



105 W. Adams St.
Suite 1900
Chicago, IL 60603

T: (312) 376-2300
F: (312) 376-2400

www.qualitycharters.org

2/28/17

The Honorable Betsy DeVos
Secretary of Education
Washington, D.C.

The Honorable Lamar Alexander
Chair
U.S. Senate Health, Education, Labor &
Pensions Committee
Washington, D.C.

The Honorable Virginia Foxx
Chair
U.S. House Education and Workforce
Committee
Washington, D.C.

The Honorable Patty Murray
Ranking Member
U.S. Senate Health, Education, Labor &
Pensions Committee
Washington, D.C.

The Honorable Bobby Scott
Ranking Member
U.S. House Education and Workforce
Committee
Washington, D.C.

Dear Secretary DeVos, Senators Alexander and Murray, and Representatives Foxx and Scott:

I am writing on behalf of the National Association of Charter School Authorizers (NACSA) concerning the implementation of the Every Student Succeeds Act (ESSA).

At NACSA, we believe that every child deserves the opportunity to attend an excellent school, and that high-quality charter schools can help achieve that ideal. We work to improve public education by strengthening the policies and practices of authorizers—the organizations responsible for approving and overseeing charter schools.

As you know, charter schools, just like all public schools, are subject to all federal laws and regulations, but sometimes the unique nature of charter schools means these federal laws and regulations have an outsized or different impact on charter schools and charter school authorizing. Because of this, for nearly 15 months NACSA has been working with federal, state, and local stakeholders to ensure that the implementation of ESSA, including related regulations and guidance, accurately reflects its bipartisan vision for a high quality charter school sector. Our efforts included working with the charter school and authorizer representative on the negotiated rulemaking committee convened in Spring 2016, submitting [detailed comments](#) on the proposed Title I accountability regulations in August 2016, and disseminating [extensive technical guidance](#) to state stakeholders and authorizers across the country to ensure our community is doing its part to support a smooth and successful ESSA transition.

As a result of these efforts we believe that under current federal policy authorizers are well positioned to continue supporting a high quality charter school sector. We are also aware that Congress is considering actions to repeal some of these policies, including the final regulations governing Accountability, State Plans, and Data Reporting in Title I.

Should such a repeal occur, we strongly encourage the Department of Education to consider issuing immediate guidance in three areas that have a significant impact on charter schools and charter school authorizing. Such guidance would protect charter autonomy, and support locally-driven accountability by charter school authorizers, by putting in place federal “back-stops” in the event that states, charter schools, or authorizers face uncertainty when implementing charter accountability after State ESSA plans are approved.

Charter School Accountability. We strongly encourage the Department of Education to immediately issue guidance that makes it clear that the intent of ESSA is strong accountability for charter schools that *complements and makes use of* the authorizer-driven accountability mechanisms in state charter school law.

Guidance can be based on the language currently in the Title I accountability regulations, which combined make it clear that:

- (1) Charter schools are still subject to accountability per state charter school laws;
- (2) A decision by an authorizer to revoke or non-renew a charter school supersedes any notification from the State that such a school must implement an improvement plan; and
- (3) When appropriate, accountability actions driven by state Title I accountability policies should be done in coordination with a charter school's authorizer.

Such language would still represent significantly streamlined guidance compared to guidance issued on charter school accountability under NCLB and under NCLB-waivers.

Data Quality: To support ESSA's goal of making high quality data available to parents and the public—information that is crucial for authorizers and charter schools—we encourage the Department of Education to issue guidance on timelines, meaningful differentiation, and n-size.

Authorizers and charter schools rely on timely, regular access to high quality school data to make important decisions about school programming and charter school accountability. Currently Title I accountability and report card regulations boost the quality of these state and LEA report cards in three important ways. First, the regulatory timelines ensure local and state data is collected and released on a predictable schedule from year to year. Second, regulations improve the quality of the data released in these report cards by setting basic standards on the differentiation and weighting of state measurements, making them more meaningful to students, schools, and the public. Third, regulations explicitly permit states to use different n-sizes for the purposes of reporting which, in practice, often results in higher quality data than would otherwise be available.

Guidance in these areas would provide assurances to authorizers, local school districts, and charter schools that they would have access to meaningful, high quality data from the state on a predictable schedule.

State Flexibility for Unique Schools: We encourage the Department of Education to issue guidance that reiterates the flexibility states have to design nuanced reporting and accountability systems that work for unique schools. ESSA grants states and local school district considerable autonomy over state report card and accountability systems, but we know that such flexibility is not always immediately apparent to states and school districts. Current Title I regulations provide several examples of the expanded flexibility afforded to states and school districts in many areas, most notably for new schools, small schools, and schools serving non-traditional student populations (such as drop-out recovery schools). Such regulations not only provide assurances that such flexibility is allowed, but encourage states to consider these nuances and design state systems that work for these unique schools. Guidance can continue to celebrate this flexibility and promote the development of state systems that work for all schools.

Thank you for your consideration. We look forward to working with the Department of Education and Congress to advance our shared goals. Please feel free to contact Amanda Fenton, Director of State and Federal Policy, at 510.612.3244 or amandaf@qualitycharters.org with any questions.

Regards,

John E. Hedstrom
Vice President, Policy & Advocacy
National Association of Charter School Authorizers