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**CHECKLIST BY PROBLEM**

Below are common problems this resource will help you solve.

- I need a refresher on what is in ESSA and the implementation timeline.
- This all seems pretty removed from my day-to-day authorizing work. How will ESSA actually impact authorizing and my work?
- I need to put together an ESSA Work Plan. What should I keep in mind?
- I need to ask my SEA questions about ESSA. Where do I go (and who should I contact) to find information about what my state is doing?
- I’m getting ready to start the renewal process for the year. Will my data suffice? What else should I keep in mind?
- I’m getting ready to put out an RFP for new charter school applications. What should I keep in mind?
- I might have a data gap. Help.
- How do I make sure my charter contracts remain enforceable during and after the ESSA transition?
- How do I stay up-to-date on any compliance changes that are going on?
- I’m ready to get involved in ESSA planning in my state!
- I’m having a meeting with my [audience from below]. What should we discuss? What tools will facilitate this discussion?

<table>
<thead>
<tr>
<th>Audience</th>
<th>Discussion Topics</th>
<th>Tools For Meeting</th>
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| Legal counsel                  | - Keeping contracts enforceable during and after the transition, including for renewal proceedings  
                                | - Procedures for transitioning authorizer tools, policies, and practices for any changed compliance requirement | Data gap, impact analysis, keeping state charter law up to date                   |
| Data/academic accountability manager | - Strategy to address potential data gaps                                           | Data gap, preparing for system-level change                                       |
| Charter school*                | - Goals and expectations for the ESSA transition, including relevant aspects of internal ESSA work plan.  
                                | - Charter school renewal during the transition period, including data gaps          | Data gap, preparing for system-level change                                       |
| Authorizer governing board     | - The impact of the ESSA transition on authorizing                                 | Preparing for system-level change, ESSA and authorizing, get involved            |
| Local group of authorizers     | - The impact of the ESSA transition on policies and practices, and strategies being used | Impact analysis, preparing for system-level change, get involved                 |
| State Education Agency         | - The State’s ESSA transition plan and guidance, including topics where further guidance is needed  
                                | - Keeping charter contracts enforceable during and after the transition            | Preparing for system-level change, keeping state charter law up to date, get involved, data gap (if identified) |
| State legislator or policymaker | - The impact of the ESSA transition on authorizing                                 | ESSA cheat sheet, get involved, keeping state charter law up to date              |
ESSA QUARTERLY WORK PLAN

Checklist by Timeline

2016

☐ Sign up for state ESSA updates, if available. If not available, find your SEA ESSA contact.
☐ Get involved in ESSA planning process in your state.
☐ Read “Preparing for System Level Changes.” Have discussion with your team about ESSA goals and expectations.
☐ Put together an ESSA Transition Quarterly Work Plan.
   o This should include completing an initial impact assessment.
   o If a data gap is identified, see supplemental work plan and incorporate into Quarterly Work Plan.
   o If needed, consider any short-term addendums to new school or renewal RFPs.
☐ If needed, have meeting with legal counsel to discuss data gap and transition accountability.
   o If needed, notify SEA of any urgent conforming amendments.
☐ Recurring: Check in with SEA; Check in with charter schools; Check NACSA ESSA for Authorizers.

2017

JANUARY–MARCH (Q1)

Your state may submit its Title I plan in March.
☐ Suggested goal for Quarterly Work Plan: start tool and policy audit, with focus on performance frameworks and charter contract templates.
☐ Continue involvement in ESSA planning in your state.
☐ Meet with legal counsel to discuss updating charter contracts with new terminology.
☐ Recurring: Check in with SEA; Check in with charter schools; Check NACSA ESSA for Authorizers.

APRIL–JUNE (Q2)

Your state may submit its Title I plan in June.
☐ Suggested goal for Quarterly Work Plan: tool and policy audit, with focus on new school RFP and annual report template.
☐ Continue involvement in ESSA planning in your state.
☐ Revisit impact assessment to incorporate any additional guidance.
☐ Recurring: Check in with SEA; Check in with charter schools; Check NACSA ESSA for Authorizers.
2017 (continued)

JULY–SEPTEMBER (Q3)

State Title I plan approved by US Department of Education.

- Suggested goal for Quarterly Work Plan: tool and policy audit, with a focus on renewal RFP and compliance systems.
- Request guidance from SEA on transition to new State Title I requirements, including state metrics, state report card elements, and continuity of accountability.
- Recurring: Check NACSA ESSA for Authorizers; Check in with charter schools. Suggested topic is modified tool templates, any transition guidance from SEA.

OCTOBER–DECEMBER (Q4)

State issues first report card under new system.

- Suggested goal for Quarterly Work Plan: Roll out new tools and policies with charter schools.
- If needed, notify State of any necessary conforming amendments to state charter school law.
- Recurring: Check in with SEA; Check NACSA ESSA for Authorizers.

2018

JANUARY–MARCH (Q1)

- Revisit and, if necessary, refine modified tools and processes.
- Revisit impact assessment to incorporate any additional transition guidance.
ESSA CHEAT SHEET

The Titles

**Title I** is the largest pot of federal education funding. In order to receive funds, state must have an approved plan that meets requirements for: state academic standards, state assessments, state report cards, and required improvement efforts for identified low-performing schools. This includes setting goals for, and reporting on the performance of, different population groups.

- **Title I helps authorizers answer two key questions:** how well is a school performing, and is it serving all students well? It provides annual, comparable data on a variety of performance metrics for every charter school, including data divided by population groups. How a state designs their systems, and chooses to report on these requirements, will have a direct impact on the type and content of the standard annual performance data an authorizer can access from the State.

