

SCHOOL BOARD GOVERNANCE AND OPERATIONS

Office of the Ombudsman

The purpose of the Office of the Ombudsman is to provide parents, students and members of the school community with access to an independent, impartial individual who can facilitate informal resolution of concerns, conflicts, and problematic issues arising within Prince William County Public Schools (PWCS), and who is authorized to bring systemic and organizational concerns to the attention of the Prince William County School Board and Division Superintendent (or designee) for resolution.

The resolution process provided by the Office of the Ombudsman does not replace or supersede the formal and/or legal procedures provided by the School Board or by law for the filing, investigation, and resolution of complaints asserted against, by, or on behalf of individual students or employees under other School Board policies and regulations. Rather, the services of the Ombudsman supplement formal channels for the resolution of complaints. Use of the Ombudsman is voluntary and is not a required step in any grievance or complaint procedure. In the absence of, or as an alternative to informal resolution, the Ombudsman will refer complainants to such formal procedures where applicable, but the Ombudsman does not play any role in the School Division's formal complaint and resolution procedures.

The Office of the Ombudsman shall operate under the Core Values of Independence, Impartiality, Confidentiality, and Informality, as encompassed in the Standards of Practice set forth in this policy.

I. Scope of Authority and Independence

The Ombudsman shall report to the School Board and the Division Superintendent and shall be evaluated by the School Board with the input of the Division Superintendent. The Ombudsman shall function independently from control, limitation, influence, or interference by any individual School Board member or PWCS employee. The Ombudsman shall remain impartial/neutral and shall hold no other position within or without PWCS which might compromise his/her independence. The Ombudsman shall have access to all necessary information and individuals within the School Division, to the extent permitted by law and School Board policies and regulations.

The Ombudsman does not have authority to make binding decisions, mandate policies, regulations or procedures, formally adjudicate issues for PWCS, nor participate in management functions.

The School Board, in consultation with the Division Superintendent, shall determine the appropriate level of funding and resources to be provided to the Office of the Ombudsman. The Ombudsman shall have the authority to select and manage the staff of the Office of the

SCHOOL BOARD GOVERNANCE AND OPERATIONS

Office of the Ombudsman (continued)

Ombudsman (if any), subject to all PWCS policies, regulations, and procedures governing the hiring, evaluation, and discipline of PWCS employees.

II. Protection from Retaliation

The Ombudsman shall not be subject to retaliation by any person who may be the subject of a complaint and may only be removed from office upon the recommendation of the Superintendent by action of the School Board for unsatisfactory performance as documented by the PWCS evaluation process, neglect of duty, misconduct, violation of School Board policies and regulations, or other just cause

III. Standards of Practice

A. Receipt of Concerns and Confidentiality.

Use of the services of the Ombudsman is entirely voluntary. PWCS officers and employees may refer individuals or groups to the Office of the Ombudsman but may not require individuals to contact or resolve concerns with that office. The Ombudsman shall not communicate with any PWCS School Board member, officer or employee referring an individual or group to him/her, nor report the specifics of any resolution or concern arising out of a referral to such member, officer or individual, except as part of his/her quarterly or annual data reports to the School Board and then only without revealing the identity of any particular complainant or group of complainants.

The Ombudsman may receive complaints in person, by phone, or by letter or electronic communication, but in all cases, he or she shall take all reasonable steps to preserve the confidentiality of the complainant(s) to the extent permissible by law. However, in cases involving a risk of imminent harm to any person or property, or where such complaint requires prompt legal action/response on the part of PWCS, the Ombudsman shall report the matter to the appropriate authorities, and in the event of legal claims against PWCS, shall report the matter to the Office of Division Counsel and applicable PWCS compliance officer.

The Ombudsman shall not otherwise reveal the identity of any individual contacting the Office of the Ombudsman, nor reveal information provided in confidence that could lead to the identification of any individual contacting that office, without the express permission of the complainant, and then only to the extent necessary to resolve the issue. The Ombudsman shall not respond to nor communicate with the public or the media regarding any specific individual or group complaint nor other confidential activities of the Office of Ombudsman. The Ombudsman may, however, use the media and other means of public communication to promote the use of his/her services. As a condition of using the services of the Ombudsman, complainants shall agree to abide by these confidentiality principles.

SCHOOL BOARD GOVERNANCE AND OPERATIONS

Office of the Ombudsman (continued)

The Ombudsman shall exercise sole discretion over how best to respond to a concern, including but not limited to, informal advice, guidance and navigation of PWCS procedures and departments, informal mediation, referral to formal PWCS processes, and advice regarding external resources or assistance. However, the Ombudsman shall never provide legal advice.

