

REDACTED

From: **REDACTED**
Sent: Friday, May 12, 2023 2:24 PM
To: 'DOE - ODRAS, rr'; 'Hollins, Samantha'; 'Patricia Haymes'
Cc: 'Reid, Michelle C'; 'Tracy M Ritenour'; 'Boyd, Michelle'; 'Richey, Kimberly'; 'Austin, Ayorkor'; 'Schneer, Matthew'
Subject: 5.12.23: New systemic complaint
Attachments: New Recording 38.m4a; Staff Survey Data_Final 3-20-2023 (2).pdf; Public Separate Day Schools Survey Staff Comments 3-20-2023 (3).xlsx; Recruiting and Retaining Ready and Qualified Staff for FCPS's Public Day Schools (1).pdf

This is a systemic complaint filed against Fairfax County Public Schools, for systemic failures to provide FAPE, to include but not limited to failure to address the unique academic, behavioral and functional needs of its students; failures to appropriately place students; and failures to provide services to students who elect to enroll in Honors classes.

1. 11.30.22: Office for Civil Rights (OCR) found FCPS in noncompliance between 2020-2022, in relation to COVID.
2. In 2020: I co-wrote and filed a systemic complaint against FCPS, which alleged some of the very issues OCR went on to investigate and eventually found FCPS in noncompliant.
3. VDOE wither refused to investigate or let FCPS off the hook on the allegations in the 2020 systemic complaint.
4. For decades prior to the 2020-22 COVID timeframe investigated by FCPS, and in the period that has followed, parents have made FCPS and VDOE aware of widespread noncompliance. FCPS's response has been to lie and/or withhold information/evidence and to vilify parents who continue to push back against the noncompliance, in efforts to access their children's rights and their rights as parents.
5. Pre-school students throughout FCPS are being categorically denied occupational therapy, physical therapy, and speech/language therapy, and related services and services of being provided a communication device and training on how to use it.
6. Over the past year, numerous parents of FCPS preschool students have testified at ACSD meetings that FCPS's heads of special education (Michelle Boyd) and due process and eligibility (Dawn Schaeffer) have attended about FCPS refusing these services to their children. These FCPS "leaders" haven't addressed these parents' concerns or denial of FAPE to these children and don't even bother to show up to the ACSD meetings in person any more, instead logging in virtually, even though some of their offices are in the same buildings the ACSD meetings are held.
7. Parents attending ACSD meetings have made the committee, and FCPS leadership in attendance (Schaeffer, Boyd, etc), aware that FCPS is refusing to provide the related service of transportation, too.
8. April 12, 2021, OCR opened an investigation into FCPS's denial of the related service of transportation to students.
9. April 13, 2021, FCPS admitted fault for failure to provide transportation in an internal email sent to staff, on which it cc'd a parent who later provided the email to me. I then provided it to OCR. To date, OCR has not finished its investigation, but it isn't looking at the more-recent transportation refusals, so this isn't a crossover with that investigation. It is additional proof of this being a systemic issue within FCPS.

10. 2017-2023: FCPS PSL's and PSL managers advised parents repeatedly that they aren't required to provide services in Honors classes or foreign language classes, that FCPS is only responsible for English-language classes and for general education. VDOE has repeatedly been made aware of this issue.
11. 2021-22 school year: South County Middle School (SCMS) counselor advised REDACTED that, because REDACTED was being evaluated for an IEP, REDACTED could not enroll in honors classes, and had to enroll in team-taught classes. At the time, SCMS hadn't even done the evaluation or held the eligibility meeting.
12. SCMS later refused to allow the counselor to answer me when, during a meeting, I asked him why he told REDACTED had to be in team-taught classes. His administrators stated it was a paperwork slip-up and wasn't a practice.
13. I requested SCMS provided me the paperwork slip-up. SCMS refused. When I asked the counselor if he had been trained to send students with IEPs and/or 504s into team-taught classes, he looked blankly at the video screen (it was a virtual meeting) and refused to respond.
14. May 10, 2023: West Springfield High School (WSHS) Assistant Principal and Special Education Supervisor Amy Brown admitted FCPS isn't staffed for providing accommodations to students in Honors classes, that WSHS has only five 9th graders enrolled in honors for next year, and that WSHS is transitioning into supporting honors and obtaining staffing. However, this doesn't change the fact past students were denied services, and "transitioning" indicates WSHS and FCPS are not fully providing services.
15. WSHS Assistant Principal and Special Education Supervisor Amy Brown specifically stated the following after a parent asked, "Do you provide accommodations in Honors classes?":