- **Fulfilling Title I requirements means** having an educational program that meets state standards, participating in the annual state assessment, correctly reporting that and other data to the State (or district), engaging in any required improvement efforts, and spending Title I funding appropriately. At times, fulfilling these requirements can spill over into policy areas generally governed by other Titles, such as teacher quality or special populations.

**Title II** provides funding to increase the quality of teachers, principals, and school leaders. To receive funds a state has to have an approved plan to increase quality of these professionals which could include elements like: teacher certification requirements, teacher evaluations, alternative credential programs, or teacher retention. States have significant flexibility to design their plan.

- **Fulfilling Title II requirements means** adhering to any state requirements (that apply to charter schools) for teacher, principle, or school leader quality and, if the charter school receives Title II funds, spending funds on appropriate activities.

**Title IV** includes competitive grant programs for states and individual LEAs. If a state receives a grant through one of these programs it may create new or modified requirements for individual schools. This varies by program.

- Many states will receive an Expanding Opportunity through Quality Charter Schools Grant under Title IV Part C, formerly called the Public Charter School Program. Receipt of this grant places several additional requirements on states, authorizers, and charter schools. It will be explored in separate documents.

**Titles VI, VII and IX** address specific programs for special populations of students, including Native American and native Hawaiian (Title VI), homeless youth (Title IX), and some geographic communities (Title VII).

- **Fulfilling requirements for these Titles** will vary state to state, but it commonly means providing specialized or additional services to these populations.

**Titles III, V and VIII** mainly affect state-level policy and have little distinct impact on charter school oversight—English Learners (Title III), rural education and other grant programs (Title V), and definitions and other requirements (Title VIII).
## ESSA Implementation Timeline

### 2016: JANUARY-JUNE

**U.S. Department of Education**
- Initial Rules and Regulations
- Change federal reporting requirements for transition

**States**
- Begin discussing state plan for ESSA compliance
  - Standards and assessments likely first, report cards and school improvement second
- States may begin forming stakeholder committees for ESSA compliance

**Authorizers**
- Begin experiencing data gaps
- Begin discussions with schools about transition in standards, assessments, and state systems

### 2016: JULY-DECEMBER

**U.S. Department of Education**
- Jul. 1, Aug. 1, Oct. 1—program effective dates

**States**
- Continue discussing state plan for ESSA compliance
- Begin preparing ESSA compliance plans

**Authorizers**
- Continue experiencing data gaps
- Prepare for ESSA transitions
- Participate in state ESSA compliance planning process

### 2017: JANUARY-AUGUST

**U.S. Department of Education**
- Review submitted ESSA compliance plans
- Anticipated deadline: Title I plans due March or June, 2017

**States**
- Prepare and submit ESSA compliance plans to ED
- Make state-level policy changes, if necessary

**Authorizers**
- Continue experiencing data gaps
- Begin ESSA transitions
- Participate in state ESSA compliance process
- Shift federal and state compliance monitoring for ESSA

## 2017-18 School Year: ESSA in Full Effect

### Bookmark It

- **Your State ESSA Web Hub**
  - Find your state ESSA web hub in the “State ESSA Contacts” section of this planning document.

- **NACSA ESSA for Authorizers**
  - [http://www.qualitycharters.org/research-policies/archive/essa-for-authorizers/](http://www.qualitycharters.org/research-policies/archive/essa-for-authorizers/)

- **US Department of Education ESSA homepage**
  - Great for the latest federal guidance on the ESSA transition, including a continually-updated ESSA FAQ.

- **Council of Chief State School Officers ESSA guide or Education Commission of the States ESSA guide**
  - Resources that your SEA, State Chief, and state policy makers are likely using as they put together state plans.
  - [http://www.ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html](http://www.ccsso.org/Resources/Programs/Every_Student_Succeeds_Act.html)

- **National Alliance for Public Charter Schools ESSA homepage**
  - Information on ESSA geared towards individuals operating charter schools.
  - [http://www.publiccharters.org/where-we-stand/washington/esea/](http://www.publiccharters.org/where-we-stand/washington/esea/)

- **Understanding ESSA** ([http://understandingessa.org/](http://understandingessa.org/))
  - A tracker of the latest ESSA implementation activities across the country that allows you to search by state or by topic. Charter schools are in the “School Choice” category.
ESSA TRANSITION: IMPLEMENTATION PRIMER

What Is Happening

During this school year, every state must prepare and submit plans for ESSA compliance to the U.S. Department of Education (ED). The most far-reaching plan will address Title I compliance, which includes big topics like annual assessment, state and school report cards, and state accountability systems. States will also prepare plans for other topics, like teacher quality (Title II) and English language proficiency (Title III), in the near future.

Once a plan is approved by ED, states will propagate laws, regulations, and policies to ensure it is implemented by the state education agency (SEA), school districts, schools, and other entities with fidelity. At the same time new policies are being debated, old NCLB-era policies are being phased out.

How It Will Impact Authorizing

In the immediate school year, the transition from old to new policies will be characterized by the phasing out of old models (like AYP, or some teacher quality initiatives) before their new alternatives are fully known. This creates a degree of ambiguity in this upcoming school year that may require temporary adjustments to authorizer practices.

