

U.S. Department of Education

# OMBUDSMAN UPDATE

Published Quarterly by the Office of Non-Public Education  
July 24, 2018



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

Dear Colleague:

Congratulations on completing your first year of implementation of the *Elementary and Secondary Education Act (ESEA)*, as amended by the *Every Student Succeeds Act (ESSA)*. Over the course of this year, we have valued your experience and insights regarding the state ombudsman's role and the challenges to implementing *ESEA* equitable services requirements. Your collaboration with us has informed our work to support you. Last July, the Office of Non-Public Education (ONPE) launched the "Ombudsman Update" with anticipation that you would find it a useful resource in your efforts to monitor and enforce the equitable services provisions of the *ESEA*. We have used this forum to highlight the work of the ombudsmen from a number of states; to respond to questions about equitable services provisions, such as the *Title II* evidence-based requirement, carryover of funds, and *Title V* transferability authority; and to identify helpful resources and technical assistance opportunities led by state ombudsmen and the U.S. Department of Education (Department).

Looking to the next school year, I would like to invite you to participate in the National Private School Leadership Conference on Sept. 20, 2018, as well as the Ombudsman Update Live—a half-day event for ombudsmen—on Sept. 21 (the day after the conference). Both events will take place at the Department's headquarters in Washington, D.C. In addition, the Department looks forward to publishing updated *ESEA Title I* equitable services non-regulatory guidance in the coming months to assist state, district, and private school officials with implementing equitable services for eligible private school students, their teachers and families.

Finally, we are pleased to inform you that the Department has rolled out an electronic platform to provide a collaborative space for the ombudsman community. See the [Ombudsman Community of Practice](#) section for more information about the space and gaining access.

Thank you for all of your hard work and efforts in this inaugural year. ONPE looks forward to our continued collaboration with you. Enjoy your summer!

Sincerely,

//s//

Maureen Dowling

Director,

Office of Non-Public Education

### In This Issue

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

[Ombudsman Spotlight](#)

[Ombudsman Community of Practice](#)

[From the Field](#)

[Answers From ED](#)

[Resources and Tools You Can Use](#)

[We Want to Hear From You](#)

### Stay Informed

[Ombudsman Directory](#)

[Ombudsman Update Subscription](#)

[Ombudsman Corner](#)

[ONPE General Listserv](#)

### Contact Us

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

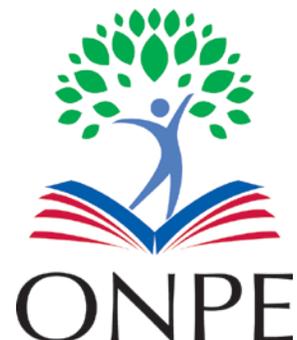
202-401-1365

U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20202

### Editors

Isadora Binder

Jenay Morrissey



# Ombudsman Spotlight

By Theresa Nugent, Michigan Ombudsman

## Creative Solutions

Officials from Michigan's local educational agencies (LEAs) and private schools wrestled with how to conduct *ESEA* equitable services consultations for high concentrations of private schools, some with students from multiple LEAs, in a manner that minimizes the heavy time burden for all. The Michigan Department of Education (MDE) sought a solution to reduce the number of meetings while staying true to timely and meaningful consultation for each school. MDE proposed broadly implementing a joint planning consultation process that involved a county-wide meeting, a methodology that originated in Kent Intermediate School District (ISD) several years earlier. This meeting convened all consultation participants on the same day to discuss information common to all schools and to conduct breakout consultation meetings with individual schools. This approach encouraged LEA and private school officials to exchange ideas and develop solutions to general and school-specific issues. With staff from the county's LEAs and private schools present, the meeting promoted the resolution of concerns and an agreement between private and public school officials while creating a sustainable platform for collaboration. Ongoing consultations between the individual LEAs and private schools occurred as needed.

## Getting it Done

Michigan funds 56 ISDs to provide education support services to public and private schools. With buy-in from LEAs and private schools, other ISDs now launch the joint planning consultation process by sending an invitation to LEAs and private schools in their jurisdiction to attend an annual county-wide meeting. The invitation outlines event activities, provides a timeline for the submission of documentation, and identifies information that private schools must provide at the meeting. Before the event, the ISDs send equitable services statement-of-interest letters to private schools; organize student achievement and poverty data; track data submission; and coordinate the memorandum of agreement (MOA) between districts for the provision of services where more than one LEA is involved. On the day of the event, the ISD first orchestrates concurrent meetings for LEA officials servicing the same school to finalize MOAs regarding which LEA will provide services and to discuss *ESEA* program development. Subsequently, the ISD coordinates concurrent meetings for each lead LEA responsible for providing services to consult with private schools individually to discuss student needs and agree on a program implementation plan. Both parties to the consultation complete a consultation agreement form consistent with the *ESEA*. The ISD also convenes meetings to address broader concerns that apply across LEAs and private schools.

## Sharing Broadly

Over the last several years, the joint planning consultation involving the county-wide meetings has resulted in trust, collegiality, and collaboration among the ISDs, LEAs, and private schools. As the state ombudsman, I see my responsibility to promote innovative solutions to longstanding challenges. In this capacity, I have been sharing information broadly throughout the state on joint planning consultation and the county-wide meeting method. To this end, I plan to discuss this solution with the Michigan Nonpublic School Working Group, comprising representatives from 14 nonpublic school associations and school building leadership, charged with improving communication and collaboration between private schools and MDE. While ISDs coordinate joint planning consultation with non-*ESEA* state funds in Michigan, it is important to note that ombudsmen, supported by *ESEA*-consolidated state administrative funds, can provide such education supports. For more information, including a sample timeline and MOA for joint consultation and a sample step-by-step summary of the county-wide meeting, see the [MDE website](#).

