



October 7, 2024

Summary of Contractor Concern Sent to SAO

As context, the OSPI Special Education division has utilized contract complaint investigators since at least 2014, for our special education community complaint investigations. The contract at issue, with Education Resolutions was executed on March 23, 2023 and subsequently renewed, with the period of performance ending on September 30, 2024. We are currently in the process of issuing a new request for qualifications (RFQ) for this contract.

Conflict Checks Generally

Regarding potential conflicts of interest, OSPI Special Education division considers conflicts of interest with every complaint assignment on a case-by-case basis. For example, in past, contract investigators have not been assigned investigations based on work as an OSPI school improvement coach with certain districts. Based on concerns raised, we have formalized our conflicts check process, adding language to our complaint investigation manual as follows:

If there is a potential conflict of interest that could affect OSPI's ability to conduct an independent investigation and for the investigator to make an unbiased decision, the assistant director of dispute resolution will consider on a case-by-case basis and decide whether to reassign a complaint. Investigators should connect with the assistant director if they have concerns regarding a specific complaint filed. Some factors we consider include:

- District in which the investigator's children (grandchildren, nieces, nephews) attend school.
- District in which the investigator was recently employed.
- Complainant is known to the investigator as relative, friend, neighbor, former client, or acquaintance.
- Other instances wherein the investigator believes there may be a conflict.

In addition, the OSPI Special Education division enhanced the language in our the RFQ and contracts regarding conflicts of interest. Contracts have historically included the following:

- "Refrain from providing legal advice to either party regarding the IDEA, OSPI WAC 392-172A, or any other applicable law."
- "Maintain a neutral relationship with the parties."

In consultation with OSPI's Chief Legal Officer we developed additional language to add to the contracts. The Chief Legal Officer advised that we should have language that the contractor should notify OSPI of any potential conflicts as soon as they are discovered on any investigation assigned to them. The Chief Legal Officer advised that conflict checks need to be completed on a case-by-case basis.

Ultimately, the language we developed for the contract is as follows:

Notify OSPI of any potential conflicts of interest regarding a particular district or investigation as soon as possible. Conflicts of interest may include, but are not limited to, employment or contract with the school district that is the subject of the investigation; existing or previous relationships with individuals who are involved in the investigation.

Education Resolutions & Conflict Checks

As noted above the contract at issue, with Education Resolutions was executed on March 23, 2023. Education Resolutions is owned by Claudette Rushing and Ms. Rushing has a number of subcontractors that we work with.

The last special education complaint personally investigated by Ms. Rushing was filed on July 7, 2023, and the decision was due August 31, 2023, which Ms. Rushing completing her work on the investigation on August 24, 2023. On September 1, 2023, Ms. Rushing began a position as Marysville School District's general legal counsel.

Subsequent to this Ms. Rushing was assigned a complaint to investigate on September 15, 2023, but then upon discussion with Ms. Rushing and reflection OSPI decided that while the complaint was against the Seattle School District, there could be the appearance of a conflict given her position in Marysville and the complaint was reassigned to one of Ms. Rushing's subcontractors. After this, no complaints were personally assigned to Ms. Rushing, all complaints were handled by Education Resolution's subcontractors. Ms. Rushing is involved in communications relating to her business and complaint assignments: communications around complaint assignments, timelines, ensuring that subcontractors are meeting timelines and expectations, and the issuance of invoices.

In addition, while we did receive special education community complaint allegations and opened investigations into Marysville School District during this time period, none of those complaints were assigned to Education Resolution given that would be a clear conflict of interest.

OSPI currently understands that Ms. Rushing is on administrative leave from Marysville School District, pending termination of her contract.