established a parallel system that includes the CRU (800) hotline and the main SFSS hotline.

The SFSS consist of 19 staff members, including five CRU members. The unit's administrative structure includes a director, assistant director, and coordinator. The remainder of the unit comprises three specialist/program specialists (certificated) and 13 classified staff. Classified staff are first responders responsible for screening or initially categorizing calls. Certificated and administrative staff support classified staff and are responsible for managing and resolving cases, generating lawful responses, and quality assurance.

To examine the effectiveness of the policies, procedures, and protocols guiding SFSS and CRU practices, the OIM developed an interview guide (Appendix J) to examine the following:

- Effectiveness of the procedures and protocols for receiving and responding to calls and complaints
- Procedures for investigating concerns and complaints
- Determination of categories (call type and topic) and priorities
- Procedures and responsible person for closing cases
- Determination and issuance of a lawful response
- Procedures for following up calls and cases that require a lawful response
- Oversight mechanisms for ensuring the accurate reporting of cases, data maintenance, and lawful responses
- Adequacy of the Welligent call center module
- Adequacy of trainings
- Adequacy of the *Procedures and Protocols* manual
- Processing of calls related to independent charter schools, suspensions, and bullying/harassment
- System strengths and areas of improvement

Interview participants were selected by the OIM to represent various staff levels in the unit's organizational structure. Eight interviews were conducted over two days and included the following staff:

- Director
- Coordinator
- Former specialist
- Specialists (2)
- Parent community facilitator/CRU staff (2)
- Customer service representative

### **Categorization and Prioritization.**

Classified, certificated, and administrative participants consistently described the process for receiving and handling calls, noting that classified staff are the first responders and are responsible for initially categorizing call types and priorities.

A script<sup>4</sup> is available to guide first responders in establishing rapport and beginning the intake with the caller. The Welligent call center module also contains required fields that first responders must obtain, such as student name, parent or caller's name and contact information, and school of attendance.

All participants noted various trainings, including the use of role playing and real sample cases, for differentiating between inquiries, concerns, and complaints. The identification of complaints was characterized as a process that requires obtaining information of the parent's claim; checking the Welligent system to review the student's IEP, MiSiS, or the transportation data system; and determining if noncompliance exists. First responders then notify a specialist of the complaint, and the case is reassigned. All participants reported the categorization of calls as a two-tiered process, with first responders selecting the initial call type, and certificated staff determining the "resolution type" based on the case's outcome. This process will be examined throughout this section.

Mixed responses were provided on the process for categorizing call types. One classified personnel member noted that calls that can be resolved quickly are categorized as an inquiry or concern and gave the example of cases where transportation was not provided, and the resolution was to activate the service in the transportation system. This individual noted that while first responders are allowed to code calls as a concern or complaint, personal preference is to categorize calls as inquiries, particularly if the case can be resolved quickly.

Certificated and administrative staff (except the director) provided explanations of the two-tiered process for categorizing call types. They noted that classified staff select an initial call type, but this can be changed by specialists or administrators depending on the resolution or if the alleged violation was determined to be unfounded. One administrator reported instructing specialists to change complaints call types to concerns if a lawful response letter was not provided. Certificated and administrative staff noted human factors and varying capacity among staff as factors in accurately determining complaints. One administrator added that trust of the specialist plays a role in ensuring cases are accurately categorized.

Call topics are selected by listening to the parent's claim, summarizing the claim back to the parent, and selecting an option from the dropdown menus in the data system. The process described was inconsistent and limited by the organization of the categories and subcategories. A specialist reported first selecting a subcategory because it contains more detail and guides you to the category. One classified personnel member noted avoiding the "compliance" category because this requires additional

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<sup>4</sup> Although the script was not provided to the OIM for review, one participant brought it to the interview, and the OIM was able to review it.

information and that specialists would be able to change the category if required. The director acknowledged the limitations of the call topic category structure, noting it needed to be revised.

The prioritization of calls (high, medium, and low) appeared arbitrary. One classified staff member noted that the majority of calls are selected with a low priority code, and that specialists can change it to medium or high. The director noted that the most meaningful indicator of prioritization is the call type categories, with complaints having the highest priority.

### ***Summary.***

Although all participants described numerous professional development opportunities for accurately identifying and differentiating among inquiry, concern, and complaint calls, the process allows for a lot of discretion and subjectivity. A fundamental flaw in the process was indicated by call types being changed from complaints to concerns or inquiries, due to the relative ease of resolving the case—for instance, if the complaint was unfounded or did not require a lawful response letter. Staff defended the practice of changing complaint calls to inquiries or concerns, despite the claim being a violation or perceived violation of the student’s IEP. These practices question the validity of complaint data reported as part of Outcome 11 and for examining the types of calls received and processed. A credible complaint management system must accurately identify call types, particularly complaints, and respond to and report these cases accordingly. Certificated and administrative staff emphasized the importance of accurately identifying calls and raised concerns about classified staff members’ varying capacity and understanding.

The process for selecting call topic categories and priority codes was not included in the documents reviewed, including the SFSS *Procedures and Protocols* manual. Participants described the use of call topic and priority categories as guided by the judgment of the individual responding to the call. While the parent’s claim drives the topic category, the selection is influenced by the organization of choices for each category in the system.

### **Process for Investigating Complaints.**

Participants reported CESAR as the framework relied on for investigating complaints and stressed adherence to the process. The process requires the following information be obtained and documented in the Welligent call center module: claim, evidence, steps taken, actions to resolve, and resolution.

Classified and certificated staff provided mixed responses regarding their responsibilities throughout the process. The CRU was described as having a limited role compared to customer service representatives: its responsibilities were to obtain information on “claims,” “evidence,” and “steps taken,” while SFSS customer service representatives were able to close inquiry calls and perform the “actions to resolve” and “resolution.” All noted that specialists take over concern and complaint calls at the “action to resolve” step.

The first steps in investigating a call are accurately recording the claim, reviewing the student’s IEP or other relevant records for evidence of a potential violation, and asking parents what steps were taken to resolve the problem. For example, if a caller states that the school bus has not picked up their student in two days, the student’s IEP is reviewed to see if transportation is an eligible service. Parents are then asked what steps they have taken to resolve this problem, such as calling the transportation department or discussing with the site administrator.

One classified staff member reported limited ability to investigate calls due to differences in access to different data systems, noting CRU staff were privy only to Welligent records, whereas SFSS customer service representatives had access to MiSiS and the transportation system. This notion was dispelled by another classified staff member noting that CRU staff had access to MiSiS and transportation systems upon request.

Inconsistencies were also reported regarding the documentation practices when investigating calls. Although accuracy was emphasized, limitations of information collected were reported. The director stated that there were no limitations on the amount of information that can be documented during the investigation; however, some participants noted instructions for staff to minimize the narrative of parent claims. An administrator and specialist noted that classified staff were instructed to document concise information regarding the parent claims, and that they should strive for the least amount of details. Furthermore, they described the practice of editing claims to remove the “emotions” or other details deemed “inappropriate.” Two classified staff members commented that limits are placed on the information that is to be collected during the intake, with one expressing concern over the editing and condensing of notes included when documenting parent concerns. A specialist noted that at times the call records lacked enough information, and first responders were asked to augment details of the case.

Professional development on the CESAR process and investigating complaints was emphasized over the course of the school year. Trainings on District policies and bulletins were also provided to increase capacity of all staff for investigating and processing calls. The Welligent call center module also guides the investigation of cases through required fields.

### ***Summary.***

The complaint management system has a clear process for investigating and documenting parent inquiries, concerns, and complaints. This process, referred to as CESAR, is well-defined in the policies, procedures, and protocols reviewed. Professional development on CESAR and for investigating and documenting calls has been prioritized and made available to all staff. The process was described as an improvement from the previous CRU complaint management system, as it provided more structure for processing calls.

Despite a sound process and guidance, instructions for limiting and condensing the caller’s claim are inconsistent with the goal of ensuring accurate intake information. It is unclear how recording a parent’s emotional state detracts from the mission for objectively investigating a concern or complaint. The editing of case records raises concerns as this exposes the process to another level of subjectivity by certificated or administrative staff. Although it is reasonable to have oversight procedures for ensuring adequate and appropriate documentation of parents’ concerns, emphasis should be placed on transparency and obtaining the necessary information to differentiate complaints. This includes a series of questions to rule out potential violations.

### **Resolution of Cases, Closing of Cases, and Provision of a Lawful Response.**

The resolution of cases varies by call type. For inquiry calls, a case is resolved and closed when the parent is provided with an answer that satisfies the question. Concerns require additional steps, and can include a meeting between the school and parent or an administrator calling a parent. A complaint requires the provision of a lawful response letter.

As noted in the discussion above, calls are mainly resolved and closed by certificated and administrative staff. This is the case for all logged concern and complaints, which are then assigned to a case

manager—typically the specialist. Certificated personnel enter information in the Welligent call center module on the “action to resolve” and “resolution” fields as well as select a call type category under the “resolution type” field. As mentioned earlier, this results in differences in call coding, where cases might be initially identified as a complaint and then changed to a concern based on the resolution.

Classified personnel are not involved in the closing of concern or complaint cases; however, two of the three individuals interviewed noted being able to track the resolution of cases they opened in the Welligent call center module.

Practices for closing cases varied and appeared to lack clear parameters for ensuring consistency in inputting the resolution. Certificated and administrative staff described a process that relied on personal judgment for closing cases and noted that final contact with the parent is the last step. In some cases, assurances from a school that a remedy will be implemented sufficed for closing a case. Staff noted “having faith” in schools or support units to follow through with their obligation to fulfill the lawful response or action to resolve. Mechanisms for following up with parents to determine if the resolution was implemented were primarily relegated to providing the case managers’ telephone number and instructing parents to call them back if the school or support unit failed to follow through. A certificated staff member noted that resolving and closing cases came down to “personal preference,” describing a situation in which the school provided an assurance of an action, and in cases where there was no violation, didn’t see a reason to keep the case open.

Staff noted closing cases in instances when parents did not respond to the CRU or SFSS calls or communication. Mixed responses were provided. There were two primary responses: half the participants noted that cases are closed after four unsuccessful attempts to reach a parent, while the others stated only three attempts were required. Although staff are instructed to search for a different phone number or contact the child’s school to reach the parent, cases can be closed after several attempts. Furthermore, no guidance exists on a minimum number of days a case is to remain open when a parent does not respond.

Lawful response letters are issued when a complaint is determined to be valid and are prepared by specialists. The coordinator reviews these letters for quality; however, staff noted that often cases are reviewed by multiple individuals before determining whether a lawful response is required. Certificated and administrative staff (except the director) showed a fundamental misunderstanding and lack of awareness of the four lawful responses specified in the MCD and SFSS *Procedures and Protocols* manual. This misunderstanding explained the practice of changing call type categories from complaints to concerns for calls that did not receive a lawful response letter. Staff noted that complaints investigated and deemed unfounded did not trigger a lawful response letter, so they changed call type categories to concern. Similarly, staff were unaware that a referral to another agency or department can represent a lawful response, such as when a parent has a complaint that is referred to the Educational Equity Compliance Office.

### ***Summary.***

The system lacks clear guidance and mechanisms for closing cases and ensuring that schools or support units follow through with remedies or actions to resolve a parent’s concern. A credible complaint management system cannot rely on assurances from schools or support units, particularly for a system this impacted and large. Guidance for closing cases should include a set number of times a parent is contacted, over a set number of days, to ensure cases are not arbitrarily closed to fulfill timelines.

The fundamental misunderstanding of the four lawful responses as specified in the MCD undermines the process for categorizing, investigating, and responding to parent calls. By definition, a complaint is an allegation of a perceived violation and should yield an investigation and response pursuant to the MCD. This includes providing lawful responses for perceived violations that were investigated and deemed unfounded. This misunderstanding has also led to the re-categorization of calls, which in turn reduces the number of complaints recorded, obscuring the true number of complaints received and responded to.

### **Processing of Calls Regarding Independent Charter Schools, Bully/Harassment, and Suspensions.**

The review of call center case data found several areas that appeared to have different processes for resolving and responding to concerns and complaints. The OIM interviews aimed to better understand how calls were processed for students attending independent charter schools and for issues not related to a special education violation, such as suspensions, bullying, or harassment. This section explores whether differences exist in the process; however, these three issues will be examined in more detail in Part 3.

The director noted that calls from parents of students attending independent charter schools are investigated like all other cases but also include communication with the DSE's charter school department. The director noted that the complaint management system includes jurisdiction of students attending independent charters, yet acknowledged the process needs to improve. Although the DSE charter office is included in the case management, it is not required to enter data in the Welligent call center module or report back on the resolution of the case once closed.

Remaining certificated and administrative personnel had mixed responses for processing charter school calls. While all mentioned including the DSE's charter office, some noted calls were processed the same unless the charter belonged to a different special education local planning agency (SELPA). Two individuals (one certificated and one classified) noted that cases were closed once the calls were transferred to the DSE's charter office. It was noted that these calls can be a challenge as independent charters say they "handle things differently."

The director noted that non-special education issues such as suspension and bullying/harassment are investigated like any other case. Although most noted following the same procedures for complaints related to suspension, other certificated and administrative staff had differing opinions regarding bullying/harassment calls, noting that operations and local districts have personnel and their own process for investigating these types of cases. Two participants noted that bullying complaints would be investigated only for instances where the bullying was related to the student's disability.

### ***Summary.***

Although participants noted implementing the same procedures and processes for calls related to students attending independent charter schools and non-special education related issues, the transfer of these calls to other departments was a common practice. Most participants commented on different processes by these departments, particularly for charter schools and bullying/harassment issues.

The lack of follow-through by these departments, and closing of these cases once referred to the DSE's charter office or local districts' operations unit, circumvent the lawful response process. The MCD includes a lawful response option (2) that enables staff to refer to an external office or department, such

as instances of bullying or harassment. The use of option 2 in these cases requires informing a parent that an appropriate referral has been made while fulfilling the District's legal obligation.