In the future, the content of the new Title plans being developed will impact charter school authorizing and accountability in significant ways:

<table>
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<th>Element Being Changed</th>
<th>Potential Impact on Authorizing</th>
<th>Affected Practices and Tools</th>
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| **Existing state metrics and charter contracts.** NCLB-era metrics (like API or a state A-F ranking system) will likely be changing. This means that charter contracts that rely on those metrics may become outdated, or difficult to enforce. | **In the short term,** this will impact if/how authorizers can continue to hold charter schools accountable for their past performance—if performance metrics change.  
  - If done right, there will be a continuity in school performance information and authorizers can keep holding schools accountable.  
  - If done wrong, it may be difficult to enforce accountability that is based on older metrics in existing contracts, potentially giving charter schools a pass during the next several years. |
| In the short term, the state will need to develop a plan to bridge the NCLB-era systems and the ESSA-era systems. To do this, the State will engage in activities like: issue guidance on the comparing the two systems, establishing continuity between the two systems, and accounting for any data gaps during the transition. | **In the long term,** this impacts the metrics an authorizer uses—or state law references—to set charter school goals and decide if a school should stay open, including standards of renewal, revocation, or replication. |
| **In the short term,** this will impact if/how authorizers can continue to hold charter schools accountable for their past performance—if performance metrics change. | **Affected Practices and Tools**  
  - New School RFP and Evaluation  
  - Renewal RFP and Evaluation  
  - Content of Performance Contracts  
  - Academic Performance Framework  
  - Annual Report Template |
<table>
<thead>
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| Systems for comprehensive or targeted support (previously known as “Program Improvement” under NCLB). | The responsibilities charter schools, their umbrella LEAs, or authorizers have to intervene in identified low-performing schools, close identified schools, or engage in other improvement activities. A state’s Title I plan may make it easier or harder for an authorizer to hold identified low-performing schools accountable for their performance. For example, if a state requires identified charter schools to go through a multi-year improvement process, just like a traditional low-performing school, it could be legally difficult to close that charter school. | • Title I Compliance Monitoring  
• Probation Protocols  
• Renewal RFP or Protocols and Evaluation  
• Organization Performance Framework |
| State report cards. The state must meet new report card requirements at the state and district level. | At the state level, the report cards may include new information on authorizers and charter school enrollment and performance. This could require states to design a system to compare charter schools with traditional public schools. At the district level, there will be new reporting requirements for all districts and individual schools. Charter schools will need to demonstrate compliance with their requirements. | • New School RFP  
• Renewal RFP  
• Title I Compliance Monitoring  
• Annual Report Template |
| The selection and use of assessments. ESSA permits states to develop systems for additional assessment flexibilities, such as electing to use a nationally-recognized high school assessment (like the SAT or ACT) instead of a state assessment. | A state can choose to grant LEAs this flexibility and must establish a rigorous process to screen and approve requests. For high school assessments, this must include consultation with charter school authorizers. | • New School RFP, if assessment flexibility permitted  
• Contracts and Contract Modification Protocols  
• Renewal RFP  
• Annual Report Template  
• Academic Performance Framework |
| State-level school improvement plans and strategies. This could include a turnaround district or other methods of charter-based school improvement. | This may create a new authorizer, new opportunities for successful charter school replication, or may create other state-level programs to support charter schools, such as a grant program or another replication policy. | • Replication Policies and Procedures |
| Teacher quality requirements, and other compliance-based policies. Charters will need to demonstrate compliance with new federal and state regulations in areas like: required LEA planning; expenditure requirements; teacher quality provisions; and reporting on special populations. | An authorizer will need to monitor compliance with many of these new provisions, which will involve coordination with other responsible agencies, such as the SEA. | • Annual Reports  
• Performance Frameworks  
• Charter Contracts |
How is NACSA Helping?

Meet the ESSA Toolbox. Since ESSA passed in December 2015, NACSA has been rolling out a series of tools to help authorizers adjust to this big policy shift. These tools are designed to do three things: explain the nuts and bolts of what ESSA does; help authorizers identify and adapt to the practical impacts of the ESSA transition; and give authorizers the tools they need to engage in ESSA policy discussions in their states.

All are available online on our ESSA for Authorizers homepage at http://www.qualitycharters.org/research-policies/archive/essa-for-authorizers/

Federal Policy 100
A basic overview of federal policy and the oversight responsibilities federal policy creates for authorizers and other entities.

- 100: ESEA and ESSA
- 101: How Federal Policy Influences Education
- 102: Federal Policy and Charter School Oversight
- 103: Alphabet Soup (Agencies and Their Jurisdiction)
- 104: Overseeing Federal Funds at Charter Schools: A Primer

The Transition
Technical advice on handling the transition (practice) as well as recommendations and calls to action for ESSA Implementation (policy).

- ESSA Overview
- ESSA Timeline
- The Data Gap: Conversations to Have Now
- Preparing for System-Level Changes
- Get Involved: This is the Year!
- Keeping Your State Law Up-to-date as NCLB Expires
  - Your plan is approved. Now what? (Coming 2017)

The Titles
Coming 2017
This series will explore the most significant titles and their impact on charter school oversight. It will be broken up into two components: short briefs that provide the basic components; and, when necessary, more detailed materials which will be developed after all DOE regulations are issued to provide any needed technical guidance to authorizers and other oversight entities.

- Title I
  - Title II
  - Special Populations (Title III, VI, VII, IX)

CSP
Coming 2017
The Charter School Program impacts charter schools and authorizers in a myriad of ways. The series will provide information to states (and authorizers in those states) on the new program requirements, the oversight responsibilities, and the resources available to assist their work.

