

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 Office of Non-Public Education (ONPE) commends your efforts as you assume additional responsibilities resulting from the [Coronavirus Aid, Relief, and Economic Security \(CARES\) Act](#). Coming up to speed on the CARES Act and providing technical assistance (TA) to your local educational agencies (LEAs) and private school officials demands your time and energy, and we appreciate the many daily challenges you overcome in your work to monitor and enforce equitable services. We would like to thank you especially for participating in the stakeholder meeting to inform the CARES Act equitable services [frequently asked questions](#).

As the Elementary and Secondary Education Act (ESEA) State Ombudsman Community of Practice (Ombudsman CoP) and ESEA State Ombudsman Hub (Ombudsman Hub) collaboration platform come to a pause with the conclusion of the U.S. Department of Education's (Department) contract with the the American Institutes for Research (AIR), which has hosted the State Support Network (Network), we would like to thank you for your thought partnership. You have identified topics, led sessions, shared resources, as well as raised and answered questions online and in-person in support of one another's professional growth. The success of the Ombudsman CoP and Ombudsman Hub required your talents and achieved results because of your commitment to enrich each other and, by extension, to help state educational agency (SEA), LEA, and private school officials better understand equitable services requirements. As ONPE explores opportunities to provide future TA to support your individual and collective efforts, we hope to continue this important collaboration with you.

Finally, I would like to express heartfelt appreciation and applaud the proactive, collaborative and strategic initiative that Shaun Owen of Georgia facilitated on behalf of her fellow ombudsmen. Shaun's positive spirit and diligent efforts to facilitate professional learning and TA served to create a dynamic ombudsmen community. As we in the Department considered how to support the newly designated ESEA state ombudsmen, Shaun was out in front, leading the way. We wish her well as she assumes new responsibilities at the Georgia Department of Education.

Sincerely,

Maureen Dowling

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National Private School Leadership Conference and Ombudsmen Update LIVE

In light of the coronavirus pandemic, ONPE will **not** be hosting an onsite gathering in September, but we are considering alternate plans, which include hosting virtual conferences. We encourage you to continue to hold on your calendars Sept. 23, 2020 for the National Private School Leadership Conference. The Ombudsman Update LIVE will likely take place later in the fall. Additional details will be forthcoming.

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A Belated Farewell to Shaun Owen, Champion of Ombudsmen

Shaun Owen was the first Georgia Ombudsman. In the early days of 2017 when ombudsmen were being appointed by their SEAs, per the requirements of the ESEA, Shaun's stellar talent for organization and facilitation led her to create the Ombudsman Collaborative, a virtual national workgroup where a mostly green batch of often bewildered individuals formed connections, shared materials and traded problems and solutions unique to our role. We received presentations from early leading ombudsmen, and in the succeeding years developed an organizational identity and collective expertise that has made the thriving collaborative the often-reported envy of Title Program practitioner groups.

Shaun's easy confidence, warmth, and fluency running inclusive virtual meetings for dozens of people was a wonder to behold. Her authoritative knowledge was a benefit and example to all ombudsmen and a boon to Georgia, where Shaun's tireless work made her state a national model for equitable services. Without Shaun, our experience as ombudsmen over the last three years would have been different, and lesser. Both the friendships formed and combined know-how we call on so often can be directly traced back to the seeds Shaun planted in 2017. We envy the people she works with now at the Georgia Department of Education, but she is only a call or email away.

Finding a great replacement? Yes, her talents extended there, too. Shaun, you are missed. We love you. Thank you.

~ The ESEA Ombudsman [Collaborative National Workgroup](#), June 2020

Technical Assistance and Peer-to-Peer Support

August 2020 marks the end of the Department's TA contract with AIR, host to the Network, and the close of the current Ombudsman CoP and Ombudsman Hub collaboration platform. ONPE is immensely grateful for the opportunity to collaborate with colleagues from the Office of Elementary and Secondary Education (OESE) and the Network and to partner with ombudsmen to facilitate ongoing TA for the past two years. The Department is exploring opportunities to continue this work. In the meantime, plans are underway to ensure that TA resources from the past two years remain available to current and future ombudsmen. ONPE will share information as it becomes available.

Following is a high-level results summary for the Ombudsman CoP and Ombudsman Hub. The Department plans to post a more detailed summary with resources and will inform ombudsmen when this information becomes available.

ESEA State Ombudsman Community of Practice

The Department launched the Ombudsman CoP to help build capacity among ombudsmen in understanding and implementing equitable services statutes, regulations, and guidance under Title I, Part A and programs covered under Title VIII. In this context, the Department promoted peer-collaboration and the application of promising practices, tools, and resources for equitable services. Specifically, the Department carried out the Ombudsman CoP activities listed below.

