



January 21, 2016

The Honorable John King
Secretary-Designate
US Department of Education
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Dear Secretary-Designate King,

On behalf of the National Association of Charter School Authorizers (NACSA), I submit these comments regarding the implementation of Title I under the Every Student Succeeds Act (ESSA).

NACSA is devoted to improving public education by improving the policies and practices of the organizations that are responsible for authorizing and overseeing charter schools. We advocate for authorizers to hold themselves, and the schools they oversee, to high standards based on national best practices, defined in our *Principles & Standards for Quality Charter School Authorizing*.

NACSA expects the best from the charter sector and supports policy that does the same. It is an authorizer's job to ensure all charter schools are held accountable to high standards and, since No Child Left Behind (NCLB), we have learned much about how Title I helps authorizers do this important job.

I want to share three lessons we've learned about charter school accountability that I encourage the Department and states to consider as we embark on ESSA implementation:

1. **Limit data gaps or pauses.** Accurate, reliable, comparable performance data is crucial when making high-stakes decisions. We all rely on it to make informed decisions about our schools, and authorizers rely on it every year to make high-stakes decisions to renew or close a charter school. A year without achievement data is a year when all schools get a free pass—even those that do not deserve it. *This is especially true in the charter sector, where high-stakes decisions to keep schools open or close them will continue to be made during this transition.* Last month the Department issued guidance that suspends some indicators for the 14/15 and 15/16 school years in the interest of a smooth transition. We don't disagree with this action, but we strongly encourage the Department—and each state—to make every attempt to minimize these data disruptions. It makes it exponentially difficult to expect the best from our schools if we don't have benchmarked, objective, yearly data on how they are doing.
2. **Do not put failing charter schools in a state-mandated turn around program. Close them.** ESSA recognizes that effective state charter school laws—enforced by authorizers—result in regular, rigorous charter school accountability. Unfortunately, previous Title I intervention systems were often designed with little thought as to how they would interact with charter schools or state charter laws. This ended up creating a quagmire in many states, where some state Title I intervention systems impeded an authorizer's ability to enforce a charter contract and close a failed charter school. The Department issued guidance in 2011 which helped clean this up, but there is no substitute for getting it right from the start. Charter



schools are designed to be closed if they fail to live up to the promises they make to children, families, and taxpayers. Subjecting them to rigid state-determined interventions can erode the accountability that is integral to their design. I encourage the Department to make sure states account for charter schools when making their Title I plans, and that these plans reinforce strong accountability for charter schools—not prevent it.

- 3. Make sure plans for Title I oversight work for all types of schools, and all types of overseers.** Too often under NCLB the state systems for Title I oversight relied exclusively on the traditional hierarchy and infrastructure of a school district system. Charter schools and authorizers didn't receive information, were asked to contort themselves to fit a traditional mold, or were left with no guidance at all on their Title I oversight responsibilities. At its worst this can leave holes in our oversight of Title I funds or irreparably erode the autonomy that is at the core of the charter school model. Actions like the Dear Colleague letter from September 2015 regarding oversight of charter schools help, but alone it does not fix the underlying problem of a maladapted oversight system. In issuing standards for Title I oversight, make sure states consider how these systems will work for charter schools and the authorizers that are the first line of oversight in their state.

At their best, authorizers and charter schools are exemplars of the locally driven accountability ESSA promotes. Goals are set locally at each school, that local school decides how to meet them, and the authorizer holds that local school accountable for meeting those goals. We can all use the lessons and innovations of the charter school community as together we create locally-driven Title I systems under ESSA.

We are happy to discuss the issue further; please contact Amanda Fenton, our Director of State and Federal Policy, at amandaf@qualitycharters.org or (312) 376-2300.

Sincerely,

Greg Richmond
President and CEO
National Association of Charter School Authorizers