"That is a good question. That is becoming more and more popular. So the answer to that is yes—right?—because if your student requires to access honors level curriculum, then we have to provide that service. So I think this year we are transitioning, and so far we have about five students that are taking honors level to start, um, and so, yep, so we're going to provide those services and have teachers push in for that. We're not staffed for that typically, um, with that being said, so what I do is I [inaudible] and so I send that to our human resources department, and I work with Mr. Mukai [principal], and that's how we get, we work together to get additional staffing that will can continue to support that.
16. 2022-23 school year: The FCPS ACSD School Board Charge Subcommittee researched and wrote a report on the recruiting and retaining ready qualified staff for FCPS's five public say schools.
17. The Subcommittee's research included literature reviews, hosting the administrators from all five public day schools for discussions at ACSD meetings, and a survey submitted to staff at the five day schools.
18. February 2023: The ACSD's "surveys were approved by FCPS's Office of Research and Strategic Improvement (ORSI) and sponsored by Dr. Michelle Boyd [head of FCPS special education]. They were optional and anonymous. The response was excellent with 118 responses (up to a 90% response rate per school)."
19. April 2023: the ACSD subcommittee presented the data collected to the ACSD committee.
20. The data collected was so horrendous that the subcommittee made a motion unanimously approved by the ACSD to report on emergency action it deemed necessary at Burke

School in particular, with hope that the Department of Special Services (DSS) would immediately act and that FCSB would weight in with its concerns.

21. The data that indicated an emergency situation at Burke School, and concerning situations at Key and Kilmer Centers in particular, included widespread reports from staff stating they can't meet the educational and functional needs of students, that they don't have the resources they need, that central office staff don't support or even spend enough time at the schools to understand the problems/needs, and that they have an overwhelming concern related to their abilities to keep their students staff as well as ensure the safety of themselves.
22. During the April 2023 ACSD meeting, a subcommittee member stated that Michelle Boyd told her not to release the data to anyone.
23. I submitted a FOIA request to obtain the document. Michelle Boyd refused to give it to me. The FCPS FOIA office state that it had to redact private student information from the document before it could provide the document to me and that I would be charged.
24. I approved the fee and received a heavily redacted version from FCPS and a fully unredacted version from a separate source.
25. The unredacted version proves that FCPS didn't redact student PII, and that the exceptions it claimed for the redactions weren't valid, and thus became another example of FCPS a) lying and b) withholding information.
26. Some of the comments from administrators and staff from the five schools follow below. The rest is included as an attachment with this complaint. The numbers and letters above each comment refer to the column and row in which the comment appears on the spreadsheet. They do not reflect the question #.

a. Burke School

1AB : Burke is hugely understaffed. Our staff numbers were cut this school year for unknown reasons. We have more severe challenges with the aftermath of COVID. More students are coming directly to Burke from base school than ever before. Our Elementary program, with the most extreme behaviors has quadrupled in size from 4 years ago, yet we were not given any additional staffing. Our lack of staff creates dangerous situations everyday. Every staff member, including the custodian, the health aide, the SBTS, the librarian, the office staff, and itinerant teachers help with behaviors every day to support the teachers, CRTs, SSO, and Admin who are overwhelmed. Academic Needs cannot be met at all when the students and staff feel unsafe. Our school is in crisis, it's amazing that the teachers are able to teach at all given the countless disruptions in class, evacuation of classrooms, and constant elopements from class. We do not have a Reading Teacher, Intervention supports, AART, and other curriculum supports staffed at other schools. Yet we are still expected to teach the same content as base schools. We get limited to no support from the special ed office about curriculum materials and resources, just offers to "coach" our staff. We cannot coach staff who are overwhelmed.

2G: We are a dumping ground, and serving as a Mental Hospital

2J: Burke Public Day is a dumping ground for kids, whether their cognitive/social & emotional/behavioral needs fit our programming or not. We have a rather large list of kids who were placed here erroneously. It can take months or even a year+ to get them to their proper placement. Some kids who are incorrectly placed here are at Burke for years.

2Q: Central Office has no idea what happens here on a daily basis. Michelle Boyd has not been here in two years nor does she speak to my principal on a regular basis.