[Back to Top](#)

# Ombudsman Community of Practice

In collaboration with the Office of State Support (OSS) and the [State Support Network](#), the Office of Non-Public Education is excited to launch a new online environment in which state ombudsmen can engage in a community of practice (CoP). This space, housed on the State Support Network's website, offers a password-protected environment for state ombudsmen to engage with peers in other states, access tools and resources, and share best practices. Leveraging the power of existing networks and communities of state education professionals, this CoP space will establish a hub for collaboration and technical assistance to aid ombudsmen as they execute their important role within state education agencies.

The CoP officially launched on June 21, 2018. All ombudsmen should have received log in credentials from the State Support Network ([noreply@statesupportnetwork.ed.gov](mailto:noreply@statesupportnetwork.ed.gov)). If you did not receive credentials or need assistance accessing the space, contact [Marshal Conley](#).

[Back to Top](#)

---

## From the Field

### Updates From the Collaborative of State Ombudsmen (Collaborative)\*

#### Webinars

Collaborative webinars are scheduled for the last Thursday of every month at 1 p.m. ET. The next webinar is July 26. **Please submit discussion topic recommendations, and consider volunteering to facilitate future webinars.** If you missed a webinar or would like to revisit a topic, visit the webinar archive on the [Ombudsman Community of Practice](#) website.

#### OneDrive Transition

The online collaborative space that we use for communication, submitting inquiries, and archiving webinars has transferred from the OneDrive to the Ombudsman CoP platform, hosted and supported by the Department's State Support Network. Consistent with the OneDrive, the Ombudsman CoP site is accessible only to state department of education staff.

#### 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 email [Shaun Owen](#).

\*The Collaborative of State Ombudsmen is a state-led initiative spearheaded by a steering committee of state ombudsmen for state ombudsmen.

[Back to Top](#)

---

## Answers From ED

**Question:** When a child resides in one LEA (i.e., the LEA of residence) and attends a private school in another, what are the obligations of the LEA of residence if it arranges for the LEA where the private school is located to provide equitable services under *Title I*?

**Answer:** Section 200.62(b)(1)(i) of the *Title I* regulations defines *Title I*-eligible private school children as those who reside in participating public school attendance areas of the LEA and whom the LEA identifies as most in need educationally, regardless of whether the private school they attend is located in the LEA (or in the same state). Therefore, an LEA in which an eligible child resides is responsible for providing *Title I* services to the child, but it may arrange to have such services provided by another LEA and reimburse that LEA for costs. In this context “services” may refer to not just the services themselves, but also to other components of equitable services, such as consultation and evaluation. LEAs should discuss the specific responsibilities that the LEA providing equitable services will assume, and make those responsibilities clear in a formal written agreement, such as a memorandum of understanding. The agreement should include all equitable services activities that the LEA of residence is arranging to have the other LEA provide, such as consultation, evaluation, instruction, and/or parent and family engagement. Under such an agreement, the LEA of residence must ensure that the other LEA implements the agreement as written (e.g., through monthly calls with the LEA providing services). In addition, as necessary, the LEA of residence must carry out any equitable services requirements that are not part of its agreement with the other LEA.

---

**Question:** How does an LEA identify the needs of eligible students and, as applicable, their teachers and families?

**Answer:** The equitable services provisions of *Title I* and *Title VIII* require the LEA, as part of consultation with private school officials, to discuss how the needs of eligible students and, as applicable, their teachers and families will be identified. In many cases, private schools already have relevant information, such as assessment data, that may be useful to the LEA in determining the needs of eligible participants. Please note, however, that private schools are not obligated to provide this information.

Under *Title I*, in consultation with private school officials, an LEA must establish multiple, education-related, objective criteria to determine which private school children are eligible for *Title I* services, and, within the eligible group, which children will be served. To the extent appropriate, the LEA must select private school children who are low-achieving. The criteria may include

- achievement tests;
- teacher referrals and recommendations based on objective, educationally related criteria; and
- grades.

For programs covered under *Title VIII*, an LEA may request documentation, as needed, from private school officials that enables the LEA to identify students who are eligible under the applicable *ESEA* program and the appropriate services that meet the needs of those private school students and their teachers. Such documentation might include, but is not limited to, data indicating the academic needs of students, as well as the professional development needs of teachers. For an example of documentation, see a sample needs assessment form in the [\*\*\*Title IX, Part E Uniform Provisions Subpart 1—Private Schools Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance\*\*\*](#) (p. 29-30, J-8).

[Back to Top](#)

---

# Resources and Tools You Can Use

## Progress Check Report

ONPE supported OSS on the last state progress check, which focused on state implementation of equitable services requirements in ESEA sections 1117 and 8501. On June 11, OSS Deputy Director Patrick Rooney sent states a high-level summary of the information that was collected. We hope this descriptive information is helpful as you contemplate how to best implement equitable services requirements in your state. Please note that the information provided does not identify state responses. However, if after reviewing the summary you would like to connect with a state that reported a particular area of implementation as a strength, please reach out to your contact in the Office of State Support at [OSS.\[your state\]@ed.gov](mailto:OSS.[your state]@ed.gov) (e.g., [OSS.Louisiana@ed.gov](mailto:OSS.Louisiana@ed.gov)) who can help connect you with one of your peers. Relatedly, if you would prefer that we not connect you with other state education agency (SEA) directors and coordinators who have an interest in your SEA's implementation strategies, or that we not share resources you highlighted in your progress check, please reply to your OSS program officer with an opt-out request.

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

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

[Back to Top](#)

---

## 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 Ombudsman Spotlight section 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](mailto:ONPE@ed.gov). **To receive future publications of the “Ombudsman Update,” please subscribe [here](#).**

[Back to Top](#)

---

### 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*.

[Back to Top](#)