

Bypass Procedure:

Nonpublic schools requesting SEA to provide equitable services

The state education agency (SEA) process for providing equitable services directly where nonpublic school officials have requested and demonstrated a local education agency (LEA) is not meeting equitable services requirements includes:

1. If the appropriate nonprofit nonpublic school official believes that timely and meaningful consultation has not occurred, they should first discuss the concerns with the LEA point of contact responsible for coordinating the consultation and provision of services between the two entities (ESSA Section 1117(b)).
2. If, after discussing the concerns with the LEA, the nonprofit nonpublic school official still believes the issue(s) is unresolved, the official may reach out to Nichole Enriquez, the ESSA Equitable Services Ombudsman, at PrivateSchoolsOmbud@azed.gov and an informal mediation may occur upon request.
3. In the event the problem is not resolved, the appropriate nonprofit nonpublic school officials have the right to file a formal written complaint with the SEA. To file a formal complaint to the SEA, a nonpublic school official must follow the procedures outlined in the ESEA Complaint Policy and Procedures at the following: <http://www.azed.gov/titlei/privateschools/>
4. In the event that nonpublic school officials file a formal written complaint with the SEA and would like to request that the SEA provide equitable services directly, a formal request for direct services must be e-mailed to the ESSA Equitable Services Ombudsman, at PrivateSchoolsOmbud@azed.gov.
5. The formal e-mail request for direct services must include the following:
 - Name of LEA and contact information
 - Name of nonpublic school, nonpublic school official, and contact information
 - The specific equitable services ESSA Section number that the LEA did not meet equitable services requirements (e.g., ESSA Section 1117(b)(1)(C))
 - The fiscal year in which the LEA did not meet equitable services requirements
 - A complete description of the events that led to the formal request to include but not limited to specific dates of consultation, the eligible nonpublic low-income student counts, size and scope of service needs, etc.
 - A description of the attempts of the nonpublic school to address its concerns directly with the nonpublic school and through informal mediation involving the ESSA Equitable Services Ombudsman as set forth in paragraphs 1 and 2 above.

6. If the request for direct services demonstrate that the LEA was found not meeting equitable services requirements, the SEA will conduct consultation with the appropriate nonpublic school officials pursuant to the consultation requirements in the ESSA Section 1117(b) and Section 8501(c).
7. The SEA will provide equitable services to eligible nonpublic school teachers, families, and students participating through third party contracts with public or private agencies, organizations, or institutions (ESSA Section 1117(b)(6)(C)).
8. The SEA will invoice the LEA involved for the services provided.
9. The ESSA Nonpublic Ombudsman will provide technical assistance to the LEA involved to ensure that the LEA meets the requirements of the ESSA sections 1117 and 8501 in subsequent years.

(ESEA section 1117(b)(6)(C))

(ESEA section 8504)