B. Neutrality and Impartiality

The Ombudsman shall remain neutral, impartial, and unaligned. All members of the community served by the Ombudsman may voluntarily seek his/her services and shall be treated with dignity and respect. The Ombudsman shall consider the legitimate concerns and interests of all individuals and groups affected by the matter under consideration.

The Ombudsman shall not be associated with nor aligned with any formal or informal associations within, or connected to, Prince William County Public Schools, which might create the appearance of a conflict of interest or lack of neutrality, and shall not serve on any PWCS committee or task force nor participate in the Division's educational foundations. The Ombudsman shall have no interest or stake in, and incur no gain or loss from, the outcome of an issue.

C. Access to Legal Counsel

The Ombudsman shall have access to Division Counsel as needed. In instances where Division Counsel and the Ombudsman agree that outside legal counsel is required to provide advice or guidance to the Ombudsman in order to avoid compromising the impartiality and independence of the Ombudsman, Division Counsel is authorized to retain such outside legal services but shall report the same to the School Board and the Division Superintendent as soon as possible. In instances where Division Counsel does not agree that outside legal counsel is necessary to assist the Ombudsman, the Ombudsman shall request authority to retain outside legal counsel directly from the Superintendent or the School Board.

D. Notice to the School Board, PWCS, or the Administration

Communications made to the Ombudsman shall not constitute notice to the School Board, Prince William County Public Schools, its administration or employees, for any purpose, including claims asserted under local, state or federal law, such as FOIA, FERPA, Title IX, Title VI or Title VII, IDEA, Section 504 of the Rehabilitation Act, etc., or for any other legal or administrative purpose. However, the Ombudsman may refer individuals to the appropriate location or individual where notice can be made, and in the event that an individual does not immediately contact Child Protective Services of suspected child abuse or neglect, the Ombudsman shall do so as a mandated reporter. Where an individual is not able to reach an informal resolution of his/her concern through the Office of the Ombudsman and desires to

SCHOOL BOARD GOVERNANCE AND OPERATIONS

Office of the Ombudsman (continued)

pursue a concern through other legal or administrative avenues, they must present their allegations in a timely manner, under any such applicable statutes or procedures.

E. Complaints By and Against Individual Employees

The Office of the Ombudsman shall not accept complaints asserted by or against individual PWCS employees which fall within the procedures provided for the resolution of such matters in other School Board policies and regulations. However, depending on the circumstances and with the agreement of the School Board, the Ombudsman may assist with the resolution of individual concerns asserted by an employee or against employees of a systemic nature, subject to the Superintendent's authority to meet and resolve systemic personnel issues as provided in Policy 506, "Communications with Employees," and Regulation 506.01-1, "Benefits and Working Conditions of All Employees."

F. Internal Audit, Division Counsel, Risk Management, Special Education or Other Formal Investigations.

The Ombudsman shall not address concerns or complaints which have been referred to or are under investigation by Child Protective Services, the Prince William County Police Department, the PWCS Office of Equity and Compliance, Office of Internal Audit, Office of Division Counsel or outside legal counsel for PWCS, the Office of Risk Management and Security Services, or which have otherwise been referred by the School Board or PWCS for formal investigation. Nor shall the Ombudsman accept concerns or complaints which are the subject of any pending special education mediation, due process hearing or litigation, or any other pending mediation, legal or administrative proceeding outside of PWCS, including but not limited to, lawsuits pending in any court, and charges/complaints filed with the Office of Civil Rights of the United States Department of Education, the United States Department of Justice, the United States or Virginia Departments of Labor, the EEOC, the Prince William County Human Rights Commission, the Virginia Department of Education, or any other local, state or federal agency.

IV. Data Collection and Reporting

An important role of the Ombudsman is the identification of trends, issues, and systemic concerns involving PWCS policies, regulations, procedures, and organizational practices, or lack thereof. The Ombudsman shall compile data documenting the nature and number of concerns handled by his/her office, and shall use such data, without breaching confidentiality or anonymity, to make quarterly and annual reports and recommendations to the School Board and Division Superintendent to include the activities conducted by the Office of the Ombudsman; trends and problematic areas identified; and recommendations for systemic and organizational change, improvement or resolution within PWCS, its schools and departments.

SCHOOL BOARD GOVERNANCE AND OPERATIONS

Office of the Ombudsman (continued)

The Prince William County School Board and PWCS Ombudsman shall be responsible for the implementation of this policy.

This policy shall be reviewed at least every five years and revised as needed.

Legal References: Va. Code §§ 22.1- 253.13:7 (C) (1) (4) and (6).

Adopted: April 24, 2019

PRINCE WILLIAM COUNTY SCHOOL BOARD