

Nevada Department of Education Ombudsman Update to the Title I Committee of Practitioners

Karl Wilson

November 5, 2020

NDE Ombudsman Update

Key Discussion Points:

1. Changes in NDE Ombudsman assignment
2. Annual Report of Equitable Services Allocations for School Year 2020-21
3. Preparing for the 2021-22 School Year (Consultation)
4. CARES Act – ESSER Funds Equitable Services Updated Guidance

NDE Memo – 9/24/20


Private Schools Supports

Role/Responsibility	NDE Staff
ESEA Ombudsman	Karl Wilson
Opportunity Scholarships	Melissa Schroeder
Private School Licensing & State Compliance	Melissa Schroeder



Steve Sisolak
Governor

Jhane M. Ebert
Superintendent of
Public Instruction

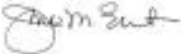


STATE OF NEVADA
DEPARTMENT OF EDUCATION
700 E. Fifth Street | Carson City, Nevada 89701-5096
Phone: (775) 687-9280 | www.doe.nv.gov | Fax: (775) 687-9981

Southern Nevada Office
2889 East Flamingo Rd.
Suite 210
Las Vegas, Nevada 89119-8811
Phone: (702) 486-6458
Fax: (702) 486-6458

MEMORANDUM

TO: All Private School Administrators

FROM: Jhane M. Ebert, Superintendent of Public Instruction 

DATE: September 24, 2020

SUBJECT: Private School Support Contacts

The Nevada Department of Education (NDE) has updated its system of supports for private schools in light of recent State budget cuts resulting from the COVID-19 pandemic. This reorganization reflects NDE's ongoing commitment to provide private schools with strong technical assistance and support. Below, please find updated contact information for relevant staff within the Office of Student and School Supports.

Equitable Services
Karl Wilson
Education Programs Supervisor, Title III State Director, and Equitable Services Ombudsman
Office of Student and School Supports
Email: karlwilson@doe.nv.gov

Gabby Lamarre, Esq.
Education Programs Supervisor, Title I Director, and Federal Liaison
Office of Student and School Supports
Email: glamarre@doe.nv.gov

Opportunity Scholarships
Melissa Schroeder, Ph.D.
Education Programs Professional
Office of Student and School Supports
Email: mschroeder@doe.nv.gov

Maria Sauter
Education Programs Supervisor and Title IV State Director
Office of Student and School Supports
Email: msauter@doe.nv.gov

Private School Licensing and State Compliance
Melissa Schroeder, Ph.D.
Education Programs Professional

Annual Reporting of ESSA Equitable Services Funding

Public Notification of ESEA
Programs Equitable Services
Allocations

*ESEA section 1117(a)(4)(C); and
ESEA section 8501(a)(4)(C.)*



ESSA

The Every Student Succeeds Act: 2020-2021

Equitable Services Allocations

November 2020

ESEA Equitable Services Ombudsman

karlwilson@doe.nv.gov

Preparing for 2021-22 School Year - Consultation

The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children. Grounded in timely, meaningful, and open communication between the LEA and private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers and other educational personnel, and families in ESEA programs.

- Agreement is the goal of consultation; however, the final decision lies with the LEA.
- Timely consultation means that the consultation takes place before the LEA makes any decisions.
- Meaningful consultation means that there is genuine opportunity for parties to express their views and those views are seriously considered.
- LEAs must obtain written affirmation that timely and meaningful consultation has occurred.
- LEAs must also give private school officials the option of signing a written affirmation indicating that timely and meaningful consultation did not occur or that the program design is not equitable with respect to private school children.
- If the LEA disagrees with a request made by private school officials regarding equitable services through a third-party provider, the LEA must provide notice, an analysis, and reasons to the private school officials in writing.
- Private school officials also have the option of completing and submitting a complaint form to the Ombudsman if issues are not resolved through consultation with the LEA.

[ESEA §1117(b) (1) and §8501(c) (1), (5)]

NDE Memo: ESSER Equitable Services Funding (9/24/20)


United States District Court ruling in the NAACP vs. DeVos and U.S. Department of Education case vacated USED's July interim final rule (IFR) for CARES Act equitable services requirements.

- School districts holding ESSER formula CARES Act equitable services amount difference per previous NDE guidance may now use those funds to support public school students, teachers, and families.
- The equitable services amount set aside for services to private school students, teachers, and families must be equal to the per-pupil allocation based on Title IA methodology, taking into account student residency – this is also the case for school districts who are awarded ESSER competitive funding.



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Governor

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Superintendent of
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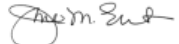


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Phone: (702) 486-6458
Fax: (702) 486-6450

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Phone: (775) 687-9200 | www.doe.nv.gov | Fax: (775) 687-9101

MEMORANDUM

TO: All District Superintendents
State Public Charter School Authority

FROM: Jhone M. Ebert, Superintendent of Public Instruction 

DATE: September 24, 2020

SUBJECT: CARES Act Equitable Services: District Court Summary Judgment

This memorandum is an update to the [memorandum](#) from the Nevada Department of Education (NDE) sent on August 28, 2020, entitled "CARES Act Equitable Services: Orders for Preliminary Injunctions". To provide ongoing assistance to school districts with equitable services under the Coronavirus Aid, Recovery, and Economic Security (CARES) Act, this memo notifies all Nevada School Districts of a recent United States District Court [ruling](#) in the *NAACP vs. DeVos and U.S. Department of Education* (USED) case that has vacated USED's [July interim final rule \(IFR\)](#) for CARES Act equitable services requirements. The decision is an order for summary judgment which voids the IFR in its entirety nationwide (in contrast to the more limited preliminary injunctions which have been issued by courts in Washington and California). USED has not yet issued guidance based on this order and may appeal the order to pursue additional litigation on the rule.

Because the IFR is no longer in effect, school districts that are holding the Elementary and Secondary School Emergency Relief (ESSER) formula CARES Act equitable services amount difference per previous NDE guidance may now use those funds to support public school students, teachers, and families. The equitable services amount set aside for services to private school students, teachers, and families must be equal to the per-pupil allocation based on Title IA methodology, taking into account student residency – this is also the case for school districts who are awarded ESSER competitive funding. Participation in both the ESSER formula grant and the ESSER competitive grant equitable services is restricted to private schools with Title IA eligible students. Participating private schools with Title IA eligible students are not restricted to using the equitable share funding solely on the Title IA eligible students and may use the equitable share funds for any of the allowable uses identified for ESSER funds under the CARES Act.

U.S. Department of Education: ESSER Equitable Services Updated Guidance (10/9/20)

7. How does an LEA that receives funds under the CARES Act programs provide equitable services “in the same manner as provided under section 1117 of the ESEA”?

An LEA that receives funds under the CARES Act programs must provide equitable services to students and teachers in a non-public school in the same manner as provided under section 1117 of the ESEA, as determined in consultation with representatives of non-public schools. (Section 18005(a) of the CARES Act.) In particular, the proportional share for a CARES Act program must be determined in accordance with section 1117(a)(4)(A) of the ESEA.

**PROVIDING EQUITABLE SERVICES TO
STUDENTS AND TEACHERS IN NON-PUBLIC SCHOOLS
UNDER THE CARES ACT PROGRAMS**



U.S. Department of Education
Washington, D.C. 20202

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NDE Ombudsman Contact Information

Karl Wilson

Education Programs Supervisor

Office of Student & School Supports

Nevada Department of Education

702-668-4311

karlwilson@doe.nv.gov