

U.S. Department of Education

OMBUDSMAN UPDATE

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From the Desk of the Office of Non-Public Education Director

Dear Colleague:

“The first year you gave us an hour. This year you gave us three hours. Next year we need a day.” I was pleased to hear these sentiments expressed by a state ombudsman as he left the Ombudsman Update LIVE technical assistance workshop on Sept. 21 at the U.S. Department of Education (Department). Your participation in the workshop, as well as the National Private School Leadership Conference, is critical to the Office of Non-Public Education’s (ONPE) efforts to facilitate collaboration between public and private school officials that implement equitable services under the *Elementary and Secondary Education Act of 1965 (ESEA)*. I want to give a shout out to Barb Scherr, Maryland State Department of Education ombudsman, for her frank, informative, and thoughtful overview of a year in the life of the ombudsman at the National Private School Leadership conference. “Our work is about relationships,” she stated, and I couldn’t agree more.

ONPE was pleased to spotlight practices to facilitate agreement between local educational agencies (LEAs) and private school officials at the Ombudsman Update LIVE. Such practices included a [county-wide consultation model](#) showcased by ombudsman Terry Nugent of the Michigan Department of Education, as well as strategic communication and outreach strategies and an overview of the Texas Education Agency’s [procedure for the state offering equitable services](#) showcased by Ombudsman Corey Green and Director of Private School Services LaNetra Guess. Especially engaging were the breakout discussions, in which ombudsmen exchanged knowledge and experience, on topics including monitoring protocols, how to support LEAs and private schools when there is disagreement, complaint resolution, and state provision of services. Concluding the workshop, ONPE highlighted the Department’s targeted technical assistance efforts through the State Support Network (Network). Please see [below](#) for more information.

ONPE appreciates the role you play in monitoring and enforcing *ESEA* equitable services and building relationships between public and private school officials while maintaining a neutral stance. Please know that we depend on and value your input to inform technical assistance opportunities. We are developing a mechanism for you to provide feedback to help shape the next Ombudsman Update LIVE event and look forward to your ideas on how the Department can further support your efforts.

Sincerely,

Maureen Dowling

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ESEA state ombudsmen discussing hot topics during the “Leaning In” session at the Ombudsman Update LIVE technical assistance workshop

Technical Assistance and Peer-to-Peer Support

By Isadora Binder

Technical Assistance: *ESEA* State Ombudsman Community of Practice

The Office of Non-Public Education (ONPE) is pleased to announce that the U.S. Department of Education (Department) has expanded its technical assistance in partnership with the Office of State Support (OSS) through a new community of practice supported by the [State Support Network](#) (Network). The Network is a technical assistance initiative of OSS designed to support state and district school improvement efforts. The *ESEA* State Ombudsman Community of Practice (Ombudsman CoP) now refers to the Department’s technical assistance initiative, designed and managed by the Network, to enhance ombudsmen’s knowledge of relevant statutes, regulations, guidance and promising practices related to equitable services and the role of state ombudsmen (see flow chart below). In the coming weeks, the Network will facilitate phased learning cycles on specific topics that include virtual meetings, access to subject matter experts, and a moderated online engagement space. The Ombudsman CoP will comprise approximately eight to 15 state ombudsmen who commit to participate in the learning cycles. The Network will moderate the content of the Ombudsman CoP, and resources will be shared with all ombudsmen in the Ombudsman Hub (see below). To access the Ombudsman CoP and Ombudsman Hub, ombudsmen must log in to the Network website. Please note that only participants of the Ombudsman CoP will have access to that area of the site.

Peer-to-Peer Support: *ESEA* State Ombudsman Hub (Ombudsman Hub)

The Ombudsman Hub is a group,¹ open to all state ombudsmen, that gives its members access to the current online platform within the Network website. Autonomous ombudsmen-led groups, including the Collaborative of State Ombudsmen and the Midwestern Ombudsman Group, as well as individual ombudsmen, may continue to utilize the Ombudsman Hub to facilitate ongoing ombudsmen-led *ESEA* equitable services technical assistance, discuss issues, and share and archive resources. The Network will provide technical support to Ombudsman Hub members on how to maximize the online platform to support the developing ombudsman learning community. The Ombudsman Hub will be led by ombudsmen, and the Department will not review or approve technical assistance, discussions, or resources posted on the Ombudsman Hub platform.