Cases related to charter schools, particularly issues related to the child's special education program, cannot be abdicated to the DSE's charter office. Although this department might be appropriately involved, cases cannot be simply closed upon transfer; they must follow the same documentation, resolution, and lawful processes pursuant to the MCD and District's own policies and procedures. This must also be the case for students who attend charters in the El Dorado SELPA. The MCD is clear that students attending independent charter schools are under the purview of the MCD and, therefore, cannot be excluded from the complaint management system established to ensure substantial compliance.

### **Adequacy of the Training and *Procedures and Protocols* Manual for Responding to and Resolving Calls**

The 2103 OIM study included several questions aimed at examining staff perceptions of the adequacy of training and the CRU's *Procedures and Protocols* manual.

When asked if the SFSS *Procedures and Protocols* manual includes adequate guidance for processing and resolving calls, the majority of participants believed it was adequate but should be expanded and required more detail. One certificated staff member added that while the manual was useful, it was not the only document for providing such guidance, noting that these procedures are embedded in trainings and other documents. The director disagreed, stating that the manual was not adequate and was currently being revised, noting that the newer version would be complete in spring 2017.

Similar responses were provided regarding the adequacy of the training for processing calls and providing a lawful response, with participants agreeing that, while adequate, ongoing training for increasing capacity was continually needed.

### ***Summary.***

Overall, participants expressed being adequately trained and having the necessary guidance to perform the functions of the complaint management system. Consensus was noted regarding needed improvement and additional training for increasing staff capacity for processing and resolving calls. These findings are an improvement from the 2013 study, which found staff believed that the manual and training had been inadequate.

### **Other Issues - Staffing, Next Steps.**

Several participants raised concerns about staffing and the merging of the CRU with the SFSS call center. During high-volume times, such as ESY and the beginning of the school year, the call center is overwhelmed, processing thousands of calls a week. Several staff (certificated and classified) suggested having the CRU staff process calls from the call center line (6701). Currently, CRU staff are limited to calls from its (800) hotline. However, to meet this high demand, the SFSS enlists and provides basic training to "volunteers" from the DSE who assist with calls. These individuals respond to calls and collect information on designated paper "tickets" that identify general call categories (e.g., transportation). These tickets are later processed by SFSS staff, entered into the Welligent call center module, and followed up with the necessary department and parents. This extra step results in delays in responding to parents and resolving cases.

Personnel issues between the CRU and administrative staff have been documented in the previous two studies. The merging and performance issues of the CRU staff were mentioned various times during the interviews. Certificated and administrative staff expressed concerns with the dynamic between CRU and SFSS call center staff. Calls processed by the CRU are given a higher level of scrutiny, and all their cases, including inquiries, are reviewed by the unit's coordinator.

Certificated and administrative staff raised concerns about "inappropriate" staff practices, such as referring parents to attorneys or advocates and the documenting of parents' emotions in the cases. CRU staff described being censored by superiors and limited in their role compared to their SFSS customer service counterparts who are able to process and close inquiry calls.

The OIM spoke with the director about several systemic issues and the direction of the call center. Inquiries regarding the investigation of systemic noncompliance are not yet occurring, yet the District has a vision that will enable this capacity. For example, complaint cases where a student is not receiving speech services due to the lack of an assigned service provider at the school are limited to that caller—that is, noncompliance is not addressed for other students at that school, and other parents are not notified of the situation or offered compensatory services. The director notes that this next level of the complaint management system will require dashboard alerts so that the necessary departments are notified of and can address systemic situations. The use of data and reports was also noted as critical for identifying trends so that strategies can be developed to cut off complaints at the local level. Data analysis also will drive training and create measurable performance benchmarks.

### ***Summary.***

The contentious relationship between the CRU and administrative staff has impeded the complaint management system's effectiveness since the inception of the MCD. While several issues were raised, some participants expressed support for the merging of the CRU within the SFSS call center structure. The reliance on volunteers when CRU staff is available to assist is a clear indication that the purported parallel systems of the SFSS are not in place. The document review discussed in Part 1 also highlighted inconsistencies in the inclusion of the CRU in the SFSS's information materials for schools and parents.

The MCD clearly establishes the CRU as the unit for processing complaints. The establishment of an effective complaint management system to ensure substantial compliance is a necessary element for disengagement from court oversight. However, these efforts must comply with the MCD's requirements, including the approval of a staffing plan. Although a staffing plan was submitted to the IM in June 2016, it was quickly retracted. As the District continues to develop its call center and considers future staffing needs, it must utilize CRU resources consistent with the MCD. Finally, it is incumbent on all parties to resolve these longstanding personnel issues.

### **Strengths and Areas of Improvement.**

Several features of the new complaint management system were noted as strengths. The Welligent call center module's capacity for maintaining current and historical records of parent calls, as well as actions taken to resolve concerns and complaints, was commonly referenced as a system strength. In addition, staff commented on the unit's vision, structure, and leadership, indicating it cares about families and is driven by ensuring students receive the support and services they are entitled to.

Participants also noted that the call center provides access for parents and schools to a centralized system that includes contact with specialists and program specialists. The call center also provides parents the opportunity to be heard, and the District an opportunity to deescalate situations.

Participants indicated three areas of improvement. The first related to system improvements for ensuring accurate documentation of calls and issuance of lawful response letters. One participant stated that the documentation of claims should not be limited or condensed because more information is helpful for ensuring a proper investigation and case resolution. Consistency through the calibration of staff to ensure a common understanding of process and intake procedures will help to standardize performance. This includes improving the oversight mechanisms and accountability, particularly due to the large volume of calls.

Second, several participants noted staffing needs as an area of improvement, for instance, the need for more customer service representatives, particularly during high-volume times. Two participants specifically mentioned merging the CRU staff into the call center as customer service representatives. One participant noted more continuity in the staffing of specialists and program specialists.

The third category of improvement was the need to provide ongoing training and conduct a needs assessment to evaluate the call center's performance and things that need to be instituted to improve. Another participant characterized this as having the unit move from a transactional to transformational group to better support families and schools.

### ***Summary.***

The Welligent call center module's structure is viewed as a strength for its capacity to maintain complaint management data. Improved access of complaint management data, and of knowledgeable District staff for parents and schools, was also noted.

Participants viewed the continued development of the system's processes, including increasing the accuracy of recorded data, consistency of processing calls, and oversight mechanisms, as an area of improvement. Staffing needs, particularly during busy times of the year, were areas of concerns. Participants noted that the merging of the CRU staff as customer service representatives would help.

### **Summary**

The structure and processes established for processing and resolving calls are noted areas of strength and improvement in the complaint management system. Inconsistencies were noted in the application and understanding of processes for categorizing call types, closing cases, and lawful response types. Similarly, participants' understanding of how cases regarding independent charters and non-special education cases are processed and resolved varied.

The District has sound policies, procedures, and protocols established for processing and resolving complaints. As it continues to develop and improve the implementation of its complaint management system, the District should review and revise any processes that require additional structure or clarification to guide best practice, including the cessation of the two-tier process for categorizing call types. Training must be provided on lawful response types and aligned with the process for resolving and closing cases as mandated by the MCD. Documentation guidelines should be implemented to ensure accurate and clear information regarding a parent's claim in order to ensure that case records contain sufficient information for effective quality assurance and oversight mechanisms.

The District must address the issues related to the CRU, including any differences in roles and responsibilities between the CRU and SFSS customer service representatives. Full integration of the CRU must occur if the new complaint management system is to be the mechanism in place to ensure

substantial compliance. Furthermore, given the high volume of calls and limited District resources, it is unclear why the CRU is not utilized for fielding call center calls.

Despite improved perceptions of the adequacy of the SFSS *Procedures and Protocols* manual and training provided for processing and resolving calls, the need for ongoing professional development was expressed throughout. The interviews revealed areas of inconsistent understanding and practices by staff, highlighting the need for more training. Although it is reasonable to expect staff to face a learning curve with the structures of the complaint management system, the weaknesses noted undermine the complaint management system's credibility.

SFSS leadership appears to have a good understanding of the complaint management system's processes and direction to ensure systemic substantial compliance. Although the system and performance have many areas of continued development, the structure and mission of the complaint system are vastly improved from the previous 2013 study.

### **Part 3. Review of Call Center Cases**

Parents, school personnel, and members of the public have two options for accessing the District's complaint management system. The SFSS and CRU hotlines are two distinct phone numbers that comprise the SFSS call center. Calls received through both numbers are processed through the Welligent call center module, which maintains a variety of data and requires staff to collect information; identify whether calls are an inquiry, concern, or complaint; and document the actions taken and resolution of the case. Data are also maintained on the lawful responses that are provided via a letter to parents.

Parts 1 and 2 of this report examined the procedures and protocols that guide call center staff when fielding and responding to parent calls and complaints. To examine the effectiveness of these processes and their implementation (practice), the OIM collected and analyzed the following data variables:

- Call information priority categorization (complaint, concern, inquiry)
- Resolution type (complaint, concern, inquiry)
- Category, subcategory of alleged violation, concern, or inquiry (e.g., IEP, compliance, transportation)
- Resolution priority (low, medium, high)
- Call management protocol - CESAR
- Number of working days to close case
- Evidence of investigation, including whether the documentation was sufficient for determining a complaint, concern, or inquiry
- Resolution information, including information that provided evidence of whether a complaint was unfounded, violation type, violation, remedy, or if the resolution was unknown due to insufficient information

Cases were uploaded onto a database created by the OIM. The database included data entered by call center staff (CRU and SFSS) as well as data points determined by the OIM. For example, all cases uploaded included the initial and resolution call type information categories (complaint, concern, inquiry, missing) as well as the values selected by the OIM. In many instances, the call center module contained narrative information that was translated into an OIM data point. To ensure reliable data coding, cases were reviewed by at least two reviewers, with a portion of cases reviewed by three.

The review was guided by the following questions:

- Are calls accurately categorized as complaints, concerns, or inquiries?

- Are calls accurately categorized to represent the nature of the inquiry, concern, or complaint?
- Are policies, procedures, and protocols being implemented?
- Do lawful response letters contain accurate information on the complaint and resolution?
- Does the call center module accurately maintain timelines of the resolution of calls?
- Do performance differences exist between CRU and SFSS call center staff?

### **Categorization of Call Type.**

Calls received and processed through the call center require the identification of three variables: call type category (complaint, concern, inquiry), priority (high, medium, low), and topic or category and/or subcategory that describes the nature of the call. First responders, who include SFSS customer service representatives and CRU staff, determine the initial call type, priority, and topic. Cases are later re-identified and recoded based on the resolution type by certificated staff, such as specialists or program specialists. Resolution type category selection is discussed in more detail below.

Accurately identifying call type, priority, and topic is a critical step in the process of responding to and resolving calls. Procedures and protocols require concern and complaint calls to be elevated to higher levels of expertise of certificated staff, such as specialists, program specialists, coordinators, and directors. The accurate identification of calls guides the process and the determination of whether a lawful response is warranted.

The MCD and the *Procedures and Protocols* manual define inquiries, concerns, and complaints. The OIM used these definitions to determine call types based on the notes and information found in the case record. The definitions are as follows:

- An inquiry is a call or written form of communication in which a parent, school, teacher, or community member requests basic information about services or rights but does not involve an allegation of a perceived violation of special education laws and regulations or the District's *Special Education Policies and Procedures Manual*.
- A concern is a call or written form of communication in which a parent, school, teacher, or community member expresses a matter of interest or importance to them. The concern is not a violation of law of the *Special Education Policies and Procedures Manual*. However, a response might require the expertise of a specialist or program specialist who will be deemed the case manager. The case manager is charged with responding appropriately to the concerns.
- A complaint is defined in the MCD as an allegation of perceived violations of:
  - The Individuals with Disabilities Education Act and implementing regulations;
  - The California State Education Code related to special education and implementing regulations; or
  - The District's *Special Education Policies and Procedures Manual*.

The OIM used key words and phrases to categorize call type. Inquiries were coded when case notes revealed a parent's general question but did not express concern for the student or a perceived violation. Concerns included statements that were specific to the student's progress and/or well-being. For example, an inquiry might read:

Parent is interested in learning about different placements for their child near their home school.

A similar record coded as a concern might read:

Parent reports that student is experiencing difficulties with behavior and making academic progress at school. Parent is worried that their student is falling behind academically and would like to know about different placements near their home school.

Cases were coded as complaints when notes included language that directly alleged a violation or implied a violation of federal or state special education regulations and/or District policy. Case notes for complaints might read:

Parent states school is not providing speech and language twice a week, or

Parent says school isn't following the IEP, and the student is falling behind.

In some cases, such as those related to transportation, calls were coded as complaints, as the parent's call implied that transportation had not been activated and the student was not receiving the service as specified in the IEP.

The OIM's selection of a call type category was based only on the information contained in the Welligent call center module. In a few instances, case notes referred to notes or an email; however, the case record did not contain such information. In 18 cases, insufficient information was available to determine a call type category.

Table 4 examines how call types were initially identified. This information was disaggregated by both SFSS call center and CRU cases and then compared to the OIM's determination. The review found that the CRU identified a greater proportion of complaint calls (45.8% vs. 9.6% SFSS call center), whereas the SFSS call center identified a greater proportion of inquiry calls (59.2% vs. 32.8% CRU). SFSS call center calls also demonstrated a higher rate of missing call type information (16.8% vs. 1.0% CRU).

Comparisons were also made to the OIM call type category and topic codes for both SFSS call center and CRU cases. For calls received by the SFSS call center, the OIM categorized a greater proportion of calls as complaints (15.2% vs. 9.6% SFSS call center) or concerns (31.4% vs. 14.3% SFSS call center), whereas the SFSS call center categorized more of the calls as inquiries (59.2% vs. 52.1% OIM).

For calls received by the CRU, the OIM categorized an equal proportion of the calls as complaints (45.8% and 45.2%, CRU). However, the OIM categorized a greater proportion of the calls as concerns (31.3% vs. 21.8% CRU) and a lower proportion of the calls as inquiries (21.8% vs. 32.0% CRU).

