



PENNSYLVANIA CATHOLIC CONFERENCE

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Dear Chairmen Smucker, Dinniman, Saylor and Roebuck and distinguished members of the Senate and House Education Committees.

Thank you for allowing the Pennsylvania Catholic Conference to testify today on the Every Student Succeeds Act (ESSA). My name is Sean McAleer, and I am the Director of Education for the Pennsylvania Catholic Conference. I represent the policy concerns of the eight Roman Catholic dioceses in Pennsylvania that offer pre-K to 12th grade Catholic education in Pennsylvania. There are roughly 143,000 students in Catholic diocesan schools and about 15,000 students in private Catholic schools. I am also the Co-State Director of PACAPE.

ESSA contains significant improvements which the private school community has been seeking for decades, ever since the proportional share of federal funds under the ESEA became available to private school students in the 1970s. Below are four significant improvements:

1. ESSA removes public school set-asides so the proportional share of funds for private school students will be based on the total amount received by the local education agency. In the past, public entities could set aside several different categories of funding (under-achieving, unsafe, financially challenged public schools or even preschool or kindergarten) so private schools did not receive a proportionate share of those off-the-top set-asides. In some cases public schools could remove up to 50% of the total funds received, limiting the proportionate share to private schools. (Give Archdiocese example).
2. ESSA creates an ombudsman position to help ensure equity for private school students and teachers in every State. It requires the state agency receiving funds to hire an ombudsman to monitor and enforce the federal requirements.

It is in this particular area that PDE can ensure that non-public schools will receive equitable services by providing robust guidance to the new ombudsman. The ombudsman should be a neutral arbiter who understands both sides in the required public-private pre-services consultation process and mediates concerns so as to reach agreement. She/he can foster better working relationships and provide assurances of fair and equitable treatment of all parties to the consultation process. Here are a few specific suggestions for PDE on the ombudsman role:

- The ombudsman must understand the operational differences between private and public school teachers and students and how programs impact them;
- If the ombudsman is not a stand-alone role, she/he should not be biased or conflicted due to other assigned duties;

- The ombudsman should be appointed and regulations surrounding the ombudsman's role should be in place well before pre-services consultations for the 2017-2018 school year start (March/April)—ideally during the 2016-2017 school year;
- Funding for the ombudsman must come out of the administrative budget of the SEA and not the proportionate share for private school students;
- Both the LEA and private schools must be afforded the opportunity to have timely communication with the ombudsman;
- Finally, the ombudsman must have an open, timely, and transparent reporting process, especially with regard to disclosure of proportional share calculations—if reports remain internal or are not released in a timely fashion, the position is weakened.

In summary – PDE must provide robust support for the ombudsman position and must outline governing principles, but should include the private school community in all aspects of the ombudsman monitoring process, including the hiring/firing process. See attachment 1 for actual ESSA text regarding the ombudsman position.

3. ESSA strengthened the pre-services consultation requirements required of public school agencies that provide federal Title program proportional share services to private school students. After reaching an equitable and effective service plan for the individual student, the plan must be transmitted to the ombudsmen.
4. ESSA removes decades of red tape that has burdened the Title programs regarding private school students and teachers. ESSA will protect private school students and teachers, making sure proportionate and equitable shares of funds for which they qualify are available to them.

The new provisions of the ESSA offer an historic opportunity to set the foundation for equitable treatment of private school students. PCC and the Catholic school community stand ready to aid in all aspects of launching this new era within the Commonwealth of Pennsylvania.

Sincerely


Sean P. McAleer, MGA

Attachment 1

ESSA Ombudsman Text:

The “ombudsman” for private school equitable participation under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), is a new and novel role for states and the Department of Education.

The private school community has a unique opportunity to craft this new role and to ensure its implementation has a positive impact on our students. This opportunity could become a liability if private school advocates do not take proactive steps to make the ombudsman a fair and neutral arbiter. This toolkit is designed to equip advocates with the knowledge and strategies to get the most out of the ombudsman.

The legislative text defining the Ombudsman is short, but is important in its scope. The text (Section 1117(a)(3)(B)):

(B) OMBUDSMAN - To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.

One other mention is made of the ombudsman (Sec. 1117(b)(1)):

[LEAs] 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 ombudsman designated under subsection (a)(3)(B).

In Title VIII of the law, the ombudsman is again referenced in nearly identical language to the first quotation above, and **expanding the scope of the ombudsman to include all equitable service programs: Title I-A, Title II-A, Title III-A, and Title IV-A&B.**

The next important point is that **the state educational agency designates the ombudsman.** This means private school advocates must be in communication with their state-level education officials to ensure the ombudsman is properly designed, appointed, and empowered. We will discuss that in detail below.

The third and final aspect of the legislative text to note is that **the ombudsman has a dual role to “monitor and enforce” the equitable services provisions.** This is what makes the ombudsman such a unique role – there are many references to “monitoring” in ESEA, but almost none to enforcement by state officials.