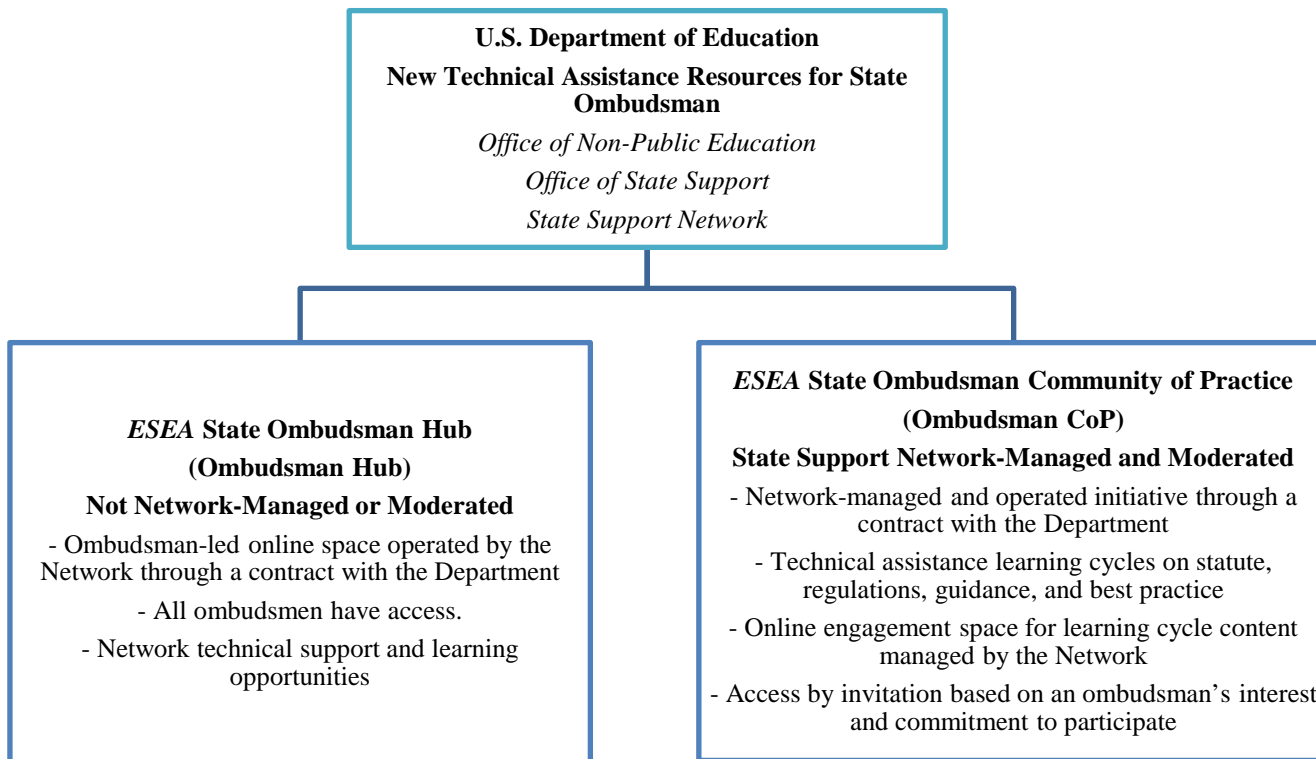
Needs Assessment and Technical Assistance Plan

The Ombudsman Update LIVE event marked the ceremonial launch of the Ombudsman Hub and Ombudsman CoP. Following a series of needs-sensing activities, the Network will design, implement, and manage a technical assistance

¹ This group was previously titled the *ESEA* State Ombudsman Community of Practice (Ombudsman CoP).

plan for the 2018–19 fiscal year that the Department will disseminate to ombudsmen. The Department and Network greatly appreciate the feedback that ombudsmen shared at the Ombudsman Update LIVE and in the lead-up to this event. On behalf of ONPE, OSS, and the Network, we would like to extend a heartfelt thank you and encourage your ongoing engagement as we rely on your experience and insights to help us support you.

Technical Assistance and Peer-2-Peer Support Flow Chart



Isadora Binder and Jenay Morrisey, ONPE
Irene Harwarth, Kim Light, and Danielle Smith, OSS
Marshal Conley, State Support Network

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From the Field

Updates From the Collaborative of State Ombudsmen

The Collaborative of State Ombudsmen (Collaborative) is a state-led initiative spearheaded by a steering committee of state ombudsmen for all *ESEA* state ombudsmen.

