

U.S. Department of Education

OMBUDSMAN UPDATE

Published Quarterly by the Office of Non-Public Education

October 29, 2019



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

Dear Colleague:

It was great to see so many of you at the National Private School Leadership Conference and Ombudsman Update LIVE (OUL) conference in September. As I listened in on the scenario-based discussion in the morning, I was impressed to learn how you guide and coach your federal program directors at the district level to ask the necessary and relevant questions that serve to increase understanding among all parties and facilitate the consultation goal of “reaching agreement.” ONPE appreciates your taking time to participate in the annual conference and OUL and for your daily efforts to monitor and enforce the *Elementary and Secondary Education Act of 1965* (ESEA) equitable services provisions and foster good relations between public and private school officials involved with implementing ESEA equitable services.

I am pleased to announce that on Oct. 7, 2019, the U.S. Department of Education released [*Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families – Updated Non-Regulatory Guidance*](#) (Title I Equitable Services Updated NRG). Used in conjunction with the Title I statute and applicable regulations, the guidance consolidates and updates information previously included in multiple documents to support state educational agencies (SEAs), local educational agencies (LEAs), and private school officials in the implementation of the equitable services requirements under Title I, Part A of the ESEA, as amended by the *Every Student Succeeds Act* (ESSA). To assist stakeholders, the Department also published a corresponding [summary response to public comments](#), which provides a brief summary of significant changes and additions between the draft guidance published in the spring and the final version published Oct. 7, 2019.

The development of the Title I Equitable Services Updated NRG involved many of our colleagues across the Department of Education as well as input from you and other public and private school stakeholders. ONPE is very appreciative of our colleagues’ time and efforts as well as the feedback from the field.

Sincerely,

Maureen Dowling

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Technical Assistance and Peer-to-Peer Support

The State Support Network (Network) will continue to provide technical assistance (TA) to state ombudsmen through May 2020. Upcoming TA includes:

- **New Community of Practice:** The Network will convene a community of practice (CoP) starting in late 2019. This new CoP will be open to all ombudsmen. The Network will structure and facilitate the CoP to complement the work of the Ombudsman Collaborative. In doing so, the CoP will feature peer breakout sessions in which ombudsmen with similar contexts or similar interests (i.e., by region, state size/profile, number of nonpublic schools served, etc.) can meet and collaborate. These convenings will be facilitated to promote open communication about challenging issues.
- **Ombudsman Hub:** The Ombudsman Hub remains available to all state ombudsmen as an online environment to engage with peers in other states, access tools and resources, and share best practices. This fall, the Network will relaunch several “how-to” resources for ombudsmen to learn how to maximize their Hub experiences. We encourage you to take group email discussions to the Hub so that they can be accessed easily at a later time. The Network is working on establishing a default setting so that all ombudsmen may (1) send an email to the Hub from their personal email accounts using a designated email address, (2) receive Hub emails and notifications in their personal email account in-boxes, and (3) respond to Hub messages from their personal email accounts. If ombudsmen want to opt out of this setting, they can do so independently or by contacting the Network. If you need access to the Hub or help using it, contact Marshal Conley (mconley@air.org).
- **Best Practices Resource:** The Network is preparing an equitable services resource that identifies and shares some promising practices that state ombudsmen are currently using, which can benefit both experienced and new staff serving in an ombudsman role.
- **Ombudsman Update LIVE Materials:** The Network will share, via the Hub, selected video clips recorded during the recent Ombudsman Update LIVE technical assistance workshop hosted at the Department of Education as well as resources shared during the event. Look for a Hub announcement soon with links to this content.

For more information on the CoP, please feel free to email Network CoP leaders [Marshal Conley](#) and [Traci Karageorge](#).

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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

Collaborative webinars are usually scheduled for the last Thursday of every month at 1 p.m. ET. The next webinar will be on Nov. 21, 2019. Be on the lookout for invitations. **Please submit discussion topic recommendations, and consider volunteering to facilitate future webinars.**

Steering Committee

The following individuals serve on the Collaborative steering committee:

[LaNetra Guess](#), Texas Education Agency
[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 email [Shaun Owen](#).

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Answers From ED

Question: May an SEA prohibit an LEA from purchasing technology with federal funds to provide equitable services in private schools?

Answer: No. In providing equitable services under a covered program, the ESEA requires that an agency, consortium, or entity, as applicable, provide services to private school children and, in some cases, their teachers and parents that are equitable to services provided in public schools. (ESEA sections 1117(a)(3) and 8501(a)(3)(A)). An LEA must determine the specific services that will best address the needs of private school beneficiaries based on meaningful consultation with appropriate private school officials. (ESEA sections 1117(a)(1), (b)(1) and 8501(a)(1), (c)(1)). As a general rule, services that are allowable under a covered program in a public school are allowable for private school beneficiaries. Therefore, an SEA may not establish a blanket rule that precludes private school beneficiaries from receiving certain services authorized under an ESEA program. (See A-1 in the [Title I Equitable Services Updated NRG](#) and G-9 in [Title IX, Part E Uniform Provisions Subpart 1- Private Schools, Equitable Services for Eligible Private School Students, Teachers, and Other Education Personnel, Non-Regulatory Guidance](#) (Rev. March 2009)). Rather, each LEA is responsible for determining, on the basis of the consultation process, the kinds of services that will best address the needs of private school students. As with equitable services in general, an LEA also must ensure that technology provided using ESEA funds is done so in compliance with applicable statutory and regulatory requirements.

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Resources and Tools You Can Use

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We Want to Hear From You!

If you have something to share, let us know! We welcome the opportunity to spotlight ombudsmen. Please tell us how we can showcase the work you are doing and how we can support you. 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 ESEA, as amended by the 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*.