

U.S. Department of Education

# OMBUDSMAN UPDATE

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

Dear Colleague:

On behalf of the U.S. Department of Education's (Department) Office of Non-Public Education (ONPE), welcome to the Department's state ombudsman community! Thank you for the important work you are doing to monitor and enforce equitable services requirements under the *Elementary and Secondary Education Act (ESEA)*, as amended by the *Every Student Succeeds Act (ESSA)* and to assist state education agencies (SEAs), local education agencies (LEAs), and private school officials on issues and questions concerning the provision of these services.

In an effort to support ombudsmen in the provision of equitable services, ONPE is issuing this quarterly newsletter to inform ombudsmen about valuable resources and technical assistance opportunities provided through the Department. **To receive future publications of the *Ombudsman Update*, please subscribe [here](#).**

I would like to highlight ONPE as an important resource as you carry out *ESEA* requirements. ONPE's mission is to maximize the participation of private school students and teachers in federal education programs. Of specific note, ONPE collaborates with the offices of Elementary and Secondary Education, Special Education Programs, and General Counsel to facilitate technical assistance, guidance, and the resolution of issues at the state and local levels regarding equitable services.

Should you have questions or concerns, please do not hesitate to contact us at 202-401-1365 or at [onpe@ed.gov](mailto:onpe@ed.gov).

Sincerely,

//s//

Maureen Dowling  
Director  
Office of Non-Public Education

### In This Issue

[From the Desk of the Office of Non-Public Education Director](#)

[National Private School Leadership Conference](#)

[Answers From ED](#)

[Ombudsman Spotlight](#)

[From the Field](#)

[Tools You Can Use](#)

[We Want to Hear From You](#)

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[Ombudsman Corner](#)

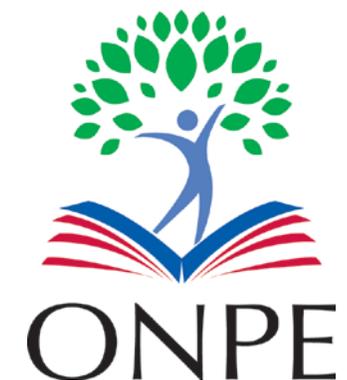
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### Contact Us

[ONPE@ed.gov](mailto:ONPE@ed.gov)

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# National Private School Leadership Conference



Please join us at the National Private School Leadership conference hosted by the Office of Non-Public Education! The event is free to participants and will take place on Wednesday, Sept. 27, 2017, from 9 a.m. – 4 p.m., at the U.S. Department of Education’s headquarters building in Washington, D.C. This conference is by invitation only.

This one-day conference brings together approximately 100 leaders from major national nonpublic school organizations, state and local public school officials, as well as private school leaders involved with implementing federal education programs on behalf of nonpublic school students and teachers. We envision this conference as an opportunity for the Department to recognize ombudsmen publicly and for ombudsmen to meet and network with private school leaders. The conference includes presentations on federal education programs and initiatives and other topics of interest to the nonpublic school community. We are planning a panel discussion on developing an ombudsman community of practice and partnerships with private school leaders as well as a breakout session for ombudsmen to discuss how the Department can best support your efforts. If you have not received an invitation and registration information, please contact [ONPEevents@ed.gov](mailto:ONPEevents@ed.gov).

[Back to Top](#)

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## Answers From ED

- **Question:** What are an SEA’s responsibilities for providing private school officials notice of allocations?

Answer: Under sections 1117(a)(4)(C) and 8501(a)(4)(C) of the *ESEA*, as amended by the *ESSA*, an SEA is required to annually provide notice of the amount of funds each LEA has determined are available for equitable services under applicable *ESEA* programs. An SEA may, but is not required to, provide additional information regarding the funding available to provide equitable services in specific private schools. For more information regarding this requirement, please see question N-8 through N-10 in the Department’s *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)*, available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

Although an SEA is not required to provide information to individual private schools regarding the amount of funds available to provide equitable services under applicable *ESEA* programs, please note that LEAs must address funding during ongoing consultation with private school officials. Specifically, under sections 1117(b)(1)(E) and 8501(a)(4)(E) of the *ESEA*, as amended by the *ESSA*, as part of consultation with private school officials LEAs must address the size and the scope of the equitable services to be provided, the proportion of funds that is allocated for such services, and how that proportion is determined.

- **Question:** For equitable services provided by an LEA to private school participants under *Title II*, Part A, when must those services be evidence-based to the extent the state, in consultation with LEAs in the state, determines that such evidence is reasonably available?

**Answer:** Under *Title II*, Part A, there are two instances in which the equitable services that an LEA provides to private school participants must be evidence-based to the extent the state, in consultation with LEAs, determines that such evidence is reasonably available. First, under section 2103(b)(3)(E) of the *ESEA*, as amended by *ESSA*, the state, in consultation with LEAs, may determine which types of professional development have evidence that is reasonably available and a permissible use of *Title II*, Part A professional development funds.