- CSP State Applications: Overview
- CSP for Authorizers
  - Shifting Gears from NCLB to ESSA within CSP
PREPARING FOR SYSTEM-LEVEL CHANGES

The implementation of the Every Student Succeeds Act (ESSA) will occur in earnest over the next two academic years. In practice, the magnitude and precise nature of this change will vary considerably from state to state; however, now is the best time for authorizers and charter schools to start preparing for these changes.

Step 1: Set Goals and Expectations

We can say we want a “smooth transition,” but what does that actually look like when thinking about the nuts and bolts of authorizer practice? Establishing expectations for yourself and your schools gives you a foundation to build your actions on as you start this big change.

NACSA suggests making this a two part process. First, define the goals for your office. Then set expectations for what you and your schools can do to help fulfill these goals.

Goals: NACSA suggests defining success in two ways: globally; and related to each of the core authorizing functions: new school approval, renewal, and oversight. This may get you started:

A smooth transition is one where I can continue my oversight and accountability responsibilities in a fair and consistent manner during the transition period and once new ESSA systems are in place.

For new charter school applicants, this means:
- The application provides evidence that the school will be able to fulfill future performance objectives and requirements, which may be unknown at this time, and I can adapt the charter contract I’m executing to as-yet unknown state requirements.

For charter schools up for renewal or revocation, this means:
- I can fairly and accurately evaluate past performance, and
- I can make legally enforceable renewal or revocation decisions.

For ongoing oversight, this means:
- My oversight tools—such as performance frameworks, and annual reports—help me monitor any new state and federal requirements in the current terminology.
- The contracts for all charters in my portfolio have metrics and goals in the current terminology.

Expectations: Expectations help you communicate within your office and with schools about what each party is responsible for and the general ethos they will approach this transition with. This may get you started.

Expectations for All: Much is unknown. There may be a lot of change, or there may be very little change. We will strive to remain adaptable as situations change.

Expectations for Authorizers: During the transition process we strive to:
- Be consistent.
- Keep our schools informed of information we receive.
- Solicit feedback from our charter schools.
- Provide notice to our charter schools when changes do or will occur.
- Answer questions when we can, and tell you if we don’t have an answer.
**Expectations of Charter Schools:** During the transition process we expect our charter schools to:

- Pay attention to guidance received from U.S. Department of Education, the State, or the LEA.
- Ask questions of the appropriate oversight entity.
- Engage in opportunities for feedback.
- Continue adhering to the charter contract, including working to fulfill performance goals.
- Work to adapt practices to fulfill any new requirements at the authorizer, local, state, or federal level.

### Step 2: Identify What Could Be Impacted by the Change. Finalize When Possible. Reevaluate Regularly.

ESSA implementation will happen intermittently as transition guidance is issued, plans are adopted, and final rules and regulations are rolled out. Authorizers need to be prepared to deal with the impact of changes that have already been made, as well as adapt to new changes as they occur. This often includes updating existing authorizer tools and processes for the short and long-term.

NACSA suggests conducting an “impact assessment” to identify three categories: 1.) Element being changed; 2.) Impact of Change; and 3.) Effected Tool or Practice. Pay special attention to any changes that may impact your ability to legally enforce accountability decisions—it will be a priority to address them. Identifying the affected tools or practices will help you conduct a “tool and policy audit,” where you identify the areas of common authoring tools that may need to be changed in the short and long-term. Revisit the assessment as information is released.

Staying up to date on compliance changes can be especially tricky. NACSA recommends asking your SEA for guidance first, as during the transition they should be interpreting federal transition guidance and informing LEAs and other entities about what those changes mean within your State context. Regular checks in with your SEA can be part of your Quarterly Work Plan, discussed below. If your SEA doesn’t have an answer, the [US Department of Education](https://www2.ed.gov) keeps a hub with resources and guidance (including a “Transition FAQ”) that so far has addressed some compliance issues, and they keep adding new materials. And of course check out [NACSA's ESSA for Authorizers](https://www.nacsa.org) page for updates.

The Impact on Authorizing table on page 9 may help.

### Step 3: Establish Quarterly and/or As-Needed Objectives, With a Regular Communications Schedule

The roll out of new state systems may not coincide well with the regular authorizing cycle and the related statutory deadlines and processes. Constructing a Quarterly Work Plan with a handful of objectives can help get some of the initial work completed so you can more easily “plug in” the new state systems into your authorizing work. The Quarterly Work Plan should be tailored for your authorizing calendar and should be reflective of some of the major ESSA implementation milestones.

The Quarterly Work Plan on page 5 may help.
DEALING WITH DATA GAPS

The Issue: What is a Data Gap?

Some states and districts have suspended or modified state-and-district designed school quality metrics and reporting requirements for the 2015–16 academic year in anticipation of state assessment and accountability transitions resulting from the passage of ESSA.

In addition, in preliminary guidance to SEAs, the US Department of Education (ED) identified two federal academic performance reporting requirements that states will no longer have to comply with:

1. Annual Measurable Objectives (AMO) and some of the Adequate Yearly Progress components (AYP) based on data from the 2014–15, 2015–16, and 2016–17 school years.

This means data on charter schools that ordinarily would be available to authorizers may not be generated or reported, including data that relates to performance goals in charter contracts. When taken together—a growing snowball of federal, state, and district changes—the effect can be significant. This will be seen most acutely in data from the 2014–15, 2015–16, and 2016–17 school years.