Table 4. Initial Call Type by SFSS Call Center, CRU, and OIM

|                             | SFSS Call Center (N=802) |      |     |      | CRU (N=712) |      |     |      |  |
|-----------------------------|--------------------------|------|-----|------|-------------|------|-----|------|--|
|                             | District*                |      | OIM |      | District*   |      | OIM |      |  |
|                             | N                        | %    | N   | %    | N           | %    | N   | %    |  |
| <b>Call Information</b>     |                          |      |     |      |             |      |     |      |  |
| Complaint                   | 77                       | 9.6  | 122 | 15.2 | 322         | 45.2 | 326 | 45.8 |  |
| Concern                     | 115                      | 14.3 | 252 | 31.4 | 155         | 21.8 | 223 | 31.3 |  |
| Inquiry                     | 475                      | 59.2 | 418 | 52.1 | 228         | 32.0 | 155 | 21.8 |  |
| Missing/Insufficient Info** | 135                      | 16.8 | 10  | 1.2  | 7           | 1.0  | 8   | 1.1  |  |

\*This is the initial call information as determined by the District.

\*\*The OIM had insufficient information to determine the call information for 18 of the calls (10 SFSS call center calls and eight CRU calls).

Table 5 demonstrates the matches between the SFSS call center and the OIM's identification of calls (initial and resolution). As noted earlier, the District codes cases at two points of the call: during the

initial intake and at the resolution phase. The review of the policies, procedures, and protocols and interviews noted that certificated staff process cases during the resolution phase. This means that the initial and resolution call type categories are sometimes determined and documented by different staff.

The SFSS call center initially coded 77 complaints of the more than 10,000 calls received. Of the 802 SFSS call center cases reviewed in the sample, the OIM found 122 complaints. Of the 122 OIM complaints, one-third (n=39, 32.0%) of the call center complaints matched. The remaining cases were coded by the SFSS call center as concerns (n=33, 27%), inquiries (n=30, 24.6%), or missing call type information (n=20, 16.4%).

A considerable decrease in complaints was noted in the resolution phase, with the SFSS call center identifying 14 cases as complaints. Of the 122 complaints identified by the OIM, only 10 SFSS call center cases (8.2%) matched. The remaining calls were considered concerns (n=59, 48.4%) or inquiries (n=49, 40.2%).

Inquiry calls had the highest levels of agreement, with 78.9% initially identified and 95.5% of resolution calls matching the OIM. Of all cases reviewed, 16.8% did not have an initial call type category, while less than 1% was missing a value for resolution type. The SFSS call center’s rate of agreement with the OIM resolutions increased substantially for inquiry and concern calls, but decreased to less than 10% for complaint calls.

The overall rate of agreement with the OIM resolutions across all categories was 54.5% (sum of italicized cells in Table 5) for the initial call priority. It increased to 64.3% for the SFSS call center’s final categorization.

Table 5. Comparison of Call Types (Initial and Resolution) between SFSS Call Center and OIM

| Call Center Calls (N=802)    |                |             |            |             |            |             |                                |             |  |
|------------------------------|----------------|-------------|------------|-------------|------------|-------------|--------------------------------|-------------|--|
|                              | OIM Resolution |             |            |             |            |             |                                |             |  |
|                              | Complaint      |             | Concern    |             | Inquiry    |             | Insufficient Info to Determine |             |  |
|                              | N              | %           | N          | %           | N          | %           | N                              | %           |  |
| Initial Call Priority (SFSS) |                |             |            |             |            |             |                                |             |  |
| Complaint                    | <u>39</u>      | <u>32.0</u> | 28         | 11.1        | 9          | 2.2         | 1                              | 10.0        |  |
| Concern                      | 33             | 27.0        | <u>68</u>  | <u>27.0</u> | 10         | 2.4         | 4                              | 40.0        |  |
| Inquiry                      | 30             | 24.6        | 111        | 44.0        | <u>330</u> | <u>78.9</u> | 4                              | 40.0        |  |
| Missing                      | 20             | 16.4        | 45         | 17.9        | 69         | 16.5        | <u>1</u>                       | <u>10.0</u> |  |
| TOTAL                        | 122            | 100.0       | 252        | 100.0       | 418        | 100.0       | 10                             | 100.0       |  |
| Resolution Type (SFSS)       |                |             |            |             |            |             |                                |             |  |
| Complaint                    | <u>10</u>      | <u>8.2</u>  | 3          | 1.2         | 1          | 0.2         | 0                              | 0.0         |  |
| Concern                      | 59             | 48.4        | <u>107</u> | <u>42.5</u> | 18         | 4.3         | 2                              | 20.0        |  |
| Inquiry                      | 49             | 40.2        | 138        | 54.8        | <u>399</u> | <u>95.5</u> | 8                              | 80.0        |  |
| Missing                      | 4              | 3.3         | 4          | 1.6         | 0          | 0.0         | <u>0</u>                       | <u>0.0</u>  |  |
| TOTAL                        | 122            | 100.0       | 252        | 100.0       | 418        | 100.0       | 10                             | 100.0       |  |

Table 6 demonstrates the matches between the CRU and the OIM’s identification of calls (initial and resolution). The CRU initially coded 322 complaints of the more than 700 it processed. Of the 712 CRU cases reviewed in the sample, the OIM found 326 complaints. Of these complaints, three-fourths

(n=243, 74.5%) of the CRU complaints matched. The remaining cases were coded by the CRU as concerns (n=47, 14.4%) or inquiries (n=34, 10.4%).

Similar to the SFSS call center findings, a sizable decrease in complaints was noted in the CRU’s resolution phase, with the 65 cases closed as complaints. Of the 326 complaints identified by the OIM, only 62 CRU cases (19.0%) matched. The remaining calls were coded as concerns (n=139, 42.6%) or inquiries (n=125, 38.3%).

CRU inquiry calls had the highest levels of agreement, with 86.5% initially identified and 96.1% of resolution calls matching the OIM. The CRU’s rate of agreement with the OIM resolution decreased substantially for complaint calls, falling from 74.5% to 19.0%.

The overall rate of agreement across all categories with the OIM resolution was 65.0% (sum of italicized cells in Table 6) for the initial call type. It decreased to 45.9% for the District’s final categorization.

Table 6. Comparison of Call Types (Initial and Resolution) between CRU and OIM

| <b>CRU (N=712)</b>                 |                |             |            |             |            |             |                                |            |  |
|------------------------------------|----------------|-------------|------------|-------------|------------|-------------|--------------------------------|------------|--|
|                                    | OIM Resolution |             |            |             |            |             |                                |            |  |
|                                    | Complaint      |             | Concern    |             | Inquiry    |             | Insufficient Info to Determine |            |  |
|                                    | N              | %           | N          | %           | N          | %           | N                              | %          |  |
| <b>Initial Call Priority (CRU)</b> |                |             |            |             |            |             |                                |            |  |
| Complaint                          | <u>243</u>     | <u>74.5</u> | 75         | 33.6        | 1          | 0.6         | 3                              | 37.5       |  |
| Concern                            | 47             | 14.4        | <u>86</u>  | <u>38.6</u> | 17         | 11.0        | 5                              | 62.5       |  |
| Inquiry                            | 34             | 10.4        | 60         | 26.9        | <u>134</u> | <u>86.5</u> | 0                              | 0.0        |  |
| Missing                            | 2              | 0.6         | 2          | 0.9         | 3          | 1.9         | <u>0</u>                       | <u>0.0</u> |  |
| TOTAL                              | 326            | 100.0       | 223        | 100.0       | 155        | 100.0       | 8                              | 100.0      |  |
| <b>Resolution Type (CRU)</b>       |                |             |            |             |            |             |                                |            |  |
| Complaint                          | <u>62</u>      | <u>19.0</u> | 3          | 1.3         | 0          | 0.0         | 0                              | 0.0        |  |
| Concern                            | 139            | 42.6        | <u>116</u> | <u>52.0</u> | 6          | 3.9         | 2                              | 25.0       |  |
| Inquiry                            | 125            | 38.3        | 104        | 46.6        | <u>149</u> | <u>96.1</u> | 6                              | 75.0       |  |
| Missing                            | 0              | 0.0         | 0          | 0.0         | 0          | 0.0         | <u>0</u>                       | <u>0.0</u> |  |
| TOTAL                              | 326            | 100.0       | 223        | 100.0       | 155        | 100.0       | 8                              | 100.0      |  |

**Summary.**

The procedures and protocols establish a two-tiered approach for categorizing call center calls. It consists of classified staff (SFSS customer service representatives and CRU) as first responders, and certificated staff (specialists, program specialists, directors, and coordinators) as those responsible for case resolution, lawful responses, and case management. The procedures and protocols emphasize the importance of accurately identifying and differentiating between inquiries, concerns, and complaints. The accurate identification of call types is critical to a valid complaint system that will reduce reliance on external due process mechanisms.

The MCD and the SFSS *Procedures and Protocols* manual include sound definitions for categorizing call types. The OIM's review found that the application of these definitions when processing calls considerably differs between SFSS call center and CRU staff as well as classified and certificated staff who close cases.

The rate of agreement (matches) with the OIM was higher for the initial call types assigned by CRU calls. The rate of agreement was approximately 10 percentage points lower for the initial priority assigned to SFSS call center calls (65.0% CRU vs. 54.5% SFSS). This means that CRU staff demonstrated better performance in accurately identifying call types than SFSS customer service representatives. The rate of agreement with the OIM was lower for the final call types assigned to CRU calls, which was nearly 20 percentage points lower than for the final call types assigned to SFSS call center calls (45.9% CRU vs. 64.3% SFSS).

CRU cases had higher rates of agreement with the OIM for complaint calls (74.5%) than SFSS call center cases (32.0%). SFSS call center calls had higher rates of cases with no initial identification of the call type (16.8%) than CRU calls (<1.0%). Similarly, CRU staff demonstrated better performance in accurately identifying complaints, while SFSS customer service representatives did not select a call type category for one in six calls processed.

Overall, classified staff, particularly CRU staff, applied the definitions to differentiate between inquiries, concerns, and complaints with higher rates of accuracy than certificated personnel. Although certificated and administrative staff described how changes in call type categories were determined based on resolution types, this practice obscures the number of complaint cases received and responded to by the District. The misidentification of calls results in the underreporting of complaints and renders data utilized for Outcome 11 unreliable. Furthermore, implications for inaccurate call type identification include parents not having their concerns or allegations of a perceived violation investigated and resolved.

The coding of calls during the resolution phase was initiated with the inception of the SFSS call center and expansion of the complaint management system. The findings of this review indicate this practice is detrimental to the accuracy of data maintained in the system. In addition, it raises questions about the training and understanding of certificated staff regarding the MCD's intent to resolve complaints. Given the volume of calls the SFSS call center receives, many complaint calls remain misidentified with no satisfactory resolution or lawful response.

The accurate identification of calls (call type) is a critical step in ensuring a credible complaint management system. Once a call type is established and verified as accurate, it cannot be changed based on the resolution. Even if a complaint is determined to be unfounded after investigation, it needs to remain categorized as a complaint. The MCD establishes four lawful response types to address complaints, with one option informing parents that their complaint was unfounded. This issue will be further discussed in the section on lawful responses below.

### **Categorization of Call Topics.**

The Welligent call center module contains dropdown menus of categories, subcategories, and secondary subcategories for documenting the nature of calls. This system presents some limitations, as categories are limited to nine choices, with subcategories providing more detail regarding the nature of the call. Call topics are mainly coded by SFSS customer service representatives and CRU staff.

The SFSS call center received a far greater proportion of calls regarding transportation issues (42.3% vs. 12.2% CRU) while the CRU received a greater proportion of calls regarding assessment, compliance, and IEP issues (46.9% vs. 24.5% SFSS) (Table 7).

Due to the system’s lack of procedures and limitations for selecting categories and subcategories, these differences must be reviewed with caution. While the CRU and OIM coded the three combined topics (assessment, compliance, IEP) comparably (46.9% CRU vs. 50.9% OIM), larger differences between individual categories were observed. For example, the CRU identified twice as many compliance calls (14.9% vs. 6.5%, OIM), while the OIM coded higher rates of assessment (12.4% vs. 9.7% CRU) and IEP (32.0% vs. 22.3% CRU) calls. This is due to the vagueness and overlap of some categories. In some instances, categories can be used for many types of situations; for instance, “compliance” can apply to the school bus not picking a student up, failure to provide related services, and failure to hold an IEP meeting within the 60-day timeline.

Table 7. Information on Call Topic Category by SFSS Call Center, CRU, and OIM

| Category                    | SFSS Call Center (N=802) |      |     |      | CRU (N=712) |      |     |      |
|-----------------------------|--------------------------|------|-----|------|-------------|------|-----|------|
|                             | SFSS                     |      | OIM |      | CRU         |      | OIM |      |
|                             | N                        | %    | N   | %    | N           | %    | N   | %    |
| Assessment                  | 14                       | 1.7  | 16  | 2.2  | 69          | 9.7  | 88  | 12.4 |
| Charter* OIM Category       | 0                        | 0.0  | 4   | 0.6  | 0           | 0.0  | 4   | 0.6  |
| Compliance                  | 21                       | 2.6  | 27  | 3.8  | 106         | 14.9 | 46  | 6.5  |
| Discipline                  | 4                        | 0.5  | 1   | 0.1  | 15          | 2.1  | 11  | 1.5  |
| Equity                      | 4                        | 0.5  | 12  | 1.7  | 10          | 1.4  | 21  | 2.9  |
| General Inquiry             | 76                       | 9.5  | 94  | 13.2 | 82          | 11.5 | 107 | 15.0 |
| IEP                         | 162                      | 20.2 | 188 | 26.4 | 159         | 22.3 | 228 | 32.0 |
| Instructional Support       | 15                       | 1.9  | 12  | 1.7  | 24          | 3.4  | 42  | 5.9  |
| Operational Support         | 84                       | 10.5 | 49  | 6.9  | 6           | 0.8  | 27  | 3.8  |
| Other                       | 67                       | 8.4  | 27  | 3.8  | 153         | 21.5 | 37  | 5.2  |
| Transportation              | 339                      | 42.3 | 363 | 51.0 | 87          | 12.2 | 91  | 12.8 |
| Missing/Insufficient Info** | 16                       | 2.0  | 9   | 1.3  | 1           | 0.1  | 10  | 1.4  |

\* Charter is an OIM category.