- Facilitated TA in the following areas:
 - Federal law, regulations, and non-regulatory guidance related to ESEA equitable services for private school students and teachers
 - Resources and procedures for providing equitable services
- Conducted the following learning cycles:
 - Organizing and managing data and documentation for high-quality consultation with private schools
 - Designing and implementing monitoring protocols and enforcing the requirement to provide equitable services
 - Supporting districts and private schools in disagreement, including formal processes and provision of services
 - Knowledge, capacity, and impartiality within the SEA structure

COVID-19 interrupted the last three learning cycles: carryover, strategies to avoid it, and what to do when it happens; consultation best practices; and ombudsman resource showcase. ONPE hopes to revisit these TA topics in the future.

- Facilitated a stakeholder engagement listening session for state ombudsmen to gather information on needs, questions, and concerns related to equitable services in the context of school closures and interruption of regular SEA operations. This input informed the equitable services FAQs under the CARES Act.

ESEA State Ombudsman Hub

The Department launched the Ombudsman Hub to provide an online environment for state ombudsmen to engage with peers in other states, access tools and resources, and share best practices. Specifically, the Department carried out the Ombudsman Hub activities listed below.

- Facilitated the following virtual webinars and modules:
 - Tools and strategies for engaging stakeholders
 - Planning virtual stakeholder engagement webinar
 - Implementing stakeholder engagement plans module
- Facilitated the following asynchronous virtual activities:
 - Resource Document: Tools for engaging stakeholders online
 - Build your own ombudsman resource toolkit
 - Ombudsman Hub discussion board: Ombudsmen posted and shared information on the Ombudsman Hub discussion board, where peers viewed and responded.

Promising Practices Resource

With support from the Network, ONPE conducted interviews with ombudsmen and developed summaries for publication to promote promising practices related to pooling funds across LEAs, consultation, monitoring, and dispute resolution. In view of our focus on the CARES Act at this time, ONPE plans to publish these summaries in the near future. ONPE is grateful to our ombudsman colleagues for their contributions to these important resources in the spirit of sharing their successful practices with the field.

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From the Field

ESEA Ombudsman Collaborative National Workgroup

The ESEA Ombudsman Collaborative National Workgroup (Collaborative) is a state-led initiative spearheaded by a steering committee of state ombudsmen for all ESEA state ombudsmen. Ombudsmen convene regularly to participate in peer-led webinars and discussions. Please contact members of the steering committee for invitations and for information on participation.

Steering Committee

The following individuals serve on the Collaborative steering committee (ordered by State/Outlying Area):

Sue Edman , Arizona	Bryan Lieb , Mississippi
Nichole Enriquez , Arizona	Constance Webster , New Jersey
Kinai Salas , Commonwealth of the Northern Mariana Islands	Christina Coughlin , New York
Nicolle Leider , Florida	Chantelle Carter , Ohio
Steve Crew , Iowa	LaNetra Guess , Texas
Daphne Flentroy , Louisiana	Maryjo Johnson , Washington

Contact for Information

For information on participating in and recommending topics for upcoming webinars, please email [Bryan Lieb](#).

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Resources and Tools You Can Use

ESEA

[U.S. Department of Education ESSA Webpage](#)
[Office of Non-Public Education ESSA Webpage](#)

CARES Act

On July 1, 2020, the Department published an interim final rule (IFR) in the Federal Register, entitled [CARES Act Programs; Equitable Services to Students and Teachers in Non-Public Schools](#), to codify its interpretation of the equitable services provisions in the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, 134 Stat. 281 (Mar. 27, 2020) (Section 18005, entitled, “Assistance to Non-Public Schools”). A local educational agency (LEA) that receives funds under the Governor’s Emergency Education Relief Fund (GEER Fund) (section 18002) or the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) formula grants (section 18003(c)) is required to provide equitable services to students and teachers in non-public schools “in the same manner as provided under section 1117” of ESEA (section 18005(a)). The IFR, which became effective on the date of publication, outlines how LEAs receiving funds under a CARES Act program must calculate the amount available for providing equitable services to teachers and students in non-public schools—i.e., the proportional share.

The IFR has a 30-day comment period from the date of publication. On **Friday, July 31, 2020 the comment period will close**. You may provide comments [here](#).

The IFR supersedes guidance on calculating the proportional share that the Department published on April 30, 2020, titled [Providing Equitable Services to Students and Teachers in Non-Public Schools under the CARES Act Programs](#). Interested parties should read this guidance in conjunction with the IFR and be aware that the Department will revise the guidance to reflect the provisions in the IFR. The provisions of the CARES Act relevant to programs under the Education Stabilization Fund administered by the Department are available on the Department's website [here](#).

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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 TA 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*.