

## **FY21 Equitable Services - ESSA State Ombudsman**

### **Definition:**

- To help ensure equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families, each SEA must designate an ombudsman to monitor and enforce ESEA equitable services requirements under both Title I and Title VIII (includes Title II, Title III and Title IV).
- A government official appointed to receive, investigate, report on, and settle complaints made by individuals against abuses or capricious acts of public officials

### **Role/Responsibilities:**

- To ensure equity for private school children, teachers, and other educational personnel, the State educational agency involved shall designate a primary point of contact (an Ombudsman) to monitor and enforce the requirements of this part and work across all federal programs.
- To ensure the agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the Ombudsmen designated under subsection 1117(a)(3)(B)
- To ensure private schools were involved in developing the roles and responsibilities for the Ombudsman.

### **Meaningful Consultation Requirements:**

- The goal of all parties should be to reach an agreement on how to provide equitable and effective programs for eligible private school children.
- LEA must provide “timely and meaningful” consultation with appropriate private school officials
  - Timely – Before the LEA makes any decisions regarding programming, during the design and development of the program, and throughout the implementation and assessment of services
  - Meaningful – Genuine opportunity for all parties to express their views, views seriously considered, proposals for service, and final decisions made after consultation
- The LEA is responsible for planning, designing and implementing the Federal program and shall not delegate that responsibility to the private school
- Through the consultation process, the district must design a coordinated Federal program with services that meet the needs of the private school and its students
- District MUST include thirteen statutory requirements on the initial agenda of the meaningful consultation meeting and must be addressed in planning throughout the year

### **Required Meaningful Consultation Topics**

1. How the LEA will determine which students are eligible. How the LEA will identify the needs of eligible private school students, teachers and parents.
2. What services the LEA will offer to eligible private school children, their teachers and parents.
3. How, when, where and by whom the LEA will provide services to eligible private school children.
4. How the LEA will academically assess the services and how the LEA will use the results to improve the federal program services.

5. The size and scope of the equitable services that the LEA will provide to eligible private school children and the proportion of its federal funds that is allocated under ESSA for such services, and how that proportion of funds is determined.
6. The method/sources of poverty data used to determine the number of private school children from low income families residing in participating public school attendance areas.
7. Delivery of services: Must give consideration to the views of the private school officials regarding the provision of services through a contracted third-party providers
8. How, if the LEA disagrees with private school officials regarding provision of equitable services through a contracted third-party provider, the LEA will provide notice, an analysis, and reasons to the private school officials
9. Whether the agency shall provide services to eligible students directly or through third-party contractor.
10. Whether to provide funding through a "pool of funds" or with the proportion of funds allocated under this section
11. When services will be provided (*Title I, Part A only*)
12. Whether to consolidate and use Title I, Part A funds in coordination with funds from other eligible federal programs that are dedicated to providing equitable services to private school students. (*Title I, Part A only*)
13. Determining LEA Administration costs.

**Fiscal Requirements:**

- Funds allocated to an LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families MUST be obligated in the fiscal year for which the funds are received. ESEA section 1117(a)(4)(B)
- Under extenuating circumstances, the funds may remain available for the provision of equitable services during the subsequent school year.

**Equitable Services Timeline:**

- Early Fall – The District contacts all private schools eligible for equitable services, hosts an information session about equitable services, provides allocation set aside amounts, and begins the consultation process.
- Late Fall/Early Winter (if applicable) – The District continues the consultation process by hosting an informational session regarding the effectiveness of the services provided and the plan moving forward regarding renewal of vendor contracts or the process for going out to bid for a new vendor.
- Late Winter/Early Spring – District collects Intent to Participate forms. Private Schools provide enrollment and poverty data through Confidential Family Surveys.
- Late Spring – The District and Participating Private School engage in ongoing consultation to determine needs and develop a program for the provision of equitable services for the following school year. The District collects documentation and the private school confirms occurrence of meaningful consultation and receipt of equitable services.
- During the School Year –The District and Participating Private Schools engage in informal ongoing consultation to monitor program implementation and effectiveness (adjusting as needed). The Private School program should start at the same time as the public school program.

**Private School Complaints:**

- A private school official shall have the right to file a complaint with the Ombudsman (SEA) asserting that the LEA did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by this section.
- If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the LEA to the Ombudsman, and the LEA shall forward the appropriate documentation to the Ombudsman
- Private Schools should complete the form with attached documentation within forty-five days of the last communication with the geographic district
- A non-compliance complaint may be submitted for one or any of the following conditions:
  - District did not engage in consultation that was timely and meaningful
  - District did not give due consideration to the views of the private school official
  - District did not make a decision that treats the private school students equitably
- Ombudsman has ninety days to research and address the issue. *ESEA section 8503*