\*\* The OIM did not categorize 19 calls due to insufficient information.

To illustrate differences between the District (CRU and SFSS call center) and the OIM, two examples from the call center module are provided below.

#### Case 1. Call Topic Categorization Differences and Nuances

- Claim - Parent reports that she delivered to school administrator at OIM Elem. a written request for an IEE on May 1, 2015.
- Evidence - Parent has her copy of the request.
- Steps Taken - Parent also followed up with administration several times but to no avail.

The CRU coded this complaint as a “compliance” call, with no subcategory selected. The OIM noted this complaint with “assessment” as the main category and “IEE” as the subcategory. Although this call is certainly a call about compliance, the subcategories that correspond to this category include: California Department of Education complaint; due process status/question; DVR; and IDR [informal dispute

resolution] status question. Therefore, “assessment” is the more accurate selection and provides a higher level of detail regarding the nature of the call.

## Case 2. Call Topic and Call Type Categorization Selection Differences

- Parent called our dept. because he was notified by trans student would only get s/s trans. Parent is concerned because part of his due process case he should get H/S trans. Per students Pupil Route Location (PURL) it was manually changed and corrected to reflect h/s transportation for student. Referred parent to staff for questions on routing info. Student has not gotten route because some issue with system not identifying home address. Parent will leave message for staff since she was not available.

This example demonstrates the nuances of category options. The SFSS call center coded this call an inquiry regarding “transportation” with “route info” as the subcategory. The OIM determined this was a concern call regarding “compliance” with a “due process status/question.” While the issue is related to the transportation route, the heart of the call is compliance with the due process agreement, which indicates the student is to receive home-to-school transportation, not school-to-school as noted by the transportation department. Although both categories describe the nature of the call, the caller was concerned about adherence to the due process agreement. The notes indicate the problem is that the parent had not received the route information, rather than that the student did not get picked up; therefore, this was deemed a concern versus a complaint.

A total of 57 subcategories were represented in the cases reviewed, with four added by the OIM (changing areas/facilities, ventilation, charter schools, and accessible parking). Twenty of the most frequently used subcategories are included for discussion (Table 8).<sup>5</sup>

Due to the limitations of the system’s dropdown menu, these findings do not represent a one-to-one correlation between the call center and OIM subcategories. The OIM’s database included flexibility for selecting any subcategory regardless of the primary category. Although general comparisons provide insight into the decision-making process for subcategories selection, differences between the call center and the OIM’s selections elucidates the limitations of the system and procedures for coding calls.

The SFSS call center most frequently coded calls with the following subcategories (compared to the OIM): other (26.2% vs. 30.7% OIM), missing (26.2% vs. 4.4% OIM), placement (13.8% vs. 14.6% OIM), enrollment (5.2% vs. 5.0% OIM), and implementation of IEP (1.9% vs. 7.6% OIM).

The CRU most frequently coded calls with the following subcategories (compared to the OIM): other (9.2% vs. 6.9% OIM), missing (46.4% vs. 4.5% OIM), placement (3.4% vs. 6.2% OIM), and implementation of IEP (5.2% vs. 18.4% OIM).

Subcategories enable calls to be identified with more detail. One of the most salient findings is the high percentage of combined cases missing subcategories or coded as other (54.4% SFSS vs. 55.6% CRU). This represents more than half of the calls processed by the call center and highlights the problems with the procedures and practices for identifying call types. Furthermore, the high percentage of missing values indicates a lack of oversight for accurately recording data.

The SFSS and CRU’s high use of the “other” subcategory indicates a lack of appropriate options. Transportation calls, which accounted for approximately 30% of the cases reviewed, contain only three subcategories: address change, other, and route information. The majority of the cases coded by the call

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<sup>5</sup> The findings of all subcategories can be viewed in Appendix K.

center as other relate to transportation calls in which the parent alleged transportation was not provided and/or activated. For cases that indicated transportation had not been provided (violation), the OIM selected the “implementation of IEP” subcategory. When a parent called to activate transportation and the remedy was to activate the PURL, the OIM used the “other” subcategory. These were determined as the best indicators to represent the nature of the call. The system simply lacks options to reflect these issues.

The OIM coded 91 calls as “CRU,” which refers to cases that were opened indicating a school had called to request CRU brochures and posters. These calls were coded due to the high incidence of these cases being open on the same day with similar documentation. However, this represents 12% of the cases processed by the CRU and seems to inflate calls received and responded to.

Table 8. Information on Call Topic Subcategory by SFSS Call Center, CRU, and OIM

| Subcategory           | Call Center (N=802) |      |     |      | CRU (N=712) |      |     |      |
|-----------------------|---------------------|------|-----|------|-------------|------|-----|------|
|                       | District            |      | OIM |      | District    |      | OIM |      |
|                       | N                   | %    | N   | %    | N           | %    | N   | %    |
| Behavior              | 3                   | 0.4  | 4   | 0.5  | 2           | 0.2  | 19  | 2.7  |
| Bullying/Harassment   | 2                   | 0.2  | 9   | 1.1  | 6           | 0.7  | 12  | 1.7  |
| Compliance            | 1                   | 0.1  | 2   | 0.2  | 8           | 1.0  | 6   | 0.8  |
| Due Process Status    | 8                   | 1.0  | 13  | 1.6  | 9           | 1.1  | 14  | 2.0  |
| CRU                   | 2                   | 0.2  | 2   | 0.2  | 0           | 0.0  | 91  | 12.8 |
| Enrollment            | 42                  | 5.2  | 40  | 5.0  | 2           | 0.2  | 15  | 2.1  |
| General Process       | 6                   | 0.7  | 35  | 4.4  | 22          | 2.7  | 28  | 3.9  |
| Hostile Environment   | 2                   | 0.2  | 10  | 1.2  | 3           | 0.4  | 14  | 2.0  |
| IDR Status/Question   | 2                   | 0.2  | 5   | 0.6  | 7           | 0.9  | 13  | 1.8  |
| Implementation of IEP | 15                  | 1.9  | 61  | 7.6  | 42          | 5.2  | 131 | 18.4 |
| Placement             | 111                 | 13.8 | 117 | 14.6 | 27          | 3.4  | 44  | 6.2  |
| Related Services      | 0                   | 0.0  | 1   | 0.1  | 1           | 0.1  | 8   | 1.1  |
| Route Info            | 34                  | 4.2  | 44  | 5.5  | 12          | 1.5  | 11  | 1.5  |
| Service               | 13                  | 1.6  | 23  | 2.9  | 7           | 0.9  | 24  | 3.4  |
| Suspension            | 1                   | 0.1  | 0   | 0.0  | 4           | 0.5  | 18  | 2.5  |
| Timelines             | 0                   | 0.0  | 7   | 0.9  | 2           | 0.2  | 57  | 8.0  |
| Transfer              | 24                  | 3.0  | 78  | 9.7  | 1           | 0.1  | 15  | 2.1  |
| Other                 | 210                 | 26.2 | 246 | 30.7 | 74          | 9.2  | 49  | 6.9  |
| Missing               | 253                 | 26.2 | 35  | 4.4  | 372         | 46.4 | 32  | 4.5  |
| All Other Categories  | 73                  | 9.1  | 170 | 21.2 | 111         | 15.6 | 111 | 15.6 |

Two examples from the call center module are included to illustrate differences due to the flexibility of selecting categories and subcategories.

### Case 3. Cross-Selection of Category and Subcategory Call Topics

- Claim - Mom reports that she enrolled him there 2 years ago while attending 7th. Parent made school aware that student had an IEP and provided them with a copy with an eligibility of ED. Parent reports that school never held an IEP meeting for her son while he was enrolled there.
- Evidence - As per Welligent last IEP dated in 2014 was scheduled then it was canceled.

- Steps taken - Parent called CRU requesting assistance to enroll her son at a different placement and also requesting the special education assistance her son needs.

The CRU coded this complaint as a “compliance” call with no subcategory selected. The OIM coded this “compliance” with a subcategory of “timelines,” which belongs to the IEP category tree. Although this is clearly a compliance issue, the flexibility to cross-select a subcategory allows for the best description of the problem. Although the selection of “IEP” and “timelines” might be appropriate and compatible with the system’s dropdowns, coding the call as “compliance” presents a sense of urgency, particularly because the parent alleged the school had not held an IEP meeting for two years.

#### Case 4. Limited Subcategories

- Parent called regarding transportation home to school. Parent enrolled student at OIM HS on 8/15. Please call parent.
- PURL updated to reflect student enrollment at OIM HS.
- Contacted the parent and informed them of the transportation set up.

SFSS identified this call with the following codes: inquiry (initial), concern (resolution), IEP (category), placement (subcategory). The OIM coded the call as a concern, transportation, and other. Although the call was prompted by a change in the school of attendance, the issue was the activation of transportation at the new school. This was one of many calls related to the activation or changing of information on the student’s PURL form. In some instances, parents called to add or remove a family member on the PURL, or called to activate transportation.

#### ***Summary.***

Call topic selection is limited by the call center module’s dropdown menu options assigned to each primary category. This impacts the user’s ability to code calls with subcategories that best reflect the nature of the call. This was substantiated by a specialist who recommended coding subcategories first to best characterize calls. Furthermore, the lack of documented procedures for selecting call topic categories allows for subjectivity and the potential to use codes interchangeably or incorrectly. The examples provided demonstrate the impact of the system’s rigidity and lack of procedures on categorization.

The SFSS call center received higher rates of transportation calls while the CRU received a greater proportion of calls regarding assessment, compliance, and IEP issues. This might be indicative of the historic and clear nature of the CRU hotline, which is for filing complaints. Therefore, it is reasonable to expect that CRU calls will more likely be about issues related to noncompliance of students’ special education programs. Similarly, the SFSS call center hotline’s automated message provided a clear option for transportation issues<sup>6</sup> and lacked an option for making complaints until January 2016.

The high rates of missing subcategories also indicate the need to improve oversight and quality assurance mechanisms or edit in the Welligent call center module. Management should closely review cases with “other” subcategories to determine if additional options are required. Suggested improvements include adding more options for transportation issues and subcategories for updating and activating the student’s PURL given the high number of calls received on these issues.

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<sup>6</sup> This option was removed in January 2016.

Many categories and subcategories were minimally used. A review of the frequency of use, and congruence between the categories and subcategories, should yield improvements in recorded and reported data. Data must be accurate and reliable to identify systemic trends of noncompliance.

### **Process for Investigating Complaints.**

The process for investigating complaints is CESAR, which requires documenting the following: claim, evidence, steps taken, action to resolve, and resolution. This information is recorded in the Welligent call center module. This information for claim, evidence, and steps taken are captured in one field in the Call Information section, while actions to resolve and resolutions are included in an open text box in the Resolution Details section. Information on remedies for cases identified as complaints is contained in a separate field, and was included as evidence. As discussed earlier, CRU and SFSS customer service representatives typically enter the first three steps, with certificated staff entering the latter two.

The OIM reviewed calls to determine whether the case records contained this required documentation. The coding of these steps was counted if there was information present that addressed each step. This review did not examine the documentation's quality. In some cases, the records contained information from the call that might have lacked the necessary information to determine the claim or resolution; however, for this review, the documentation was counted (Table 9). This analysis included only calls where the CESAR process was warranted. Calls that were transferred to another office or were quickly responded to, such as a school asking for contact information, were removed.

The majority of calls processed included documentation for a claim. Across all three call priorities, calls to the CRU were more likely than calls to the SFSS call center to have documentation of evidence and steps taken. More than 85% of all calls to the CRU had documentation of claim, evidence, and steps taken. Documentation was highest for concern (more than 89%) and complaint calls (more than 90%).

SFSS call center calls demonstrated much less documentation of evidence and steps taken: complaint - 47.9% evidence, 43.8% steps taken; concern – 55.4% evidence, 41.1% steps taken; and inquiry – 49.0% evidence, 44.0% steps taken.

The documentation for actions to resolve drops considerably. The OIM review counted clear instances of actions to resolve, or when a descriptor was present. A very low percentage of calls to the CRU included clear documentation of action to resolve (a range of 1.3% to 14.1%). Comparably, SFSS call center cases had higher rates of documentation of action to resolve (a range of 32.9% to 46.5%).

However, in some instances, information on actions to resolve and resolution were included in other fields. So, the OIM also examined documentation of these two steps in the call information "action" and resolution information "remedy" fields, resulting in considerable improvement in documentation of actions to resolve for SFSS call center (a range of 52.5% to 64.4%) and CRU cases (a range of 64.1% to 89.9%). Improved documentation of resolution information was noted for both the CRU (a range of 89.4% to 92.5%) and SFSS call center (a range of 94.5% to 98.3%).

Table 9. CESAR Steps by SFSS Call Center and CRU

| <b>SFSS Call Center Complaint Calls, Based on Initial Call Priority (N=660)</b> |                       |      |                     |      |                      |      |  |
|---|-----------------------|------|---------------------|------|----------------------|------|--|
|   | Complaints<br>(N=73)  |      | Concerns<br>(N=112) |      | Inquiries<br>(N=475) |      |  |
|   | N                     | %    | N                   | %    | N                    | %    |  |
| Claim   | 72                    | 98.6 | 111                 | 99.1 | 400                  | 97.4 |  |
| Evidence  | 35                    | 47.9 | 62                  | 55.4 | 197                  | 49.0 |  |
| Steps Taken   | 32                    | 43.8 | 46                  | 41.1 | 177                  | 44.0 |  |
| Action to Resolve   | 24                    | 32.9 | 49                  | 43.8 | 187                  | 46.5 |  |
| Action to Resolve with Claim<br>Evidence Steps                                  | 47                    | 64.4 | 63                  | 56.3 | 211                  | 52.5 |  |
| Resolution  | 69                    | 94.5 | 109                 | 97.3 | 395                  | 98.3 |  |
| <b>CRU Complaint Calls, Based on Initial Call Priority (N=712)</b>              |                       |      |                     |      |                      |      |  |
|   | Complaints<br>(N=315) |      | Concerns<br>(N=155) |      | Inquiries<br>(N=192) |      |  |
|   | N                     | %    | N                   | %    | N                    | %    |  |
| Claim   | 313                   | 99.4 | 147                 | 98.7 | 191                  | 99.5 |  |
| Evidence  | 284                   | 90.2 | 133                 | 89.3 | 163                  | 84.9 |  |
| Steps Taken   | 306                   | 97.1 | 145                 | 97.3 | 166                  | 86.5 |  |
| Action to Resolve   | 4                     | 1.3  | 6                   | 4.0  | 27                   | 14.1 |  |
| Action to Resolve with Claim<br>Evidence Steps                                  | 255                   | 81.0 | 134                 | 89.9 | 123                  | 64.1 |  |
| Resolution  | 309                   | 98.1 | 145                 | 97.3 | 187                  | 97.4 |  |

Documentation practices of these steps varied by user. Some cases clearly labeled the steps, while others contained narratives, which increased subjectivity. Two examples are provided to illustrate differences between documentation practices.

