

NACSA Commends U.S. Department of Education for Recognizing Charters and Authorizing in ESEA Waiver Process

U.S. Department of Education Clarifies Waiver Process to Protect Charter School Autonomy and Accountability

May 15, 2012 (Chicago)—The National Association of Charter School Authorizers (NACSA) applauds the U.S. Department of Education’s latest steps to protect charter school autonomy and accountability. The Department’s new clarifications to the Elementary and Secondary Education Act (ESEA) Flexibility Waiver process help ensure that public charter schools continue to have autonomy in addressing needed improvements, and that low-performing charter schools can be timely closed by charter authorizers.

“Failing charter schools don’t serve anyone—and especially not the children in them. The original ESEA Waiver provisions could have resulted in these schools remaining open far longer than they might under state charter law or charter contract,” said NACSA President and CEO Greg Richmond. “The new clarifications help ensure that charters will continue to benefit from the autonomy that allows them to innovate, while remaining accountable for a high level of performance.”

Under the Department’s ESEA Flexibility Program, states may apply for waivers to specific requirements of the No Child Left Behind Act if they adopt several reform practices that address low-performing schools. The original provisions of the program, which allowed states to alter their school accountability programs by implementing sanctions and state-mandated improvement plans, did not take into account the unique autonomy and accountability features of charter schools. For example, state-mandated improvement plans could greatly reduce a charter school’s autonomy with respect to its own programs. Moreover, states might impose multi-year corrective plans on low-performing charters, thus allowing these schools to continue to fail children when they might otherwise be closed under the charter contract or state charter law.

To address these concerns, NACSA met with Department officials, including Secretary of Education Arne Duncan, to alert them to the issues and propose solutions. NACSA also reached out to state charter associations and charter school authorizers across the country to encourage them to work with their state education agencies to develop ESEA Flexibility plans that respect the autonomy and accountability of charter schools. The Department’s most recently published guidance specifically addresses the issues raised by NACSA and its constituents.

The Department has clarified that:

1. States are to include charter schools in the new state accountability systems that are being designed to accommodate these waivers.
2. Regardless of a school’s identification and involvement in state-mandated school improvements, charter authorizers retain the authority to act according to state charter school laws on a timely basis to close failing schools according to the terms of their charter contracts.
3. Authorizers are free to apply higher standards to charter schools they oversee than are applied in state accountability systems.
4. In states with adequate charter school accountability, teacher evaluation systems implemented under these waivers need not apply to charters and charter schools in these states should have the flexibility to implement alternatives.

“NACSA was pleased to work with its partners to ensure that ESEA waivers specifically address our nation’s charter schools.” said Richmond. “We suggest that charter school authorizers, operators, support organizations, and other stakeholders now work directly with their state education agencies to clarify how their state’s waiver plan will preserve the autonomy and accountability necessary for excellent charter schools.”

The National Association of Charter School Authorizers (NACSA) is committed to advancing excellence and accountability in the charter school sector and to increasing the number of high-quality charter schools across the nation. To accomplish this mission, NACSA works to improve the policies and practices of authorizers—the organizations designated to approve, monitor, renew, and, if necessary, close charter schools. NACSA provides training, consulting, and policy guidance to authorizers. It also advocates for laws and policies that raise the bar for excellence among authorizers and the schools they charter. Visit www.qualitycharters.org.

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