



UNITED STATES DEPARTMENT OF EDUCATION
WASHINGTON, D.C. 20202

APR 06 2017

Dear Colleague:

On behalf of the U.S. Department of Education's (Department's) Office of Elementary and Secondary Education (OESE) and the Office of Non-Public Education (ONPE), thank you for the important work you've done as you transition to full implementation of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *Every Student Succeeds Act* (ESSA). Since the inception of the ESEA in 1965, State educational agencies (SEAs) and local educational agencies (LEAs) have been required to provide equitable services to private school students, teachers, and, in some cases, parents under a number of ESEA programs. The purpose of this letter is to highlight one significant new provision related to equitable services under the ESEA: the designation of a State ombudsman.

The ESSA affirms existing obligations of SEAs and LEAs to provide equitable services; includes changes to how funding for equitable services is calculated under Title I, Part A (Title I) and Title II, Part A of the ESEA; and prescribes several new requirements applicable to equitable services under Title I and programs covered by the equitable services requirements under Title VIII (formerly Title IX) of the ESEA, including the requirement that an SEA designate an ombudsman. To support SEAs and LEAs in implementing this aspect of the ESEA, in November 2016, the Department issued non-regulatory guidance, *Fiscal Changes and Equitable Services Requirements Under the ESEA as amended by the ESSA* (available at: www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf).

More specifically, in order to help ensure that eligible private school children, teachers, other educational personnel and, as applicable, families receive services equitable to their counterparts in public schools, an SEA must designate an ombudsman to monitor and enforce Title I and Title VIII equitable services requirements (ESEA sections 1117(a)(3)(B) and 8501(a)(3)(B)). The ombudsman should be the primary point of contact for SEAs, LEAs, and private school officials on issues and questions concerning the provision of equitable services under applicable programs. It is important to note that the equitable services provisions under the ESEA, as amended by the ESSA, must be fully implemented beginning with equitable services provided in the 2017-2018 school year.

As SEAs work toward implementing the new ombudsman requirement, we would like to highlight ONPE as an important resource for State ombudsmen as they carry out their obligations under the ESEA. As a liaison office, ONPE advocates within the Department on behalf of students, their teachers, and their families in nonpublic schools. ONPE also collaborates with OESE to facilitate technical assistance, guidance, and the resolution of issues at the State and local levels regarding equitable services.

In order to effectively provide technical assistance, support, and resources to assist in the provision of equitable services, **ONPE and OESE are jointly seeking to establish relationships with your SEA ombudsman and request you provide the name and contact information for the ombudsman to: ONPE@ed.gov by June 30, 2017.**

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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Again, thank you for your continued efforts and engagement in this important work to ensure that all students, including those in private schools, have access to the Federal education benefits and services available to them.

Sincerely,

Maureen Dowling
Director
Office of Non-Public Education

Monique M. Chism Ph.D
Acting Assistant Secretary
Office of Elementary and Secondary Education

Other than statutory and regulatory requirements included in the document, the contents of this guidance do not have the force and effect of law and are not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.