When this happens, authorizers will confront a gap between the data they have and the data they need; a gap that comes before pervasive data substitutes (in the form of new state accountability or reporting systems) are in place. Any data gap may make it more difficult to accurately assess charter school performance and enforce charter school accountability, especially when the missing data is linked to charter school performance goals.

This gap will have the biggest impact on authorizing activities—especially renewal, non-renewal, and closure—during the 2016–17 (and potentially the 2017–18) school years. After that period the presumption is that new state assessment and accountability systems will be producing data, and authorizers can then systematically update charter contracts to reflect the new systems.

**Authorizers must pursue a strategy to work around any data gaps during this transition year.**

Selecting a Data Gap Strategy

When performing the data-gap assessment, and selecting a strategy to work around the data gap, keep in mind the purpose of authorizing work. Authorizers set performance goals and collect performance data in order to ensure charter schools live up to the promises they make to the public. Data collection is not the goal of the exercise; it is merely the necessary means to determine if a school is performing as promised. Authorizers have a responsibility to the public to make sure that determination is accurate and fair, and then, as a result, renew, non-renew, or close charter schools.

Through each step in this process, ask yourself: Does this action help me get the data I need to make and justify a renewal, non-renewal, or closure decision?
Step 1: Assess the Impact of the Data Gap on Your Portfolio of Charter Schools

Before selecting a strategy, the authorizer should assess the impact of the data gap. This can be determined by asking two broad questions:

(1) **Does the missing data have a big impact on charter school contracts?** These questions can help authorizers determine the impact on charter contracts.
   a. Does the missing data impact an important element of the charter contract, such as a school performance goal?
   b. Does the missing data mean that I can’t prove whether a school has met a statutorily defined renewal, non-renewal, or revocation threshold, such as a bar for renewal or a default closure provision?
      *(Note: Notify your SEA immediately if this is the case. The SEA should issue guidance on how to proceed.)*
   c. Does the charter contract allow for data substitution, or metric changes, in the event data is unavailable?
      *(Note: some charter contracts contain a clause that allows for data or metric substitution for precisely this kind of state assessment and accountability transition.)*
   -OR-
   d. Will a contract modification, or other formal approval, be necessary to change an impacted contract metric?
   e. What guidance does the SEA have for the data gap and charter schools?

(2) **Do I anticipate making any renewal, non-renewal, or revocation decisions during the 2016-17 and/or 2017-18 school years?**
   a. Think about the identified schools. Are any at risk of closure?

If an authorizer answers YES to both of these questions, the data gap has a significant impact on charter school accountability in the next two years. The more significant the impact, the more time and resources an authorizer may need to devote to the solution.

Step 2: Select a Strategy Based on Your Assessment

Authorizers have two main strategies to deal with the data gap:

(1) Generate the Missing Data
(2) Manage without the Missing Data

The strategy selected should, as much as possible, be consistent across the charter school portfolio and, ideally, the state.

Authorizers should also involve impacted charter schools in this process. Working with schools to problem-solve the data gap may afford authorizers with better data substitutes, giving them more strategy options. In the best scenario, charter schools and authorizers act as partners to find data gap strategy that makes sense for all stakeholders. At a minimum, this must include adequate notification to schools of the data gap and any proposed policy changes, with the opportunity for schools to engage with comments and feedback.
Strategy 1: Generate the Missing Data

The least disruptive option is finding a method to generate the missing data. With this method, the authorizer can maintain consistency with the original charter contract, possibly eliminating the need for any contract modifications.

- **Strategy 1A: Minimize:** A state may still collect and generate the impacted data even if it no longer reports that data to ED or on state report cards. If your state does collect this data and can calculate the impacted indicator, it may grant you—or the schools in your portfolio—access to that data. This is the simplest way to overcome the data gap.

- **Strategy 1B: Self-Calculate:** A state may still collect many or all of the component data points that go in to calculating the missing data pieces, particularly AMO or AYP. Equipped with the state AMO or AYP formula and the component data points, an authorizer or school may be able to calculate the impacted indicator on its own, providing a reliable “proxy” for the missing state-calculated data. This strategy should only be used when there is a high degree of confidence in the ability of the authorizer to accurately replicate the data. This may require significant authorizer resources depending on the complexity of the missing indicator.

Authorizers should be aware that, while these strategies have the least disruption on the charter contract, they do not address any arguments surrounding the validity of the measure the data is reporting on.

For example, if a state is transitioning to a new assessment, it may decide to suspend data reporting on the prior assessment to recognize curricular or other changes taking place across all schools in the state. Using this strategy the authorizer would find or recreating this “discarded” measure and data—a measure stakeholders may argue should no longer be a valid basis for high-stakes decisions because it is being phased out by the state.

Strategy 2: Manage Without the Missing Data

It may not be feasible to generate the specific missing data needed. If this is the case, authorizers have several options for maintaining accountability without this data. These strategies generally require adjustments to the terms of the charter contract, as they modify what data an authorizer is using to determine if a school is successful, though some charter contracts allow for streamlined revisions in the event of a change in state data systems. Authorizers should check to see what is allowed under the charter contract and be aware of any formal contract modification or policy approval process needed to proceed before selecting this strategy.

- **Strategy 2A: Substitute and, as Necessary, Reweight:** An authorizer and school may agree to an alternative metric to replace the missing data point. This could be another metric generated by the state accountability system, such as a proficiency or growth metric from the state assessment that is not

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A FAULTY SOLUTION: A TEMPORARY PAUSE IN NON-RENEWAL OR REVOCATION

Authorizers may face pressure to institute a temporary pause in non-renewal or revocation during the ESSA transition. The call for a pause may be based on real or perceived data gaps, a desire to “move on” from the prior state assessment or accountability metrics or determinations that are being phased out, or petitions for equal treatment to a traditional school system that, in some ways, is being “held harmless” during the ESSA transition.

