

U.S. Department of Education

OMBUDSMAN UPDATE

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

Dear Colleague:

Happy New Year!

January 2019 ushers in a significant change for the Office of Non-Public Education (ONPE) as we move to the Office of the Secretary as a part of the U.S. Department of Education's (Department's) reorganization.

This change does not alter ONPE's statutory mission to maximize the participation of private school students and teachers in federal education programs and initiatives. ONPE's work with state and local educational agencies, state ombudsmen and private school officials on equitable services remains paramount. Further, ONPE will continue to collaborate regularly with the Office of Elementary and Secondary Education (OESE) and the General Counsel to respond to inquiries, provide technical assistance, develop guidance, and support stakeholders.

Please note that the Department plans to seek input from the field in the coming weeks on the *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, Non-Regulatory Guidance*. We encourage all ombudsmen to sign up for the ONPE general listserv to receive communications regarding the guidance.

In the meantime, ombudsmen should not hesitate to contact ONPE for technical assistance.

Sincerely,
Maureen Dowling

In This Issue

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

[Technical Assistance and Peer-to-Peer Support](#)

[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](#)

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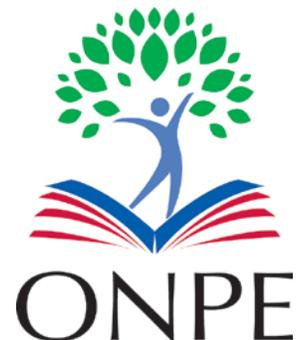
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Technical Assistance and Peer-to-Peer Support

Ombudsman Hub

The *ESEA* Ombudsman Hub (Hub), launched in summer 2018, continues to offer state ombudsmen a place to share resources, connect with peers, and build knowledge. Explore the updates below and get involved! **Please note that the links in this section require that you log into the [State Support Network \(Network\)](#) website.**

- **Join the “Leaning In” Discussion Activity:** This activity builds on the face-to-face activities from September’s Ombudsman Update LIVE meeting and asks ombudsmen to contribute ideas and resources related to several key topics. This discussion also features facilitation tips that explain how Hub members can facilitate similar types of asynchronous community activities. Check it out and participate [here](#).
- **Hub Member Questions:** Hub members are posting questions and want to hear from you! If you have information to share on state-level set-asides for applicable programs and how equitable services are provided from those set-asides, join the conversation [here](#). If you have ideas and examples of Equitable Services Monitoring Protocols, help out your fellow ombudsmen [here](#).
- **Have a question, need, or idea?** Post it to the [Hub discussion board](#). When you post, type “Hub Members” in the notifications box in the upper right of the discussion post form and select the Team listing. This will notify your peers so they can see your post and respond.

Ombudsman Community of Practice

ONPE and the OESE are excited about upcoming *ESEA* State Ombudsman Community of Practice (CoP) activities. Facilitated through the Network, the CoP will feature structured conversations among peers and subject-matter experts. Based on ombudsmen input, the CoP will consist of three learning cycle (LC) topics:

- organizing and managing high-quality consultation with private schools;
- designing and implementing monitoring protocols and monitoring and enforcing the requirement to provide equitable services; and
- supporting local educational agencies (LEAs) and private schools in disagreement, including designing a formal dispute process and state provision of services.

Each LC will consist of virtual meetings with synchronous discussions, asynchronous online activities between meetings, and a dedicated online space to support preparation for virtual meetings as well as reflection and application of knowledge gained. This online space is designed to extend learning and deepen relationships with peers by providing a space for CoP members to share materials, post discussion threads and respond to peer questions online.

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

[Back to Top](#)

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. EST. 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

[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](#).

[Back to Top](#)

Answers From ED

Question: What options do parents, teachers, or other individuals or organizations, including private school officials, have if they believe that a LEA has not met equitable services requirements?

Answer: If parents, teachers, or other individuals or organizations, including private school officials, believe that timely and meaningful consultation has not occurred or equitable services have not been provided, they first may want to consider discussing this matter with the LEA official responsible for coordinating the consultation, the LEA superintendent, or the *ESEA* program director. If the LEA's response is unsatisfactory, the individual or organization may contact the responsible state educational agency's (SEA's) ombudsman and coordinator of the federal program in question.

In the event the problem is not resolved through those means described above, parents, teachers, or other individuals and organizations, including private school officials, have the right to file a formal written complaint with the SEA, following the SEA's complaint procedures. A formal written complaint must include the following:

- a statement that an SEA or LEA has violated a requirement of a federal statute or regulation that applies to a program requiring equitable participation;
- the facts on which the statement is based and the specific statutory or regulatory requirement allegedly violated; and
- the signature of the complainant.

See 34 CFR §299.12.

ESEA section 8503(a) requires an SEA to resolve a complaint regarding equitable services under *Title I*, Part A (Title I) or a covered program under *Title VIII*, Part F (*Title VIII*) in writing within 45 days. LEAs and private school officials have

the right to appeal the SEA's resolution of the complaint to the Department. The appeal to the Department must be filed no later than 30 days following the SEA's resolution of the complaint (or if the SEA fails to resolve the complaint within 45 days). The *ESEA* then requires the Department to resolve the appeal no later than 90 days after receipt of the appeal. (*ESEA* section 8503(b)).

The secretary has delegated authority to administer *ESEA* programs to the assistant secretary for elementary and secondary education. Therefore, appeals of a complaint resolution by an SEA may be sent to the U.S. Department of Education at the following mailing address:

Assistant Secretary for Elementary and Secondary Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, DC 20202

or sent electronically to OESE@ed.gov and ONPE@ed.gov.

Question: Are charter school LEAs required to provide equitable services for private school students under *ESEA* programs?

Answer: The *ESEA* requires SEAs, LEAs or other eligible entities receiving funds under *Title I*, Part A (Title I) or programs listed in section 8501(b) of the *ESEA* (i.e., *Title VIII*, Part F) to provide equitable services to eligible private school children (and their teachers or other educational personnel as applicable). Charter school LEAs, however, generally are not required to provide equitable services for private school students. This is because the regular LEA in the relevant geographic area (i.e., the geographic area in which eligible students reside under *Title I* and where the private school is located under programs covered by the *Title VIII* equitable services provisions) would receive any subgrant funds attributable to, or for, private school students; therefore, that LEA would have the responsibility to provide equitable services for private school students.

With respect to an *ESEA* program subject to the *Title VIII* equitable services requirements under which the SEA awards funds to LEAs on a discretionary basis (such as the 21st Century Community Learning Centers program authorized under *Title IV*, Part B of the *ESEA*), a charter school LEA that receives an award must comply with the equitable services requirements on the same basis as any other entity that receives a subgrant. Subgrantees must consult with private school officials before making any decision that affects the opportunities of eligible private school children to participate in the program, and must continue throughout the implementation and assessment of activities under section 8501. A charter school LEA must consult with officials representing private schools within a reasonable proximity of the charter school LEA, even if the charter school LEA serves students from a larger geographic area.

[Back to Top](#)

Resources and Tools You Can Use

[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. 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](#).**

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*.