2W: Burke is a 100% Special Education school with the most significant behavioral, social, emotional and academic needs in the County. We have untrained staff substituting on a daily basis, zero specialists (i.e. reading, math, etc.) or special interventions being implemented. Although we have BITs, they are responding to crisis calls when they are there ones who should be implementing interventions, however this is impossible to achieve when the school is in Crisis and not being attended too. Each student has differentiated needs and we do NOT have the support to meet the needs of each student.

3I: Again, [ability to meet student academic needs] is not being met because the county neglects the needs of this school- which should be attended too since it is such high needs. We have minimum funding and not enough supplies to differentiate student academic needs.

3N: We do not have adequate support in this school to meet the needs of the population of students. We have a very narrow substitute list, therefore teachers are not able to take necessary time off. And when they do take time off, other staff members are missing planning and lunch periods to ensure appropriate coverage. Our admin staff is short and overworked also. They are doing the best they can but again, are not supported by central office. The population of students are dysregulated and can be dangerous at times. Any one who works here should understand that their physical and mental health are likely to be compromised. Any staff who chooses to give of themselves in this school deserves hazard pay AND additional PTO days under the title of MENTAL HEALTH days in order to re-group and reset without their personal sick and personal time being used. The staff who works here generally care for the welfare of the students, but we need support in order to do our jobs.

3Q: When we ask for help from the special education office for help with sped program licenses we get push back. They want to meet with us, data dig, ask us why we do not do every pre-test and post test and every other test before they give us access to any materials. It can sometimes take weeks to months to just get access to something. I should be treated as a trained professional. If I was trained in the program and I've used it before, I know how to assess and place my students. Please just trust me and give me access. Why does it take so much to just get access to the programs I need to teach. We struggle daily with student behaviors, we shouldn't have to fight for resources that our students are entitled to.

5H: This question [How satisfied are you with the available support from central office in helping to meet the academic needs of your students?] is triggering and laughable at the same time. Central office has not been available at all. I have seen or been supported by 0 people from central office this school year. I have a documentation log that I use to track support from central office and it is blank for the 2022-2023 school year. I have no faith that help is coming in any form.

5L: Due to understaffing, I have a large unmanageable SEL class that I teach by myself (no IA). Even on the rare occasions when support comes, we rarely get through the lesson. The students in my SEL demonstrate severe behavioral issues that interrupt instruction. I am usually running around campus locating children who have eloped. We have successfully gotten through ONE lesson this quarter as of 2/23/23, the one day I had support.

8H: Students are not placed properly here we do not have the means to run a mental hospital

8F: Unfortunately we are not meeting their needs. We have one clinician who isn't in building regular hours so that leaves us short handed. We need another counselor. We also need an administrator (AP) who is in the building. Due to their absence most of the year it leaves us at such a disadvantage. Burke cannot operate with one AP who is primarily in charge of elementary and middle school.

8G: Nearly all the younger students in elementary require one on one support, pulling all the CRTs , clinicians, and RBTs, that the middle school and it's staff are left adrift with zero support. I have not personally had a CRT come to my room to support since before winter break.

9H: BIPS are not here when they are supposed to be

9L: BITs are not available to the time we need them. They are not consistent enough. Also we have different BITs rotate which makes it hard with so many opinions and ideas.

9K: The only resources we currently need at Burke is more staff and more in-person support from central office. I am not aware of any supports we are currently receiving from central office. If we were properly staffed, I would have no doubts in my ability to meet the behavioral needs of my students.

9T: Our enrollment is constantly growing. Our classrooms should serve no more than five students each. This will support student safety. However, our current staffing has classroom sizes reaching 9 students. Also, same response as number 15: Despite our staff having impressive training in different techniques that support safety, we have trouble implementing these with fidelity because of our insufficient staffing. As stated earlier, we do all we can to provide the minimum supervision that will ensure student safety. Working at Burke is both physically and emotionally tiring. Our staffing should allow for staff to switch out and take breaks. We should have enough staff to ensure that all rooms have two staff present at all times. 30 minutes of lunch is not enough time to recharge. Situations with out students, in relation to their needs, can be exhausting and staff need breaks throughout the day.

10I: Not enough staff to follow through with student individual plans. Not enough time for teachers to take, aggregate, and analyze meaningful behavior data.

11C: I loved my job. This year has really removed that joy in making a difference in a student's lives. Everyone here is hanging on by a thread and supported by one another at the school but it feels like an island. The lack of support from the central office (and I don't mean observers, I mean people who help with the students for more than a few minutes) is so disappointing and lacking in concern.