We urge authorizers to resist this pressure and continue the needed work of holding charter schools accountable for their performance. A charter school is identified for non-renewal or revocation based on its past performance, it is unfit to continue educating children. Period. A potential change to a metric, at some point in the future, does not erase or excuse a charter school’s inability to fulfill its contractual obligations. Just as it does not release authorizers from their responsibility to hold charter schools accountable.
included elsewhere in the charter contract, or a metric generated at the school level, such as through an alternative, reliable, mutually-agreed to assessment. The alternative metric does not replace all available performance data, but rather provides the needed supplemental data to evaluate school performance in light of the data gap.

- For example, if a state is suspending a high school exit exam, it may be acceptable to substitute in a collection of end-of-course exams taken by the same grade span.

**Strategy 2B: Eliminate and Reweight:** If an acceptable data substitute cannot be found, it may be necessary to eliminate the missing data point from the charter contract for the effected year and reweight the other available performance data to fill in the gap.

- For example, instead of using three academic metrics to assess the impacted year, the authorizer will discard the metric that is missing data and instead use the two remaining academic metrics.

Both of these strategies include the possibility of reweighting the unaffected metrics in the charter contract. This ensures authorizers do two things: (1) make sure summation of all metrics adds up to 100%; and (2) adjust the relative weight of each remaining metric in the charter contract to allow an accurate assessment of school quality.

For example, a charter contract has three academic metrics: student growth (25%); student proficiency (50%); and AYP (25%). A data gap causes AYP to be unavailable. An authorizer may:

A. Decide to substitute in a different indicator (e.g., NAEP results) that has some overlap with student proficiency. As a result, the authorizer decides to reweight the indicators to account for the overlap: student growth (25%); student proficiency (40%); NAEP (35%).

B. Eliminate AYP and reweight the remaining indicators: student growth (40%) and student proficiency (60%).
WILL YOUR STATE CONTINUE TO GENERATE ALL INFORMATION ON STATE AND LOCAL REPORT CARDS?

**YES**
Lucky. No data gaps anticipated at this time.

**NO**
Identify gaps by working with your SEA (e.g., AYP, AMO)

**DETERMINE SCALE OF PROBLEM**

**YES**
Does the absence of the data point impact a contractual accountability element, or otherwise make it difficult to make a performance determination?

**NO**
Do you have a school up for renewal, or at risk of non-renewal or revocation in the upcoming year?

**HIGH POTENTIAL IMPACT**
Discuss missing data point with the school. Can the missing data be generated with fidelity, by the State, authorizer, or school?

**YES**
If generated, is it acceptable to use the missing data?

**GENERATE MISSING DATA**
1. Substitute & reweight
2. Eliminate & reweight

**PROCEED WITH CONTRACT MODIFICATION, IF NECESSARY**

**NO**
Continue working with SEA on long-term solutions towards planning for state change.

**LOW POTENTIAL IMPACT**

**YES**
Continue working with SEA on long-term solutions towards planning for state change.

**NO**
Discuss missing data point with the school. Can the missing data be generated with fidelity, by the State, authorizer, or school?

**GENERATE MISSING DATA**
1. Minimize
2. Self-calculate

**PROCEED WITH CONTRACT MODIFICATION, IF NECESSARY**

“IT'S BETTER TO LOOK AHEAD AND PREPARE, THAN TO LOOK BACK AND REGRET.” –Jackie Joyner-Kersee

**CONTINUE TO WATCH FOR ADDITIONAL DATA GAPS**
### Data Gap Work Plan

<table>
<thead>
<tr>
<th>Timeframe</th>
<th>Task Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>IMMEDIATELY</td>
<td>Request from your SEA and/or your office or district data officer a comprehensive list of any known or anticipated data gaps. If the SEA does not have a list, encourage them to create one and distribute to school districts, state charter school authorizers, and schools. A SEA should, at a minimum, be able to provide you with a list of reporting requirements for schools and districts for the 2014-15 and 2015-16 school years. Any discrepancies between these two lists could be the source of data gaps, providing a starting point in data gap identification.</td>
</tr>
<tr>
<td>OCTOBER 2016</td>
<td>Identify performance measures impacted by data gaps and assess impact on charter contracts. Discuss with stakeholders, including impact charter schools, and discuss data gap strategies.</td>
</tr>
<tr>
<td>NOVEMBER-DECEMBER 2016</td>
<td>Select data gap strategy. Prepare workplan with any necessary contract amendment processes or policy adoption necessary. Start educating necessary stakeholders, such as charter school boards or elected officials, on the selected data gap strategy and the impact on decisions or processes during the 2016-17 and/or 2017-18 school year.</td>
</tr>
<tr>
<td>JANUARY-JUNE 2017</td>
<td>Per standard timeline, prepare renewal, non-renewal, or closure reports, along with annual reports, using the selected data gap strategy.</td>
</tr>
<tr>
<td>JULY-SEPTEMBER 2017</td>
<td>Request from your SEA and/or your office or district data officer a comprehensive list of any known or anticipated data gaps, based on 2016-17 data collection. There may be gaps in newly required data because of the ESSA transition in each state. If needed, meet with stakeholders and adjust data gap strategy.</td>
</tr>
</tbody>
</table>
## Data Gap Portfolio Planning Document

