

GAO Highlights

Highlights of [GAO-23-105469](#), a report to the Chairwoman, Committee on Education and the Workforce, House of Representatives

Why GAO Did This Study

In 2019-20, over 4.6 million students attended private school. Many are eligible for equitable services—such as tutoring—under the Elementary and Secondary Education Act (ESEA). These federally funded services provided by school districts offer critical learning supports at private schools that opt to have their students receive them. ESEA requires states designate an ombuds to monitor and enforce equitable services requirements.

GAO was asked to review state implementation of the ombuds requirement and equitable services more broadly. This report examines (1) states' implementation of the equitable services ombuds and challenges in doing so, (2) how states and Education address equitable services disputes, and (3) challenges that selected private schools and school districts face related to equitable services.

GAO surveyed ombuds in all 50 states, the District of Columbia, and five U.S. territories (52 of 56 responded). GAO also interviewed ombuds, state and school district officials, and private school leaders in five states, selected primarily because they have a large number of private schools. GAO also reviewed relevant federal laws, regulations, and Education documents, and interviewed Education officials.

What GAO Recommends

GAO is making four recommendations, including that Education provide guidance and training opportunities on mitigating workload and impartiality concerns; and meet required timeframes for resolving appeals. Education described steps to implement GAO's recommendations.

View [GAO-23-105469](#). For more information, contact Jacqueline M. Nowicki at (202) 512-7215 or nowickij@gao.gov.

April 2023

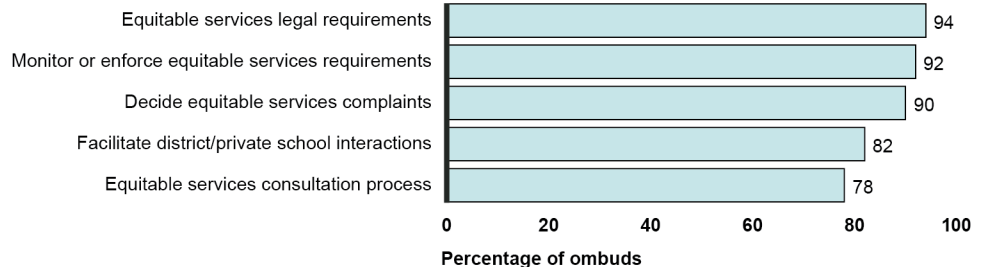
K-12 EDUCATION

Additional Guidance Could Improve the Equitable Services Process for School Districts and Private Schools

What GAO Found

Since 2015, federal law has required states to designate an ombuds to monitor school districts' provision of services to eligible private school children and teachers. Most states implemented this requirement by assigning the role to someone already employed by the state educational agency, according to GAO's survey of all state ombuds. Selected stakeholders generally reported ombuds were helpful, but some raised concerns about ombuds' workload and real or perceived challenges to independence and impartiality. The Department of Education's guidance advises states to consider these issues but provides little information on how to help ensure ombuds have capacity to do their jobs or examples of ways to mitigate impartiality concerns. Further, about 40 percent of ombuds reported in GAO's survey that a lack of training, guidance, or other supports were among the greatest challenges they faced, with several noting they lacked knowledge of their role. Absent more robust guidance and training from Education, private schools and school districts may not fully benefit from ombuds as a resource.

Most Common Topics on Which Ombuds Reported More Guidance or Training Would Be Helpful



Source: GAO survey of state Elementary and Secondary Education Act equitable services ombuds. | GAO-23-105469

Ombuds reported receiving a total of 38 formal equitable service complaints from private schools and private school associations since 2015 about issues including private school students and staff not receiving equitable services. Thirteen of these complaints were appealed to Education. By law, Education has 90 days to investigate and issue a decision in such appeals, but since 2015, it has never met that timeframe. GAO found that Education took a median of 258 days to issue decisions, with the longest taking over 500 days. Without timely decisions from Education, eligible private school students and teachers may not receive all equitable services to which they are entitled.

Many of the more than 30 selected private school leaders and school district officials GAO spoke with described challenges managing equitable services, such as that they are complex and time consuming. Most ombuds agreed, with 35 reporting that administrative burden is the most common reason that private school leaders may choose not to participate in equitable services. Further, all stakeholders cited challenges identifying and counting eligible children and working with multiple school districts or with private schools across school district boundaries. In addition, nearly all of the private school leaders GAO spoke with said private schools faced challenges receiving equitable services, such as the amount or quality of services.