Webinars

The next webinar will be Nov. 2, 2018.

Steering Committee

The following individuals serve on the Collaborative steering committee:

[Cory Green](#), Texas Education Agency

[Christopher \(Chris\) Kelly](#), Virginia Department of Education

[Bryan Lieb](#), Mississippi Department of Education

[Shaun Owen](#), Georgia Department of Education

Contact for Information

For information on participating in and recommending topics for upcoming webinars, please e-mail [Shaun Owen](#).

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Answers From ED

Question: May the provision of *Title I*, Part A (*Title I*) equitable services consist of only professional development?

Answer: Consistent with section [1117\(a\)\(1\)\(A\)](#) of the *Elementary and Secondary Education Act of 1965*, as amended by the *Every Student Succeeds Act (ESEA)*, a local educational agency (LEA) generally must provide direct instruction to eligible students. In some situations, however, the amount generated for equitable services under *ESEA* section 1117(a)(4) may not be sufficient for an LEA to provide such services. Accordingly, an LEA may provide *Title I* services other than direct instruction, such as professional development, if following consultation with private school officials it determines that doing so would best meet the needs of eligible private school children. Such professional development must be focused on improving the academic achievement of eligible children; it may not be professional development focused on meeting the needs of the private school or the general needs of the students enrolled in the private school. For example, professional development focused on classroom management would likely not be an allowable use of *Title I* funds.

Please note that, if the LEA's *Title I* allocation exceeds \$500,000, the *ESEA* requires the LEA to use at least 1 percent of its *Title I* allocation for parent and family engagement. With respect to equitable services, this means that at least 1 percent of the amount generated for equitable services must be used for parent and family engagement after consultation with private school officials.

Question: Do the percentage distribution requirements for *Title IV*, Part A (*Title IV*) subgrants apply to an LEA's total allocation (the portion to be spent on public schools plus the portion to be spent on equitable services for private school students), or just to the portion of an LEA's allocation that will be spent on public schools?

Answer: *Title IV* is a covered program under *ESEA* section [8501](#), so all LEAs receiving *Title IV* funds must meet the equitable participation requirements, using a portion of funds for services to private school students to address their needs as identified in meaningful consultation with private school officials. *Title IV* also requires LEAs to assure that they will spend certain percentages of their funds on each of three statutory content areas.

The statute states that LEAs must “use not less than 20 percent of **funds received under this subpart**” for each of section [4107](#) (well-rounded education) and [4108](#) (safe and healthy students) and “use a portion of **funds received under this subpart**” for section [4109](#) (effective use of technology). This language “funds received under this subpart”— indicates that these distribution requirements apply to an LEA's total allocation. Accordingly, **an LEA must meet the percentage distribution requirements based on its total allocation.**

LEAs have also asked whether the distribution requirements must, in addition, be met separately with the portion of funds spent for equitable services for private school students. There is no such requirement in the statute. The distribution requirements apply only to the LEA's total allocation.

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Resources and Tools You Can Use

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[Office of Non-Public Education ESSA Webpage](#)

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We Want to Hear From You!

If you have something to share, let us know! Please tell us how we can showcase the work you are doing and how we can support you. We welcome the opportunity to spotlight ombudsmen. Topics that we would like to highlight include methods to establish productive relationships between the ombudsman and private school officials; notable, replicable practices; and challenges faced and overcome. We also invite you to share information about technical assistance opportunities that could be of value to the ombudsman community for inclusion in the next newsletter. All submissions should be sent to ONPE@ed.gov. **To receive future editions of the *Ombudsman Update*, please subscribe [here](#).**

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Disclaimer

U.S. Department of Education—“Ombudsman Update”

The *Ombudsman Update* is the U.S. Department of Education’s effort to communicate with ombudsmen on matters relating to equitable services under the *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *Every Student Succeeds Act (ESSA)*. This newsletter contains links to other websites and news articles. These links represent just a few examples of the many education reference materials currently available to ombudsmen and the public. The opinions expressed in any articles or webpages do not necessarily reflect the positions or policies of the U.S. Department of Education. The inclusion of resources should not be construed or interpreted as an endorsement by the U.S. Department of Education of any organization or business listed herein. This newsletter provides a platform for ombudsmen to share lessons learned. However, it does not request information per the *Federal Paperwork Reduction Act*.