<table>
<thead>
<tr>
<th>School</th>
<th>Up for renewal? (Y/N; year)</th>
<th>At risk of revocation? (Y/N; year)</th>
<th>Impacted performance metric(s), missing data (including data years)</th>
<th>Eliminated (E), substituted (S), or reweighted (R) metrics, if any</th>
<th>Identify years metric will be used</th>
<th>Date discussed w/school</th>
<th>Date approved</th>
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</thead>
<tbody>
<tr>
<td>Main Street Charter School</td>
<td>Y: June 2017</td>
<td>N</td>
<td>Performance indicator 1: met AYP goal for all subgroups</td>
<td>Indicator 1: Eliminate AYP, and Reweight proficiency growth data</td>
<td>2014–15 and 2015–16</td>
<td>10/1/16</td>
<td>12/1/16; calendared for ICB meeting</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>AYP suspended: 14/15 and 15/16</td>
<td></td>
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<td></td>
<td>Performance Indicator 5: 70% proficiency on District-only history assessment:</td>
<td>Indicator 5: Substitute results on state history exam</td>
<td>2015–16</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>District assessment suspended for 15/16</td>
<td></td>
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</table>
GET INVOLVED—THIS IS THE YEAR!

This year, Title I plans are being developed in your state that will shape charter school accountability. Get involved and help ensure your office—and authorizers in your state—can continue holding charter schools accountable now and in the future.

What Should Title I Plans Do To Get The Best Result For Authorizers?

Title I plans must ensure authorizers can continue to hold charter schools accountable while respecting school autonomy. A one-size-fits-all approach to school support and accountability—one that does not distinguish between charter schools and traditional public schools—can make it difficult to do this.

1. **TOP PRIORITY: State Title I plans should respect the differences between charter school accountability and traditional school accountability.** Accountability for charters can be different and still hold all schools accountable. ESSA recognizes this and reiterates that charter school accountability is overseen by state charter school law. To ensure authorizers can keep holding charter schools accountable, systems for comprehensive or targeted support, at the state or district level, must not place authorizers in an inappropriate “support” role and must not prevent an authorizer from using state charter school law to enforce the charter contract and close a charter school.

2. **State report card systems should be thoughtfully developed** to ensure the information presented at the state and LEA level accurately informs parents about key aspects of the school.

3. **As implementation occurs, the State should issue guidance to authorizers on the transition to new metrics.** This must ensure that the recalibration of state performance targets does not and will not override any higher performance targets that may be in an existing charter contract. The goal is equivalency, not a reset.

4. **Pay special attention to numerical thresholds that are scattered throughout Title I plans, making sure the intended outcome carries over into the charter sector.** When put into practice, these state-wide thresholds can have different consequences for authorizers and charter schools. For example, because charter schools tend to have smaller student populations, a high n-size for subgroup reporting (such as one greater than 30, which a state may seek approval to use under proposed Title I rules) could result in widespread data gaps concerning subgroup performance in charter schools. This could make it more difficult for authorizers to monitor charter school performance in a robust fashion. In addition, the statewide jurisdiction of some authorizers means they may oversee a very large number of schools—potentially considerably more than most school districts in a state. Based purely on numbers alone, these authorizers could be more likely to cross any simple numerical threshold a state may establish for additional state intervention. This may unintentionally trigger a set of state actions that interferes with authorizer-driven accountability.

**ENCOURAGE PEOPLE TO ASK QUESTIONS**

Most of the people putting together Title I plans in your state don’t want to make it hard to hold charter schools accountable; they just don’t know that these Title I policies have a distinct set of ramifications in the charter world.

Encourage people to ask themselves two questions when considering a Title I policy:

- How will this provision work in charter schools?
- Does it need to be different in order to work with state charter school accountability?
What Can I Do?

**What Can I Do?**

Stay Informed: Sign up for your state’s ESSA updates, follow the ESSA updates from one of the education groups in your state, or put it on your calendar to check in regularly with a colleague or peer that is closely following your state’s Title I planning. This will help you stay up to speed on what changes your state may make and when they will occur. *See what Title I does here and see if your State has an ESSA portal here.*

Talk with other Authorizers: You can be more influential as a united group with a common interest. If you have a formal or informal group of authorizers in your state, talk with them about their plans for the ESSA transition and if their office is involved in the state ESSA work. If authorizers in your state identify with a named group of ESSA stakeholders, like school districts, talk with members of that group about ESSA’s impact on charter school oversight and authorizing. This could be as simple as sharing pieces of this series with one of your state associations. *Find other authorizers in your state on our state pages.*

Talk to People in your Office, District, or State about Charter Schools and ESSA: There is a lot of misunderstanding out there about how charter schools will interact with Title I, especially when it comes to charter school accountability. Talking to people about what authorizing is and what strong charter school accountability looks like can do a lot to raise awareness about why it is necessary to treat charter schools a bit differently in Title I plans—and the problems that can happen if the plans treat charter schools the same.