Case 5. Adequate Documentation of CESAR

- C: Parent wants to file a complaint against NPS because the school did not allow student to attend a field trip because the parents of the student’s girlfriend don’t want them together.
- E: Parent was told by staff from school that student was not allowed to attend field trip.
- S: Ongoing issue with other student.
- A: Parent requested to meet with the administrators at school to discuss incident.
- R: Will forward concern to specialist/administrator for follow-up.

This case is a good example of clear documentation of the CESAR steps. It also shows that while information is available, it might not contain sufficient information to understand the basis of each step. For instance, the steps taken field simply states an “ongoing issue with other student” and does not meet the intention of this step, which is to document what the parent has done to resolve the issue. In addition, the resolution information does not fully address the nature of the complaint, which implies that the school violated the student’s rights by withholding access to an activity. While the case notes include additional information revealing that the student chose not to participate in the field trip, this was not included in the CESAR documentation. Furthermore, this case was initially categorized as a complaint and closed as a concern, illustrating the change in call type categories based on the resolution. The OIM coded this call as a complaint unfounded.

Case 6. Lack of CESAR Descriptors in Documentation

- The parent called concerned that as of today she has not received a call with an answer to her son's placement, parent stated that she had disagreed with the placement at the IEP and now doesn't know where her son is to attend school. She also stated that if this is going to cause a problem then she will agree to keep the student at the original offer of placement.
- Case assigned to school and family support services coordinator.
- Contact was made with the Support Unit as well as with the APEIS. They will follow up with the parent to clarify any confusion and provide support. The Support Unit will follow up with the school as well.
- Contact made with parent. She asked to be called back later.

The information above contains the information in the case record. This record lacks the clear descriptors for identifying CESAR steps. The OIM coded the first bullet as the claim, second as action to resolve, and third and fourth as the resolution. The evidence step typically contains information of the user's verification of all or part of the caller's claim. In this instance, a review of the IEP to determine if a disagreement occurred and verification of the placements in question should have taken place. The steps taken would include references to the parent's attempt, or lack thereof, to discuss and resolve this issue.

#### **Insufficient Information, Resolution Unknown, and Complaint Unfounded.**

The findings in the section above address documentation of the CESAR steps. Despite information available in these steps, some call records did not contain sufficient information to identify a clear claim or notes that investigated or addressed the claim. Other call records lacked clear resolution information. In some instances, particularly inquiry calls, the lack of information might not have had a detrimental outcome, but rather only indicates poor documentation practices.

Some records contained information that contradicted the claim's validity and, therefore, were considered unfounded. In its analysis, the OIM used resolution call types due to the high number of missing initial call type categories. This approach provides insight on cases with evidence that contradict the claim, which might have influenced the change of category from complaint to concern or inquiry.

More than one in four (28.0%) concern cases processed by the SFSS call center had insufficient information to clearly identify or address the parent's claim and lead to a resolution. More than one-third (35.7%) of the complaints lacked sufficient information. A total of 18 (2.2%) cases contained information that the claim was unfounded, with the majority of these cases coded as concerns (n=10) or inquiries (n=7) (Table 10).

CRU calls lacked sufficient information and clear information resolution for about 20% of the cases reviewed, with most occurring for concerns (25.9% - insufficient information, 22.4% - resolution unknown) and inquiries (25.9% - insufficient information, 18.0% - resolution unknown). Complaint unfounded cases were primarily found for concern (16.7%) and inquiry (14.3%) calls.

Table 10. Insufficient Information, Resolution Unknown, and Complaint Unfounded, by SFSS Call Center and CRU

| <b>SFSS Call Center Calls, Based on Resolution Type (N=794)</b> |                   |      |                  |      |                   |      |               |      |  |  |
|---|-------------------|------|------------------|------|-------------------|------|---------------|------|--|--|
|   | Complaints (N=14) |      | Concerns (N=186) |      | Inquiries (N=594) |      | Total (N=794) |      |  |  |
|   | N                 | %    | N                | %    | N                 | %    | N             | %    |  |  |
| Insufficient Info   | 5                 | 35.7 | 52               | 28.0 | 79                | 13.3 | 136           | 17.1 |  |  |
| Resolution Unknown  | 1                 | 7.1  | 52               | 28.0 | 67                | 11.3 | 120           | 15.1 |  |  |
| Complaint Unfounded   | 1                 | 7.1  | 10               | 5.4  | 7                 | 1.2  | 18            | 2.3  |  |  |
| <b>CRU Calls, Based on Resolution Type Priority (N=712)</b>     |                   |      |                  |      |                   |      |               |      |  |  |
|   | Complaints (N=65) |      | Concerns (N=263) |      | Inquiries (N=384) |      | Total (N=712) |      |  |  |
|   | N                 | %    | N                | %    | N                 | %    | N             | %    |  |  |
| Insufficient Info   | 5                 | 7.7  | 68               | 25.9 | 88                | 22.9 | 161           | 22.6 |  |  |
| Resolution Unknown  | 1                 | 1.5  | 59               | 22.4 | 69                | 18.0 | 129           | 18.1 |  |  |
| Complaint Unfounded   | 1                 | 1.5  | 44               | 16.7 | 55                | 14.3 | 100           | 14.0 |  |  |

Examples of insufficient information, resolution unknown, and complaint unfounded are provided.

Case 7. Insufficient Information on Violation and Remedy

- Claim - Parent reports that an IEP for her child was held on April 29, 2015. Parent reports she didn't agree with all areas and signed it on June 4, 2015. Parent reports she did not receive paperwork to proceed to due process.
- Evidence - Welligent reveals parent signed IEP not agreeing with all areas of IEP on June 4, 2015.
- Steps taken - Parent contacted CRU.
- Parent was apprised as to how to file for due process on her son's IEP held in April for which she indicated areas of disagreement on the signature page of the IEP. SFSS also apprised administration at student's school for the 2014-15 school year that mom would be coming in to fill out remaining paperwork necessary to file for due process.

This call, received on August 7, 2015, was initially identified as a complaint but later changed to an inquiry. The claim clearly indicates that the school failed to provide the parent with due process paperwork within the specified timelines. Although information is included that the staff instructed the parent on how to file for due process and notification to the school, the case notes do not address the allegation. It neither acknowledges the violation nor provides a suitable remedy. The call is treated as if the parent made an inquiry and was not investigated or resolved as a complaint.

Case 8. Insufficient Information on Claim and Resolution and Transfer of Call

- Parent called regarding IEP, parent is in disagreement (IDR) with staff. Also parent is requesting 1200 minutes of compensatory hours for social skills and needs a vision assessment per Due Process settlement. Case #. Student needs vision assessment ASAP, because he has completed the 20 sessions and is eligible for a reassessment. Parent disagrees with the OT assessment in the IEP. The vision assessment was approved with the settlement.
- Staff called parent who stated staff from IDR returned her call to follow up.

This case was initially coded as a complaint and closed as a concern. The OIM coded it as insufficient information and resolution unknown because the notes fail to investigate and address (remedy) the allegation that the due process settlement is not being implemented. The “resolution” is simply a follow-up call from the IDR office, which leads to the case being closed. The case does not document the IDR office’s actions, if any. The case also illustrates the inconsistent practices for labeling CESAR steps.

#### Case 9. Good Investigation and Documentation of Claim, Complaint Unfounded

- Parent indicates that she delivered request for reevaluation to school administrator, Ms. O, on March 24.
- Parent indicates that she has not received assessment plan or written denial within 15 day allotment.
- 1) Student's name is \_\_\_\_\_. Eligibility is indicated as ID. Student is now second grader and attends OIM Elementary. 2) Spoke with principal who indicated that she is going to investigate and get back to me. 3) Principal provides copy of assessment plan signed and returned on March 26. This would mean that an IEP meeting would have been due approximately on May 26 and explains why there was evidently a recessed IEP meeting on May 15. 4) Former APEIS, Ms. OIM, indicated to me that she will work on scheduling the IEP meeting to be reconvened with the offer of FAPE. 5) Left voicemail for parent to get back to me. 6) Spoke with staff. IEP has been tentatively scheduled for today, August 17 at 1 P.M. School will get back to me to confirm time and date. 7) Staff from OIM Elementary calls to confirm that student’s IEP is today, August 17 at 1:30 P.M.

This case was identified as a complaint and closed as concern. The alleged violation is the failure to respond to the parent’s request for assessment. Although CESAR steps are not labeled, the notes demonstrate a thorough investigation and resolution to address the reconvening of the IEP. However, the notes indicate the assessment plan was provided two days after the receipt of request, and therefore, the call is considered a complaint unfounded.

#### ***Summary.***

CESAR is the process that guides the investigation of complaints. The review noted performance differences, with the CRU demonstrating higher rates of documentation of “evidence” and “steps taken” compared to SFSS customer service representatives. Rates of documentation for “actions to resolve” were the lowest for all call types. Differences in the documentation practices were noted, with some users clearly labeling and addressing each step. The CRU’s higher performance might be attributed to three factors: more than a decade of experience in processing complaints, a considerably lower caseload, and higher level of adherence to the structured process.

Although the OIM review did not examine the quality of case notes, it identified cases that lacked information regarding the nature of the claim or actions to investigate the claim. Similarly, cases that did not clearly delineate or address the resolution were coded by the OIM as a “resolution unknown.”

Cases with information that contradicted the parent’s claim were coded by staff as being a complaint unfounded. The OIM review found that many of these cases had a resolution call type category of concern or inquiry, providing insight into potential reasons for the staff’s changing categories from complaints.

Documentation practices varied: some cases contained limited information, and others included thorough case notes of the investigation, efforts to resolve the claim, and remedy. Contrary to staff’s

assertion of their concise and condensed case notes, many call records did not contain the necessary information to clearly identify the claim and the direct actions to address the claim. Consistent and thorough case notes are critical for ensuring an equitable process for all callers and call types as well as for facilitating a strong oversight mechanism.

Documentation practices must be viewed in the context of call types and call categories. Each category selected must contain supporting case notes. For example, if a case is identified as a complaint, then a statement that clearly describes the allegation should be included.

Overall, the process and practices for investigating calls are much improved since the 2013 study. The study reviewed cases processed within the first six months of the call center's rollout. Ongoing training and improved oversight mechanisms should result in continued improvement for investigating, documenting, and addressing complaints.

#### **Provision of a Lawful Response.**

The MCD defines four lawful responses that the District can provide to a parent in response to a complaint that satisfies the District's legal obligation. These include:

- 1) a remedy and, where appropriate, the date by which the remedy shall be implemented;
- 2) information that an appropriate referral has been made;
- 3) suggested action the complainant may wish to take; or
- 4) a determination that the complaint has been investigated and determined to be unfounded.

Upon investigation, complaints, defined as a perceived violation of special education regulations or District policies, are either determined valid or unfounded. For those cases in which a violation was determined to have occurred, the District must either provide a remedy to address the noncompliance, provide a referral to an appropriate agency or department, or provide the parent a suggested action such as filing for due process. For cases in which the claim cannot be substantiated, the parent is informed of the evidence that invalidates the claim through a complaint unfounded lawful response letter.

The Welligent call center contains a set of fields for recording information related to the violation, remedy, and provision of a lawful response. The review examined the presence of data (not quality) for complaint calls initially identified (n=399) and closed (n=79) (Table 11). For cases with a resolution complaint type, the Resolution section of the module contains four fields to capture the following:

- Violation type – Dropdown menus featuring categories such as “timelines”
- Violation – Narrative of the violation
- Remedy – Narrative of the remedy
- Certified Mail Tracking Number – Certified mail tracking number of lawful response letter sent to parent

Of the 79 complaint resolution calls, 91.1% contained information in the violation type field, with 83.5% including detailed information on the violation. The majority (91.1%) contained remedy information, with 83.5% of cases containing evidence of a lawful response letter sent to the parents.

Table 11. Resolution Information - Violation Type, Violation, Remedy, Lawful Response by SFSS Call Center and CRU

| Calls Initially Categorized as Complaint Calls (N=399) |     |      | Calls Categorized as Complaint Calls per the Resolution Priority (N=79) |    |      |
|--|-----|------|---|----|------|
|  | N   | %    |   | N  | %    |
| Resolution Type  |     |      | Call Information Priority   |    |      |
| Complaint  | 57  | 14.3 | Complaint   | 57 | 72.2 |
| Concern  | 177 | 44.4 | Concern   | 8  | 10.1 |
| Inquiry  | 157 | 39.3 | Inquiry   | 14 | 17.7 |
| Missing  | 8   | 2.0  |   |    |      |
| OIM Information Call Type                              |     |      | OIM Information Call Type   |    |      |
| Complaint  | 282 | 70.7 | Complaint   | 72 | 91.1 |
| Concern  | 103 | 25.8 | Concern   | 6  | 7.6  |
| Inquiry  | 10  | 2.5  | Inquiry   | 1  | 1.3  |
| Insufficient Info                                      | 4   | 1.0  |   |    |      |
| Violation Type   |     |      | Violation Type  |    |      |
| False  | 344 | 86.2 | False   | 6  | 7.6  |
| True   | 55  | 13.8 | True  | 72 | 91.1 |
| Violation  |     |      | Violation   |    |      |
| False  | 349 | 87.5 | False   | 13 | 16.5 |
| True   | 50  | 12.5 | True  | 66 | 83.5 |
| Remedy   |     |      | Remedy  |    |      |
| False  | 346 | 86.7 | False   | 7  | 8.9  |
| True   | 53  | 13.3 | True  | 72 | 91.1 |
| Lawful Response Letter Provided                        |     |      | Lawful Response Letter Provided   |    |      |
| False  | 350 | 87.7 | False   | 13 | 16.5 |
| True   | 49  | 12.3 | True  | 66 | 83.5 |

These fields capture distinct information of the District’s legal obligation to remedy noncompliance. This information is critical for substantiating the validity of a complaint and documenting those unfounded. Two examples are provided to illustrate the information captured in these fields.