Second, under section 2103(b)(3)(P), services that (1) are allowed to be provided to private school participants; (2) are not appropriately considered another type of service found in the list of uses of funds under section 2103(b)(3); and (3) are in accord with the purpose of *Title II* in section 2001, and will address the learning needs of all students, per sections 2103(b)(1) and 2103(b)(2).

#### **Notes:**

Class-size reduction under section 2103(b)(3)(D) also contains an evidence requirement, but that service may not be provided to private school participants. For more information about determining when a service may be provided to private school participants, see FAQ P-3 in the Department's previously issued *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)*, available at [www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf](http://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf).

For additional information about incorporating evidence into activities funded by *Title II*, Part A, see the Department's previously issued non-regulatory guidance, *Using Evidence to Strengthen Education Investments*, available at [www2.ed.gov/policy/elsec/leg/essa/guidanceeusesinvestment.pdf](http://www2.ed.gov/policy/elsec/leg/essa/guidanceeusesinvestment.pdf).

[Back to Top](#)

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## **Ombudsman Spotlight**

Jeff Williamson and Russ Sweet are the duo serving as the Oregon Department of Education's (ODE) equitable services ombudsmen. In this post, Williamson discusses the foundation of the relationship between ODE and the private school community, how they are managing the role of ombudsmen, and their plans for finding just the right person to do the job.

### **Public-Private Partnership**

In his book *Good to Great*, James C. Collins states, "Good is the enemy of great." Russ and I follow this motto and pursue growth and improvement with the goal of being excellent at what we do. This is evident in our work with the Oregon Department of Education (ODE) and private schools throughout the state. A year ago, prompted by the *ESSA* requirement for a state ombudsman, ODE began looking for ways to better serve its private schools. With representation from public school districts, non-sectarian and faith-based schools, and the state education agency, ODE formed the Private-Public School Partnership (Partnership). The Partnership embodies a spirit of collaboration, working for what will best serve the academic needs of children in the state of Oregon, no matter what school they attend. It meets four times a year to discuss *ESSA* implementation and operates by the unofficial motto, "They are not your kids or my kids; they are our kids."

### **Appointing an Ombudsman**

ODE is currently seeking to find the right person to fill the ombudsman position permanently. We are conducting a search for someone with strong interpersonal skills, a firm grasp of *ESSA*, and insight into how public school districts and private schools function and interact. In the interim, ODE has appointed two individuals with strong backgrounds in public and private school administration to share the duties and responsibilities of the ombudsman and lead the selection effort for a permanent placement: Russ has worked for the ODE for more than 17 years and has strong relationships with public school districts; I have been a member of the Partnership and head of school

at an independent Christian school. Together, in collaboration with the Partnership, we have established the framework for the permanent ombudsman position to support the private schools of Oregon.

### **Developing Relationships**

In an effort to conduct successful outreach, we developed strategic goals, as well as a list of the private schools' contact information, which we use to reach out to private schools and highlight how ODE will support students and teachers. Recently, the Association of Christian Schools International invited Russ and me to a conference to discuss the role of the ombudsman and how private school students and teachers could obtain services under various federal Title programs. We found that meeting with private school administrators at a conference enabled them to step away from competing pressures and focus on developing a relationship with us. In addition to conferences, we have attended LEA meetings where district officials describe to private school leaders the consultation process and the services that the LEA can provide.

### **Resources to Share**

We would like to share some resources which are available via the Oregon Department of Education website at <http://www.oregon.gov/ode/schools-and-districts/grants/ESEA/Pages/Private-Schools.aspx>.

[Back to Top](#)

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## **From the Field**

### **Collaborative of State Ombudsmen**

The Georgia Department of Education has launched a collaborative for all state ombudsmen and plans to host a series of technical assistance webinars on the last Thursday of each month at 1p.m. ET. The first webinar was held on May 25, 2017, and can be accessed [here](#). Suggested topics for future meetings and webinars are welcome. For more information on joining the community of practice and upcoming webinars, or to suggest topics, please contact Shaun Owen, Georgia state ombudsman and director of consolidated federal initiatives, at [sowen@doe.k12.ga.us](mailto:sowen@doe.k12.ga.us) or 404-971-0096.

[Back to Top](#)

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## **Tools You Can Use**

[U.S. Department of Education ESSA Webpage](#)

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

[Back to Top](#)

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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. In each newsletter we will seek to spotlight a state ombudsman. Topics that we would like to highlight in the From the Field section include methods to establish productive relationships between the ombudsman and private school officials; notable, replicable practices; as well as 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](mailto:ONPE@ed.gov). **To receive future publications of the *Ombudsman Update*, please subscribe [here](#).**

[Back to Top](#)

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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)* of 2015. 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 private 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*.

[Back to Top](#)