11I: Don't know of any resources from central office

13P: It makes sense that if TJ teachers get paid more and our bus drivers make more money than their peers then we should get paid better. Central office staff make 100k or more and they take hour-long lunches. Some FCPS staff are still working from home 1-2 days or even full time and we are in a dangerous situation everyday, yet our pay is much less. It just doesn't seem fair.

14D: The lack of staffing is setting us up for failure, we have had numerous staff who have been physically hurt. I fear a large amounts of staff will leave after this year because of the lack of safety concerns from central office.

18B: Staff are wonderful but due to major issues we deal with morale is low. Changes need to be made including having central office being more proactive. We feel like Burke School does not matter and we should because we work so hard.

b. Cedar Lane

3C: Our academic and elective class sizes are good this year, but we really need a vocational wing in which students who just want skills can take classes that are relevant to their future, not just mostly academic classes all day. Most of our students can't handle Academy classes b/c they are too large, meet outside the building, and usually have a lot of bookwork. They need their own self-contained vocational skills classes. We have WAT and Education for Employment, which teach very useful general work skills and soft skills, but those only account for 1-2 periods. Many of our students, especially ones pursuing the Applied Studies diploma, need some specific skills and training, such as tech ed ("shop"-type classes), woodworking/carpentry, small engine repair, computer repair, computer networking, etc. They could have reading, writing, math, and financial skills classes for 1/2 day (or less) and hands-on training for the other 1/2 day (or more). I have been here for 16 years and I can tell you that this is a serious need. The same would probably be true for Quander Rd. School.

3E: I realize no administrator is ever satisfied with their staffing. However, I do feel that there are some inequities in our situation. We have to offer all the courses required for a Standard diploma, yet we have to trade for a HPE teacher. Additionally, there needs to be consideration for a baseline level of staffing. Even if our numbers dip, we need to offer the courses needed for the Standard diploma, and not have teachers teaching 3 & 4 preps or across content areas in which they have not taken the Praxis. Lastly, we need more Instructional Assistants. The diverse academic needs of our students coupled with the behavioral/emotional needs makes it very challenging to teach a class without support.

4E: Our staff finds away to cover our students and our needs BUT it usually comes out of our pocket not FCPS.

9D: Many of our students have needs that exceed what we can provide at schools. Additionally, many of our families struggle to get them the supports they require in the community as well.

11C: This [How satisfied are you in your ability to meet the behavioral needs of your students at your school?] vacillates by the day and the student. Student behaviors change quickly in this setting. I can handle it, but some behavioral needs are beyond what a special education teacher can change. I have the ability to recognize that, remain positive and support students where they are - but am I always meeting their every need? Probably not. I'm not sure anyone can.

13G: With our diverse students having drugs, mental disabilities, spectrum needs, court ordered, anxiety, and more, we do our best. Security does what they can with their arms tied behind their back. We have been properly trained, but can't use any of our training do to rules that always change. NO metal detectors - drug are rampant- things here change quickly and constantly.

c. Key Center

4R: We have made a lot of things work for us, yet the Central Office or district supports could be more expansive. Most specifically, we need the two PHTA level staff in each classroom to support instructional levels. When disturbances occur daily and over multiple times, then additional access to skilled staff is needed. Additionally, more staff in the building, like CRTs-crisis resource teachers and sub or overstaffed teacher positions would help us maintain momentum of the lessons while also addressing the behavior needs of all students.

5F: Never seen central office and couldn't tell you what they've done to help me meet the academic needs of my students.

5J: rarely see anyone from central office visit Key. do not feel supported

5K: The level of severity can't be addressed by putting out fires, but requires more consistency from central office. Not a list of recommendations based on 1 observation, and then checked off a to-do list.

5M: Given my above discussion, I believe that Central Office needs to investigate our staffing needs and provide additional staffing support to help us meet student need. We can have all of the materials and curricula, but without adequate staffing, our students will not be able to fully benefit from instruction. On our Transition side, staff is necessary to support student behavior plans in order for students to maximize benefit from instruction. On our Center side, staff needs to meet student daily needs (bathroom access/feeding/tech supports/prompting etc.). I believe that Central Office follows formulas for staffing and plugs in numbers. However, they need to actually visit and see the level of student need and make staffing decisions accordingly.

5N: Our ABA coach from central office has observed crisis behaviors with students, but little feedback is given on new strategies to try in the moment or in the future. Adapted Curriculum continues to create materials for VESOL, but the lessons can be difficult to follow and/or does not include ready made materials.