Case 10. Documentation of Violation and Remedy with Insufficient Information

- Violation type - compliance
- Violation - LAUSD did not provide supports or services as per IEP
- Remedy - the Division created a BII position on 8/27/15

The information briefly describes the violation and remedy. It includes a date the remedy was processed, but not implemented. The documentation should include the length of time the student was not provided the service, the date the BII [behavior intervention implementation] will provide service, any interim support, and any compensatory service.

Case 11. Resolution Information Lacking Remedy Information

- Violation type - compliance
- Violation - LAUSD did not provide parents with an assessment plan or denial letter.

- Remedy - as a result of available data and interviews, it is determined the district failed to respond to parent’s request for inclusive support assessment in a timely manner, therefore, sped regulations pertaining to assessment requests are considered to be violated.

This example shows information entered in the required fields, yet lacks information on the remedy. The narrative in the Remedy field is an extension of the narrative in the Violation field. This case is indicative of weaknesses in the lawful responses’ oversight mechanisms.

**Analysis of Lawful Response Letters.**

The OIM reviewed lawful responses to determine if the letters accurately reflected the parent’s claim and the resolution documented in the call center module. The OIM coded lawful response types.

Lawful response letters (n=68) were provided to the OIM for all cases within the sampling timeframe. Of these, calls were matched to cases initially identified as complaints (69.1%), concerns (5.9%), and inquiries (20.6%) (Table 12). Correspondence with resolution categories was higher, with the majority matching complaints (97.1%), and two concern cases receiving a lawful response, which matched the OIM’s coding.

The majority of lawful response letters included information on the remedy (Type 1 - 95.6%). One case was noted to contain information on a referral to another agency or department, another contained information that the complaint was unfounded, and one did not correspond with the case documented. The majority of letters included a complaint that matched the case notes (97.1%). Resolution information was accurately noted for 82.4% of the letters, with 11.8% partially addressing the claim(s).

Table 12. Lawful Response Letters Complaint and Resolution Match, by Initial and Resolution Call Type

| Lawful Response Letter Available (N=68) |    |      |                                  |    |      |                               |    |      |
|---|----|------|----------------------------------|----|------|-------------------------------|----|------|
|   | N  | %    |                                  | N  | %    |                               | N  | %    |
| Call Information Priority               |    |      | Resolution Type                  |    |      | OIM Information Call Priority |    |      |
| Complaint                               | 47 | 69.1 | Complaint                        | 66 | 97.1 | Complaint                     | 66 | 97.1 |
| Concern                                 | 4  | 5.9  | Concern                          | 2  | 2.9  | Concern                       | 2  | 2.9  |
| Inquiry                                 | 14 | 20.6 |                                  |    |      |                               |    |      |
| Lawful Response Complaint Match         |    |      | Lawful Response Resolution Match |    |      | Lawful Response Type          |    |      |
| No                                      | 1  | 1.5  | No                               | 4  | 5.9  | 1                             | 65 | 95.6 |
| Partial                                 | 1  | 1.5  | Partial                          | 8  | 11.8 | 2                             | 1  | 1.5  |
| Yes                                     | 66 | 97.1 | Yes                              | 56 | 82.4 | 4                             | 1  | 1.5  |
|   |    |      |                                  |    |      | NA                            | 1  | 1.5  |

**Summary.**

The provision of an accurate lawful response is the cornerstone of a credible complaint management system. The call center module captures lawful response information on the nature of the violation and the remedy to address noncompliance.

Although the OIM’s review of the 79 complaint cases found that most contained information regarding the violation (83.5%) and remedy (91.1%), under three-quarters (72.2%) of these cases were initially

identified as complaints. This finding shows the misidentification of complaints and the impact of oversight for correctly identifying claims. On the other hand, some misidentification of complaints at the resolution stage was also noted, with initial concern call types receiving a lawful response letter.

The quality of the lawful response letters is much improved since the 2013 study, with the majority accurately reflecting the complaint and remedy. The majority of letters were issued to inform parents of a remedy, with only one letter reflecting a referral and one noting that a complaint was unfounded. The lack of letters for options 2 (referral), 3 (suggested action), and 4 (complaint unfounded) substantiate staff's lack of awareness observed in the interviews of these lawful response types.

Oversight of lawful response data and letters requires improvement. The District provided 68 letters that matched students in the sample, yet the District identified 79 complaint cases. Edits to the system can ensure that complaint cases mandate data entry and corresponding lawful response letter (unless unfounded).

### **Days Cases Remained Open.**

The MCD established four timeframes for resolving complaints, which are as follows:

- 25% of complaints within five working days
- 50% of complaints within 10 working days
- 75% of complaints within 20 working days
- 90% of complaints within 30 working days

The District established internal timelines for the resolution of each call type, which are as follows:

- Inquiry calls within two business days
- Concern calls within 10 business days
- Complaint calls within 15 business days

The OIM review was intended to gauge the call center's performance and the system's adequacy for calculating resolution time in relation to the MCD timeframe. It does not address internal timeframes or the resolution's appropriateness. The review included a count of working or business days for resolving calls. The District calendar was used to ensure that nonworking days (e.g., holidays and weekends) were not included in the count. Due to the misidentification and underreporting of complaint calls as determined by call center staff, data was examined using the OIM's determination of call type.

For the 2015-2016 school year, the District reported a total of 120 complaints. Of these, 59.2% were closed within five working days, 84.2% within 10 working days, 97.5% within working 20 days. No cases exceeded the 30-day timeframe.

The most salient finding was the Welligent call center module's use of calendar days (as opposed to business days). This means that the number of days calculated for the resolution of cases included weekends and holidays, which led to the overreporting of the number of days cases remained opened. Table 13 shows the number of working and calendar days cases remained open for complaint calls processed by the SFSS call center and CRU.

The majority of complaints were responded to and closed well within the MCD's timeframes. Based on work days, as calculated by the OIM, 70.6% of complaints processed by the CRU, and 86.1% by the SFSS call center, were closed within five days. The majority were closed within 10 days (CRU = 92.1% and SFSS = 99.2%).

Table 13. Number of Days Complaint Cases Were Open by CRU, SFSS Call Center, and OIM

|                        | 0-5 Days |      | 6-10 Days |      | 11-15 Days |     | 16-30 Days |     | More than 30 Days |     | Total |       |
|------------------------|----------|------|-----------|------|------------|-----|------------|-----|-------------------|-----|-------|-------|
|                        | N        | %    | N         | %    | N          | %   | N          | %   | N                 | %   | N     | %     |
| CRU Complaints         | 165      | 50.6 | 103       | 31.6 | 32         | 9.8 | 24         | 7.4 | 2                 | 0.1 | 326   | 100   |
| OIM Complaints         | 230      | 70.6 | 70        | 21.5 | 16         | 4.9 | 10         | 3.0 | 0                 | 0.0 | 326   | 100   |
| <b>SFSS Complaints</b> |          |      |           |      |            |     |            |     |                   |     |       |       |
| SFSS Complaints        | 90       | 73.8 | 21        | 17.2 | 7          | 5.7 | 4          | 3.3 | 0                 | 0.0 | 122   | 100.0 |
| OIM Complaints         | 105      | 86.1 | 16        | 13.1 | 1          | 0.8 | 0          | 0.0 | 0                 | 0.0 | 122   | 100.0 |

**Summary.**

The Welligent call center module inaccurately calculates the number of days cases remained open. The director acknowledged the system miscalculates the time cases are open due to the use of calendar days and noted this would be addressed. Prior to the release of this report, the director informed the OIM that the system now uses working school days.

Although the performance reported by the District exceeds the MCD timeframes, the data inaccuracies for all call types, particularly complaints, invalidates these figures. While the figures of this review provide insight into the timeliness of closing cases, the misidentification and re-categorization of complaints means many calls were not investigated nor resolved pursuant to the MCD and District’s *SFSS Policies and Procedures* manual.

Accurate reporting of complaint response data must be prioritized as the District continues to develop its complaint management system. This extends beyond ensuring the Welligent module calculates timeframes using working days. Complaints must be accurately identified. Parents must be assured that complaints will be appropriately investigated and resolved via the lawful response processes. Until this occurs, the District will not have a credible complaint management system.

**Charter Schools, Bullying/Harassment, Suspensions, Other.**

The OIM review of call center case data found several areas that appeared to have different processes for resolving and responding to concerns and complaints. Although the majority of staff noted that non-special education issues such as suspension and bullying/harassment are investigated like any other case, some had differing opinions regarding bullying/harassment calls, noting that operations and local districts have personnel and their own processes for investigating these types of cases. Staff interviews corroborated practices noted during the case review, which found inconsistencies in how cases were processed for students attending independent charter schools and for issues not related to a special education violation, such as suspensions, bullying, or harassment.

Calls from parents of students attending independent charter schools are investigated like all other cases but also include communication with the DSE’s charter school’s department. Staff noted that the complaint management system includes jurisdiction of students attending independent charters, yet acknowledged an exception for students attending schools belonging to the El Dorado SELPA. Although the DSE charter office is included in the case management, it is not required to enter data in the Welligent call center module or report back on the resolution of the case once closed.

Thirteen calls were identified as being from parents with students attending an independent charter school, with one call being from an affiliated charter school. Of these, seven were transferred to the DSE charter office and one to the El Dorado SELPA. These cases contained intake information but were closed with no follow-up on the resolution. Three calls were closed with some resolution, while three had intake information but the resolution was unclear or did not address the claim. One case misinformed the parent by stating that because the student's school was an independent charter, the student was ineligible for District transportation.

The two cases below highlight the issues of independent charters and bullying or hostile environment not being addressed by the call center. The cases are examples of miscoding, misidentification of complaints, and closing of cases after a referral to the DSE charter school department with no subsequent follow-up or resolution documented.

#### Case 12. Charter School Not Investigated or Transferred

- Claim: Parent reports that her son was forced to sit outside the classroom by himself for reported inappropriate behaviors. Parent is indicating that he is now in the classroom but is segregated from the rest of the class. Parent reports that he has a BSP for aggressive behavior, but that type of ongoing segregation was not discussed at his IEP. Parent reports that school wants him out and has told her that they can't meet his needs.
- Evidence: Child's eligibility is DD
- Steps taken: Parent has made school administration aware of her concerns but to no avail. Parent called CRU.
- (Resolution, not indicated) Student is attending a Charter School not affiliated with LAUSD. Specialist contacted the school as a courtesy to let them know the parent called. Also followed-up with an email as well.

The CRU identified this as a complaint and closed it as an inquiry within two days. The topic category selected was compliance, with no subcategory. The OIM identified this call as a complaint, with the category of charter school and subcategory of hostile environment. The case notes demonstrate the initial intake staff member gathered the pertinent information before transferring the case to a specialist. Despite a claim of perceived hostile environment and discrimination, the case notes simply indicate that the specialist contacted the school to apprise them of the parent's call and claim. The claim was not investigated, nor was the DSE charter school department involved.

#### Case 13. Charter and Bullying Call Not Investigated and Transferred

- C: Caller stated she needs placement for student. Student is currently attending a charter that student no longer wants to attend. Student has not been in school for about a week. According to caller, student has had several bad experiences at school and now the student refuses to attend school. Student has not been in school for two weeks. Has been bullied. Student is scared of other kids. Parent states that she has reported this to the school site on two occasions. Parent states that they said they will investigate but nothing has happened. She has requested that the school therapist come see her at home.
- S: Gather information, notified parent that a program specialist will call her to further assist her.
- Actions: School, Charter Unit, Parent Contacted.
- Resolution: Named parties to communicate with parent regarding concerns. Called parent and informed her I would be researching her case. She was informed that the school and/or charter division would communicate with her.

This case was opened and closed as a concern, with the topic operational support – enrollment. The OIM determined this was a complaint based on the allegation of bullying and the student being out of school for two weeks. The category selected by the OIM was bullying/hostile environment. Although the parent is seeking a placement, the real issue is the alleged bullying that resulted in the student being out of school. The parent also alleged that the bullying has been reported and has yielded no improvement. While the notes indicate someone would research the case, there was no mention of communication with the school to determine if the allegations of bullying were valid and if the case was investigated and handled as per District policy. The case was closed after contacting the charter unit and notifying the parent that the school or charter office will contact her.

*BUL-5212.2, Bullying and Hazing Policy* (Student-to-Student and Student-to Adult, November 26, 2014), includes requirements for the investigation, resolution, and documentation of these cases. It states:

Reported allegations of bullying must be investigated, monitored, and documented within 30 calendar days and resolved within 60 calendar days. “Resolution” means that an incident has been investigated and appropriate interventions have been taken to reasonably ensure that the specific behavior ceased. A new incident should be regarded as a new report and investigated accordingly, unless it is determined to be a continuation of the initial complaint, in which case, the initial complaint could be reopened. The determination of findings and resolution must be documented and communicated to the complainant.

The OIM found 46 cases of bullying/harassment or hostile environment. Although these terms are often used interchangeably, bullying and harassment of an individual are the actions that lead to a hostile environment.

Of the calls reviewed, one-third (n=14, 30.4%) were not investigated and transferred. About one-quarter (n=7, 23.9%) were investigated but did not contain any information that addressed bullying/harassment/hostile environment. Nine cases were investigated and resolved, five were determined to be complaints unfounded, and two did not contain sufficient information of the investigation or resolution in the case notes.

Two cases are included. The first is an example of the staff’s failure to investigate allegations. For the second, the District conducted an investigation and found the claim to have been valid and resolved by the school and local district.

#### Case 14. Bullying and Change of Placement Complaints Not Investigated and Closed as Concern Call

- Claim: Parent states her daughter is being bullied by another student and instead of school addressing the issue with that other child her daughter was moved into an autism class that student does not need.
- Evidence: Parent does not think it’s (un)fair her daughter has to be moved into another class especially when the bullying is not coming from her daughter.
  - First incident with student was addressed but then the other student left school and matter was resolved. Now student is back at school and the bullying issue has persisted again with the return of the student and the administration moved caller’s daughter into another class where most of the students are autistic.
  - Parent would like to see how issue can be addressed without affecting her daughters progress.
- Steps taken: spoke with APEIS at school regarding bullying issues. - Called SFSS dept.

- Discussed with parent and responded to A.P. request for specific anti-bullying strategies that school might want to employ to assist student. NO VIOLATION OF SPECIAL EDUCATION LAW.

The SFSS opened this case as a complaint, under the categories of operation support – program support. The OIM coded this as a complaint as IEP and bullying, since placement was not an option for primary categories. This case presents two allegations of perceived noncompliance: a placement change for the student without an IEP meeting and parental consent, and bullying. Neither was investigated or addressed. Both complaints were dismissed as concerns and included a statement that no violations of special education law were found.

#### Case 15. Complaint Investigated and Validated, No Provision of Lawful Response Letter

- Claim: Parent called with the following concerns:

Parent reports that her daughter’s teacher is continually harassing her daughter on daily basis. Parent reports that her daughter comes home very upset about how the teacher makes mean comments to her in front of the entire classroom. Parent indicates that she has noticed that her daughter’s morale has been down. Parent is requesting that this situation be investigated right away.

- Evidence: Parent has copies of letters she has written to administration regarding her concerns.
- Steps taken: Parent has called district offices, operations administrator, board members office, etc.
- Principal reports that she has been collaborating with her Local District South Operations Coordinator and with Staff Relations to address teacher's alleged conduct in the classroom. As of 11/02/15 teacher has been temporarily re-assigned to the District office and a substitute teacher is now supporting the class.
- Principal will follow up with parent to clarify and address any other concerns she might have about this situation. No violation of special education regulations.

The CRU opened this call as a complaint, equity and bullying/harassment, in agreement with the OIM (subcategory - hostile environment). Although the notes indicate the parent’s claim was valid, the case was closed as a concern. The investigation revealed the school and the local district operations unit had responded to the parent and remedied the situation. While no lawful response letter was provided to the parent, a letter informing the parent of the remedy and date of its implementation should have been provided.

*BUL-5655.2, Guidelines for Student Suspensions (August 19, 2013)*, establishes policies and procedures for the suspension of students, including students with disabilities and those receiving Section 504 Plan services. Procedures for suspension include the principal conducting an informal conference with the student prior to the suspension, holding a parent conference upon suspension, and providing the student and mailing home a signed copy of the Pupil Suspension Notice. The bulletin includes additional guidance for students with disabilities. It clearly prohibits the use of informal suspension as stated below:

Note: “Informal Suspension” (e.g., a parent is told to keep a child home under the supervision of the parent, or a student is sent home without an office Pupil Suspension Notice) is a violation of California Education Code, the Individuals with Education Act (IDEA), and District policy. It is prohibited.

In addition to an informal conference with the student prior to suspension, schools must review the implementation of the student's IEP, including the implementation of a behavior support plan (BSP) and "progress monitoring information including services tracked in Welligent." After the suspension, the school's Discipline Review Team must hold a meeting to evaluate the severity of the misconduct and determine if supports can be provided without holding an IEP meeting or, if one is required, to modify or add a BSP.

The review noted 17 suspension cases, with seven containing evidence that no violation occurred. Two of the cases were resolved, three did not show evidence of an investigation, and five were investigated but did not contain information to directly address the allegation.

Two examples are provided: one case where the claim was investigated and a lawful response was issued, and another where the claim was unfounded.

#### Case 16. Suspension Complaint Validated with Corresponding Lawful Response Letter

- Claim: Caller (Parent) reports that school administrator contacted her on September 9, 2015 to advised her that her son was being suspended due to the fact that he was found in the boys bathroom smoking marijuana. Parent states her son was sent home without a formal suspension notice. Parent states that student has been home since the day he was sent home 9/9/2015.
- Evidence: No suspension notice was provided to the parent.
- Steps Taken: Parent contacted CRU.
- Violation type - Compliance
- Violation – (blank)
- Remedy - student was suspended for smoking pot and parent did not receive written notification, school will provide written notification and schedule an IEP meeting regarding this matter.

This case was opened and closed as a complaint, with categories of discipline – suspension, which the OIM coded the same. Information regarding the violation type and remedy were entered in Welligent, with a note that the school would provide written notification of the suspension and convening of an IEP meeting. While the notes do not include much information on the investigation, the remedy indicates that the parent was not provided the suspension notice and the school was in violation of *BUL-5212.2*. The lawful response letter stated:

Son was suspended due to drug use at school and you did not receive a written notice.

Your call involved an allegation of violation of:

District special education policies and/or procedures

In response to your call, the District has taken the following actions:

School has provided a written suspension notification to you. Copy of tracking number attached.

#### Case 17. Informal Suspension Complaint Not Investigated

- CLAIM: Parent is requesting a STAY PUT
- EVIDENCE: Parent alleges that his son services and behaviors were never addressed. Parent also alleges that the school staff calls him twice a week to pick up his son with no suspension letters. Parent also alleges School staff wants an IEP for an opportunity transfer. Parent disagrees.

- STEPS TAKEN: Parent called the CRU for support.
- Thank you for the opportunity of speaking with you today regarding the parent's concerns: Parent has called the complaint response unit's call center on 12/3/15  
His claims include:  
Student's services and behaviors were never addressed.  
The school staff contacts him twice a week to pick up his son with no suspension letters.  
School is holding an IEP for an opportunity transfer and he wants stay-put.
- As a result of our conversation, I am closing this case as there are no apparent special education violations present.

This case shows the inconsistency in investigating claims of informal suspension. This case was opened and closed as an inquiry, with expulsion as the reason for the call. The OIM coded this call a complaint, with categories of discipline – suspension. The case does not acknowledge the parent's allegation that the school did not comply with the suspension policy and does not contain any evidence of investigation. However, the specialist closed the case with a statement that no violation was found.

A complaint management system must be updated to reflect current compliance issues and the District's efforts to remedy such noncompliance. For example, over the past several years, issues regarding accessibility and facilities have been at the forefront of the MCD. During the past several months, poor conditions of changing areas at schools, particularly at preschool programs (PALs), have been raised by the OIM. The District has recently developed policy and standards for changing areas, and procured changing tables and privacy screens that are available for schools in need. These issues and efforts to improve compliance should be brought to the attention of call center staff through ongoing training and review of bulletins. This includes being aware of and informing schools of the District's Rapid Access Program (RAP), which allows schools to apply for minor and rapid renovations to improve accessibility for students. The case below illustrates problems with changing conditions at schools and lack of awareness of RAP.

#### Case 18. Poor Changing Area Condition Complaint Not Investigated

- Claim: Caller (parent) reports that her child is not toilet train.  
Parent reports that she's concern with the fact that staff is changing her son on the floor.  
Parent states that there is no designated facility available when changing is needed.  
Parent is also concern with the fact that her child's dipper and wipes are being used for other children.  
Parent indicated that children don't have cubbies or any designated area to store their personal things.
- Evidence: (blank)
- Steps Taken: Parent has talked to teacher, and principal. Parent contacted CRU.
- Parent to deliver written request for IEP to address development of toileting self-help skills in order to promote independence in this area.
- NO VIOLATION OF SPECIAL EDUCATION LAWS.

This call is an example of the problems with the conditions of changing areas found by the OIM, which the call center did not address. Although this call occurred prior to the OIM report on these problems, the call center failed to see the parent's complaint that the school lack a designated changing facility, with staff changing the student on the floor. Whether the individual(s) processing this case is aware of this as a violation of special education law or District policy, this claim should have at least been deemed as unacceptable and discriminatory practice. The District now has a policy regarding acceptable

changing areas (e.g., proper changing table, privacy screen) and guidance for schools to order the necessary equipment including tables and screens. The call center must also be a source of information for schools regarding RAP.

***Summary.***

The OIM review found inconsistent processing of and response to calls for issues related to independent charters and non-special education issues. Staff interviews substantiated these inconsistent practices, with varying opinions of how these cases should be investigated and closed. A credible management system that ensures substantial compliance must have procedures in place that consistently investigate and respond to such claims. Such system cannot exclude a group of students based on the organizational structure of the school they attend, such as independent charter, nonpublic, or private schools.

The complaint management system must incorporate procedures of relevant District policies within its investigation protocols. A credible process must investigate and determine if schools complied with District policies and procedures in order to validate a parent's claim.

The bulletin on bullying includes procedures and a timeframe for the investigation and resolution of such incidents. An appropriate investigation to determine if schools followed these procedures should be conducted. This might include prompts for parents such as:

- Did you report the bullying to school administration?
- Did the school investigate your claim?
- Were you told or provided information on the incident?
- Were you told or provided information on the actions taken to stop the bullying?

Similar prompts could be used for schools adding a request to see the documentation of the investigation and resolution. Failure to provide such evidence constitutes a violation of District policy.

Procedures clearly outline steps that can be incorporated in an investigation of a parent's allegations of an informal suspension, which is clearly prohibited and a violation of District policy. In these instances, several prompts could help staff ascertain if the alleged complaint is valid or unfounded, and if the District failed to follow the mandated procedures. For example, parents could be asked:

- Were you told to keep your student home for any reason other than illness?
- Were you told to pick your student up from school due to any reason other than illness?
- Were you provided a copy of the Pupil Suspension Notice?
- Did you receive a copy in the mail?

Prompts for schools could include:

- Was the student sent home for any reason other than illness?
- Was an informal conference held with the student prior to suspension? Date and evidence?
- If suspended, did you provide the Pupil Suspension Notice to the student and mail a copy home to the parent? Please provide a copy.
- Is the suspension notice in the student's "yellow folder"?
- Upon suspension, was a conference held with the parent?
- Did the school's Discipline Review Team review the student's IEP, including the BSP, and were progress monitoring information and services tracked in Welligent?
- Was an IEP required, and if so, what were the outcomes?

Training and communication of current issues and systemic efforts to remedy noncompliance must be periodically provided to call center staff. Awareness and response to issues of accessibility and poor changing area conditions are examples of how the call center can assist parents and schools while moving the District toward substantial compliance.

### **Summary**

The data review found examples of acceptable practices for investigating claims and issuing lawful responses. However, many inconsistencies were noted in documentation practices and how calls are processed and closed.

CRU cases demonstrated higher rates of complaint calls and better identification of these calls. SFSS cases considerably underidentified complaints, with staff reporting categorizing complaint calls as concern or inquiries when resolutions were quickly applied. Staff's misunderstanding of three of the four lawful response types also contributed to this underidentification. Given this underidentification, it is reasonable to assume a considerable number of complaints were not investigated or resolved pursuant to the MCD.

The selection of call topics is limited by the call center module's dropdown menu options assigned to each primary category. This impacts the user's ability to code calls with subcategories that best reflect the nature of the call. This was substantiated by a specialist who recommended coding subcategories first to best characterize calls. Furthermore, the lack of documented procedures for selecting call topic categories allows for subjectivity and the potential to use codes interchangeably or incorrectly.

The provision of an accurate lawful response is the cornerstone of a credible complaint management system. The call center module captures lawful response information on the nature of the violation and the remedy to address noncompliance. The quality of the lawful response letters is much improved since the 2013 study, with the majority accurately reflecting the complaint and remedy. Despite these improvements, the misunderstanding and misapplication of three of the four lawful response types must be addressed to ensure a credible complaint system.

Accurate reporting of complaint response data must be prioritized as the District continues to develop its complaint management system. Although the District reported fixing the system to calculate timeframes using working days, the accurate identification of complaints must occur in order to have a credible complaint management system.

Although participants noted implementing the same procedures and processes for calls related to students attending independent charter schools and non-special education related issues, the transfer of these calls to other departments and lack of investigation were common practice. Cases related to charter schools, particularly issues related to the child's special education program, cannot be abdicated to the DSE's charter office, any other office, or SELPA.

The call center must incorporate other District policies and procedures established to ensure students' and parents' rights are not violated. Call center staff must also be informed of current issues of noncompliance across the District.

## SUMMARY AND RECOMMENDATIONS

The MCD is a federal class-action settlement agreement that requires the District to address and improve its systemic compliance with special education law. The agreement charges the federally appointed court monitor to determine the District's disengagement from court oversight upon achieving compliance with the MCD.

The MCD includes requirements to address and resolve parent complaints in a timely manner and to establish a complaint management system. Outcome 11, Complaint Response Time, requires the District to provide a lawful response, within specific timelines, to parents who file a complaint. Section 9, CRU, outlines the District's requirements for the CRU's establishment and the development of its operational procedures. The IM, through annual reports, the substantial compliance framework, and correspondence with the District, has consistently stated that a viable complaint management system is necessary for substantial compliance.

The OIM has examined the CRU twice over the course of the MCD. These studies noted similar findings including problems with: data input inaccuracies, such as inquiry calls being categorized as complaints; the procedures for receiving, categorizing, prioritizing, and investigating complaints; processes for issuing a lawful response; and differences between CRU staff and administration regarding certain processes and procedures. As a result of the 2013 study, the OIM made eight recommendations, which the District addressed with the development of the SFSS Welligent call center.

During the 2014-2015 school year, the DSE established the SFSS unit, which supports and oversees the District's complaint management system. The CRU merged with the SFSS; the combined unit is now responsible for responding to parents' complaints and issuing a lawful response. Despite having equal and parallel functions, the complaint management system maintains two phone numbers - the existing CRU (800) hotline and the SFSS call center line.