5O: the central office of Fairfax County public schools isn't helpful at all to the students or staff at our school. they have done nothing to help us with getting extra staff and giving us a raise. I don't think that they see or care about what happens at our school. The principle and assistant principle of key center are awesome and always are advocating for us and our students. they see what goes on and what we all are going through with our students. It is not easy but rewarding. The central office of fcps doesn't see or understand how hard we work and care for these students.

5P: I don't get involved with anything involving central office.

7F: I make it a point to discuss event of the day with my staff on a daily basis. Related service providers are harder to communicate with because they have so many different schools. That is done via email usually. I've had no communication with central office support staff. I feel communication with our school office staff needs to be improved. As a case manager, information is not easily/readily shared with teachers. Things would be so much easier if we got an email with information if a student is out and why, if they will be late, etc.

8D: Teachers are doing their best to implement this [How satisfied are you with the social-emotional and wellness programming your school is providing to students?] type of programming. There is not enough support from central office regarding adapted materials in this area.

12N: the central office of cps does not provide us with many resources for our students because they have no idea what we need because they don't come in and see what we have and could use more of.

d. Kilmer School

2C: It often seems that referring schools have not called upon/utilized other departments (ABA, BIT) to the fullest extent prior to making a referral. We sometimes see that ABA has been consulted once or twice prior to making a referral. Consulting with ABA once or twice does not seem to be enough when thinking about taking a student to a more restrictive environment.

2F: There has been an increase in students coming in with more significant needs despite running low on staff and space. Many new students are needing 2-1 ratios of staff as they adjust to our settings.

3H: more staff is required to support smaller class sizes, and maintain safety for students and staff. sometimes students require individual classrooms, however, more than 1 staff needs to be with the student, thereby pulling 2 staff for 1 student for safety purposes. sometimes more. our building, as well as others in the county, require more staffing to correctly and appropriately provide instruction, and the necessary supports.

4C: IF you count in instructional materials and supplies as in what we buy ourselves then yes. Most of the time we have to go buy items that will allow our students to connect with the subject. I do understand we have a special group of students.

4D: Better distribution is needed. Also, many resources available from the central office still have to be further adapted to truly meet the needs of our students.

12E: central office seems to supply little support for our students behavioral needs. We have our own behavior resource teachers at the school, therefore the central office behavior supports don't come to our building, or support us. And they seem not to be able to support students with behaviors at other schools appropriately in order to complete the paperwork needed to document that students require the level of support provided here.

e. Quander Road

3C: In addition to the crisis resource position mentioned above, we are lacking a reading specialist. Upon examining the data for our population, it is clear that a significant number of students coming to us have large reading deficits. We end up putting literacy programs together as best we can and training teachers in different reading programs, however, those teachers may move onto other positions outside our building and we end up having to start all over again. Additionally, our population ranges in ability from students that have very high intellectual ability to students with significant learning disabilities to students that are so impacted by behavior due to autism, that it becomes difficult to offer a standard diploma option to those that need it while also meeting the remedial needs of the other students here.

3E: We do not have a reading teacher. Most of our kids are reading at an elementary and middle school level. We desperately need a reading teacher. It is really hard to teach students in all subject areas when they don't have decoding or comprehension skills.

4B: I am constantly looking at the warehouse site to find furniture to replace items that break. Teacher desks and chairs are sub-par. There is little in the budget to meet the demand for student and teacher furniture. Because this building is not going to be renovated for a long time, if ever, we will not have the opportunity for an overall furniture refresh. We are also not allotted money for new projectors and must scrounge to find better used ones from other schools. It may also be worth noting, that the mold issue in this building impacts staff significantly.

4C: Although we have trained teachers in reading programs to work with our students in literacy courses, we NEED the county to give us funding for a reading specialist position at our school.

8C: We had an opportunity missed as Central Office decided to pay the ESSER III public day coordinators a fraction of those at non public day sites. As a result, no one was willing to take the role for what amounts to \$11/hour. One teacher is spearheading an SEL project without pay.

8F: Besides clinical support, we don't have any programs to help students improve their emotional/behavioral issues. A restorative justice person would be great, support groups, anger management, mentorship, substance abuse--we are nothing more than a holding ground for these kids.

As a resolution, I seek a public apology, compensatory education, and compensatory education by FCPS to students and families impacted. In addition, I request FCPS immediately train ALL staff and implement compliant practices.

Please confirm receipt of the above and attached.

Thanks,

Callie Oettinger

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