To determine the effectiveness of the District's complaint management system, the OIM completed a review of the following: policies, procedures, and communication related to the complaint management system and other District policies; a sample of calls (N=1,514) to the call center (SFSS and CRU) between July 20 and December 15, 2015; and staff interviews (8).

Given that the call center was in its first year of operation and processed a large volume of calls (more than 10,000) during the study's timeframe, the progress noted is cause for optimism. Despite these improvements, system weaknesses were noted, some consistent with those highlighted in the 2013 study.

The policies, procedures, and protocols of the complaint management system provide a fundamental framework for a valid and credible complaint system. The structure and processes established for processing and resolving calls are noted areas of strength and improvement in the complaint management system. The documents reviewed indicate that the complaint management system addresses the seven of the eight OIM recommendations in the 2013 study (see the list below), to varying degrees. It is evident that the District has committed significant time and resources to develop this system.

The OIM's document review and staff interviews noted inconsistencies in the application and understanding of processes for categorizing call types (complaint, concern, inquiry), closing cases, and lawful response types. Several weaknesses were noted, primarily the establishment of a two-tier process for identifying call types - once at the opening and once at the closing of a call. Furthermore, the system lacks a decision-making process for selecting call priorities, call topic categories, and

subcategories and closing calls. Incomplete documents or processes, particularly the DTRR, when complete, will be valuable for ensuring a consistent process and complaint system.

Despite staff's improved perceptions on the SFSS *Procedures and Protocols* manual's adequacy, and training provided for processing and resolving calls, the need for ongoing professional development was noted throughout the interviews. The interviews revealed areas of the staff's inconsistent understanding and practices, highlighting the need for more training. Although it is reasonable to expect staff to face a learning curve with the complaint management system, the weaknesses noted undermine the system's credibility.

The data review found examples of acceptable practices for investigating claims and issuing lawful responses. However, many inconsistencies were noted in documentation practices, for instance, with the application of CESAR between classified and certificated staff as well as between CRU and SFSS call center personnel. The review noted many missing variables of call type, call topic, and CESAR steps, particularly by SFSS call center staff.

CRU cases demonstrated higher rates of clear documentation throughout the process, which might be attributed to the CRU's years of experience, increased specificity and adherence to the process, and lower caseloads. CRU cases also demonstrated higher rates of complaint calls and better identification of these calls. SFSS call center cases considerably underidentified complaints, with staff reporting categorizing complaint calls as concern or inquiries when resolutions were quickly applied. Staff's misunderstanding of three of the four lawful response types also contributed to this underidentification. These practices result in the significant underreporting of complaints and renders data utilized for Outcome 11 as invalid for the 2015-2016 school year.

The selection of call topics is limited by the call center module's dropdown menus assigned to each primary category. This impacts the user's ability to code calls with subcategories that best reflect the nature of the call. This was substantiated by a specialist who recommended coding subcategories first to best characterize calls. Furthermore, the lack of documented procedures for selecting call topic categories allows for subjectivity and the potential to use codes interchangeably or incorrectly.

The provision of an accurate lawful response is the cornerstone of a credible complaint management system. The call center module captures lawful response information on the nature of the violation and the remedy to address noncompliance. The quality of the lawful response letters is much improved since the 2013 study, with the majority accurately reflecting the complaint and remedy.

However, oversight of lawful response data and letters requires improvement. The District provided 68 letters that matched students in the sample, yet the District had 79 complaint cases identified while the OIM identified 448 complaint cases. The OIM found 118 cases that contained notes that invalidated parents' claims of a perceived violation and coded these calls as complaints unfounded. SFSS staff (except the director) were unaware of this option, which was reflected in the lack of calls closed as a complaint unfounded and use of this corresponding lawful response type. Similarly, lawful response letters did not utilize the options of providing parents an appropriate referral or a suggested action as a method for fulfilling its legal obligation.

The system lacks clear guidance and mechanisms for closing cases and ensuring that schools or support units follow through with remedies or actions to resolve a parent's concern. A credible complaint management system cannot rely on assurances from schools or support units, particularly for a system this impacted and large.

Although participants noted implementing the same procedures and processes for calls related to students attending independent charter schools and non-special education related issues, the transfer of these calls to other departments was a common practice. Most participants commented on different processes by these departments, particularly for charter schools and bullying/harassment issues.

The lack of follow-through by these departments, and closing of these cases once referred to the DSE's charter office or local districts' operations unit, circumvents the lawful response process. The MCD includes a lawful response option (2) that enables staff to refer a parent to an external office or department in instances such as bullying or harassment. To fulfill the District's legal obligation, the use of option 2 in these cases requires informing a parent that an appropriate referral has been made.

Cases related to charter schools, particularly issues related to the child's special education program, cannot be abdicated to the DSE's charter office, any other office, or SELPA. Although collaboration with another department might be appropriate, the case cannot be simply closed upon transfer and must follow the same documentation, resolution, and lawful processes pursuant to the MCD and District's own policies and procedures. The MCD is clear that students attending independent charter schools are under the purview of the MCD and, therefore, cannot be excluded from the complaint management system established to ensure substantial compliance.

As it continues to develop and improve its complaint management system, the District must review and revise any processes that require additional structure or clarification to guide best practices, including the cessation of the two-tier process for categorizing call types. Training on the lawful response types must be provided on the lawful response types and must align with the MCD-mandated process for resolving and closing cases. Documentation guidelines must be implemented to require accurate and clear information regarding a parent's claim to ensure that case records contain sufficient information for effective quality assurance and oversight mechanisms.

The District must address the issues related to the CRU, including any differences in roles and responsibilities between the CRU and SFSS customer service representatives as well as inconsistencies in the varied inclusion and reference of the CRU as part of the SFSS call center. Full integration of the CRU must occur if the new complaint management system is to be the mechanism to ensure substantial compliance. Furthermore, given the high volume of calls and limited District resources, the CRU must be utilized for fielding call center calls.

SFSS leadership appears to have a good understanding of the complaint management system's processes and direction to ensure systemic substantial compliance. Although the system and performance are developing in several areas, the structure and mission of the complaint system are vastly improved from the 2013 study. Similarly, CRU staff performance improved.

Below, the OIM's eight recommendations from the 2013 study are reviewed and include summarized assessments of their implementation, with required next steps for continued improvement.

1. Establish and implement a uniform intake protocol in the database that collects pertinent information regarding a parent's inquiry, concern, or complaint.
  - The procedures, protocols, and fields required in the Welligent call center module satisfactorily address this recommendation.
  - Despite these improvements, management's guidance for limiting intake information and practice of editing and condensing CRU cases contradicts the intent of this recommendation and negatively impacts the quality of collected data. Many case notes

contained limited information, with some lacking sufficient details to identify the claim or actions taken to resolve.

- Poor documentation practices and guidance for limiting information collected on claims also impacts management's ability to provide adequate oversight and quality assurance.

Required next steps:

- Establish protocols as part of the uniform intake for collecting base information. These protocols should include a set of probing questions for instances in which the nature of the inquiry, concern, or complaint is unclear.
  - Establish oversight mechanisms to ensure cases contain sufficient information, including clear descriptions of the claim regardless of the perceived severity of the inquiry, concern, or complaint. The process must be consistent.
2. Establish protocols for identifying the complaint in relation to an alleged violation of special education law, education code, or District policy.
- The policies, procedures, and protocols contained consistent language for identifying complaints appropriately.
  - The establishment of the two-tiered system for categorizing calls led to the underidentification of complaint calls. Despite improved guidance in the documents reviewed, staff miscategorized complaints based on their misunderstanding and misapplication of procedures for resolving and closing cases.

Required next steps:

- Eliminate the two-tiered system for identifying call types. Staff cannot recategorize the parent's claim of a perceived violation during the resolution step.
  - Establish procedures that guide staff to accurately identify a claim. This should include training on how to identify "perceived allegations of a violation" during the intake. Training should focus on identifying the use of language that implies a perceived violation and objectively probes parents to differentiate complaints.
  - Complete the DTRR document and incorporate the tool within the Welligent call center module.
3. Establish a system that categorizes and prioritizes calls in a meaningful way for all parties who receive, investigate, and respond to complaints.
- The categorization of call topics (category and subcategories) is limited by the organization of options in the Welligent call center module. The high occurrence of cases coded "other" and cases with missing categories indicates a need for more training and oversight. The accurate identification of call topic categories is critical for appropriately using data to identify and resolve systemic noncompliance. The lack of process for applying call priorities renders this data meaningless.

Required next steps:

- Review the organization of the categories and subcategories that characterize the nature of calls. Categories and subcategories must be flexible while ensuring

congruence. The system must also include the capacity to code more than one primary category for instances in which parents have multiple complaints. The use of “other” must be limited to cases with issues that are exceptions rather than the norm.

- Develop and provide protocols and training on category and subcategory selection. Update the module to require data entry of the primary category and subcategory fields to eliminate missing values.
  - Improve the subcategories associated with transportation calls.
  - Consider adding categories for relevant issues or call types, such as calls related to independent charter schools and facilities/accessibility. Remove categories that are seldom used.
4. Revise the lawful response letters to include the reason for the call or complaint.
- Improvements were noted with the accuracy and inclusion of the complaint in the lawful response letters reviewed.
5. Establish procedures for determining a lawful response as well as an oversight mechanism to ensure that the letters accurately reflect the action or remedy, cases are closed consistently, all related persons (including schools) receive a copy of the letter, and schools and/or staff are held accountable for implementing the action and/or remedy.
- Improvements were noted in quality as well as the inclusion of correspondence that occurred between the claim and resolution of the lawful response letters reviewed by the OIM. While this is indicative of improvements in the oversight mechanism, the District did not provide letters for all calls it reportedly closed as complaints. Furthermore, the lack of awareness and use of the three lawful response types (referrals, suggested action, and complaint unfounded) indicate a fundamental misunderstanding of the MCD’s intent of a complaint management system.
  - The closing of cases varied: some lawful response letters reflected the remedy’s implementation, whereas others contained no information on when a remedy would be provided. Furthermore, staff reported no set guidelines for closing cases and following up with schools to ensure the remedy’s implementation.

Required next steps:

- Provide management and certificated staff training on the four lawful response types.
- Establish procedures and guidelines for resolving cases by providing a parent an appropriate referral, a suggested action, or determination that their complaint was unfounded.
- Establish clear procedures for consistently closing cases. This must include a date when the remedy will be implemented, a statement of the elimination or cure of the harmful past effects of the violations (e.g., compensatory services), and verification that the remedy was carried out.

- Establish procedures for consistently closing cases when a parent does not respond to District communication. This must include a certain number of attempts over a reasonable number of days prior to closing a case.

6. Provide pertinent training to all parties involved.

- Training materials and lists of sessions were not provided to the OIM for review; therefore, insights cannot be made regarding their adequacy. However, several interview participants provided binders with training materials, and while the content was not reviewed for adequacy, it corroborated with staff's reports of numerous training sessions. Although the frequency of training had decreased, staff acknowledged the importance of ongoing training.

Required next steps:

- Continue to provide professional development to ensure consistent practices for processing and resolving complaints.
- Provide training regarding processing of calls related to independent charter schools and non-special education issues.
- Establish training from data trends regarding current, specific relevant issues. Staff should be informed of current issues impacting compliance (e.g., PALs changing areas).

7. Review the business rules of the reports generated by the data system to ensure accurate reporting of cases as well as the applicable office that provided the lawful response.

- The miscategorization of calls, particularly complaints, invalidates the accuracy of data system reports. This includes variables associated with call topic categories, subcategories, and timelines. The underestimation and subsequent underreporting of complaint calls invalidates data and reports used for Outcome 11.

Required next steps:

- Rectify the inaccurate identification of call types and topic categories.
- Establish oversight mechanisms to periodically review samples of calls to ensure accurate reporting of call types and topics.
- Revise the business rules for reporting timelines pursuant to the MCD, from business days to school days.

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 facilitate responding to and assisting these parents.

- The hotlines do not contain a series of voicemail boxes with distinct extensions to facilitate responding to and assisting parents. The system provides an option for language other than English, which requests a parent (in English) to leave a message stating the language they speak, their name, and contact phone number.

Required next steps:

- Establish a series of distinct voicemail boxes for parents who communicate in a language other than English and Spanish (the six other primary languages of the District).

*Additional Required Next Steps*

CRU:

- Reconcile differences in roles and responsibilities between the CRU and SFSS customer service representatives. This includes utilizing the CRU for fielding call center calls.
- Full integration of the CRU must occur if the new complaint management system is to be the mechanism in place to ensure substantial compliance. This includes remedying inconsistencies in the varied inclusion and reference of the CRU as part of the SFSS call center.

Other:

- Complete and implement the procedures and activities stated in the District's *SFSS Policies and Procedures* manual and other documents, such as the parent satisfaction surveys, and alert systems such as dashboards.
- Improve the implementation of the oversight mechanisms outlined in SFSS policies, procedures, and protocols and establish accountability outcomes for ensuring accurate selection and recording of data variables such as call type, topic categorization, and lawful response types.
- Ensure calls related to independent charter schools, as well as those unrelated to special education issues, are processed and closed consistent with the policies, procedures, and protocols that govern the complaint management system.

## **APPENDICES**

- Appendix A School and Family Support Services/Call Center – Districtwide Complaint Response System: Procedures and Protocols (July 2015)
- Appendix B Reference Guide 6620.0 – Special Education School and Family Support Services (November 30, 2015)
- Appendix C Sample Notification Letter
- Appendix D Call Center Protocol (Agreement) Draft
- Appendix E School and Family Support Services – Department Framework
- Appendix F Department Tiers of Responses and Resources (DTRR)
- Appendix G Districtwide Complaint Response System (Option B)
- Appendix H School and Family Support Services/CRU - Brochures
- Appendix I Categories and Subcategories of Calls
- Appendix J OIM Interview Guide
- Appendix K Call Topic Subcategory Information by SFSS call center, CRU, and OIM