A few talking points could be:

- **Accountability for charter schools is different than it is for traditional public schools, but different is not lesser.**

- **Charter schools are treated differently under ESSA for accountability purposes to make sure charter schools can be held accountable for fulfilling the promises they made in their charter contract.**

- **This is so an authorizer can use state charter law to close a failing charter school instead of having it go through a lengthy “school improvement” cycle.**

Request Guidance from the State When You Need It: Your state is getting some guidance from ED, and is likely disseminating its own guidance on the ESSA transition. But very little of that guidance has spoken directly to what the ESSA transition means for the work of authorizing. Guidance will be very important if you face gaps in the available performance data, or when you have to transition your charter contracts to new state metrics. Consistently requesting guidance pushes the State to pay attention to your issues: the squeaky wheel gets the grease. *NACSA has a list of State ESSA implementation contacts: look up your state and give someone a call!*
**Participate in the State Title I Planning Process:** Much of the State work putting together Title I plans is done in public forums. In many states, this process began with community meetings or listening tours, led into special committees and advisory groups of different stakeholders, and will continue with formal meetings and comment periods as your state develops its plan. You can participate in this process by going to a forum, submitting comments with your perspective, or getting in touch with a relevant advisory group member (such as one that represents a professional group you or your organization belongs to or regularly works with). *See what NACSA recommends for State Title I plans here, and see if your State has an ESSA portal here.*

**Start Preparing Your Office and Your Schools for Change:** We may not know what the change is yet, but we do know that change is coming. Talk to your supervisors, your colleagues, and your schools about ESSA and the areas of your authorizing practice that could be impacted by the change. Think about what a successful transition looks like for you, where roadblocks might exist, and what steps your office can take to make success happen. Then thoughtfully set your expectations and communicate early and often to prepare all parties for these changes. *Use our “Preparing for System-Level Changes” to get started.*
KEEPING STATE CHARTER LAW UP TO DATE

State-level ESSA implementation will require changes to the broader policies of your state law—state assessments, report cards, accountability, and teacher quality provisions. These will inevitably trickle down into the charter sector, as they do for all public schools.

Specific areas of your state charter law may need to be updated with conforming amendments to ensure there are no gaps in authorizer authority during the transition.

There may be an adverse effect on charter school authorizing—particularly oversight and accountability—if this doesn’t happen in a timely manner.

- For example, a legal renewal or replication threshold may reference a state grading system that is being phased out. That part of the charter law would need to be updated to instead reference the new state grading system in order to process renewal or replication applications appropriately.

In the process of making conforming amendments, policymakers may want to engage in a closer examination of the authorizer quality and school accountability parts of their state charter school law. NACSA’s annual State Policy Analysis is an excellent resource for that exercise.

Common Laws or Regulations that may Require Updating in Your State

DEFINITIONS

Alternative Education Campus (AEC) or “At-Risk Student” Identified student subgroups, and n-size parameters for subgroups.

High-Performing Charter Schools Performance threshold for designation.

Who Authorizes The relevant performance threshold designations (Some states have limits on the authorization of charter schools in school districts based on the school district performance).

AUTHORIZER OVERSIGHT AND ACCOUNTABILITY

Authorizer Oversight School performance thresholds or goals for an authorizer’s portfolio of charter schools overseen by an authorizer. This may be in an application to become an authorizer, a necessary performance goal of approved authorizers, or a threshold for authorization sanctions.

Evaluation and/or Reporting on Authorizers Required reporting elements, such as: elements of state report card, the performance levels of portfolio schools, and supplemental information.

RENEWALS, NON-RENEWALS, INTERVENTION, AND REVOCATION

Renewal Thresholds Academic and/or state accountability system performance threshold(s) for renewal or non-renewal (such as a renewal or a default non-renewal threshold); demonstration of compliance with state Title I and Title II plans (such as spending plans or teacher qualifications)
### Renewal Application
- Academic and/or state accountability system performance goals; assurances concerning Title I and Title II requirements (such as spending plans or teacher qualifications); assurances concerning new state reporting requirements (such as new subgroup reporting)

### Intervention or Probation
- Academic and/or state accountability system thresholds; thresholds related to compliance with state Title plans

### Revocations
- Academic and/or state accountability system performance thresholds for revocation, such as a default closure threshold

### CHARTER CONTRACTS AND PERFORMANCE FRAMEWORKS

#### Charter Contracts
- Academic and/or state accountability system performance goals and/or thresholds; state reporting requirements; state intervention responsibilities of LEA (or as own LEA); assessment flexibility responsibilities (NEW component if allowed by State)

#### Performance Framework
- Academic and/or state accountability system performance goals; inclusion and/or weighting of new non-academic state report card components; universal performance framework thresholds for corrective action or probation (if based on a state measure)

### ANNUAL REPORTING

#### Academic Reporting Elements
- Terminology of performance progress and goals; number or list of schools at different performance thresholds (such as schools identified for improvement); subgroup performance goals and elements

#### Non-academic Reporting Elements
- Enrollment by subgroups, including new subgroups and new n-size requirements; financial compliance, if reference Title spending requirements; organizational compliance with Title planning and implementation requirements (such as Title I or Title II planning, or teacher qualification requirements)

### NEW CHARTER APPLICATIONS

#### Performance Goals
- Terminology of performance goals and minimum thresholds for performance goals, based on the new state goals and accountability system; must including goals for new sub-groups

#### Replication
- Performance thresholds for replication eligibility, including evidence of past success. Note: authorizer RFPs may need to address how they will evaluate performance reports that bridge the two assessment and accountability platforms.

#### Assessment Flexibility
- If a state chooses to allow assessment flexibility, an application should ask for a school’s plans to use that flexibility (if applicable) and assurances that the school will fulfill all requirements related to the use of that assessment

#### Enrollment Plans
- Recruiting, serving, and/or reporting on new subgroups, as required by State

#### ESP Contracts
- Terminology of performance goals and minimum thresholds for performance goals; assurances regarding compliance with new Title requirements (such as spending plans or teacher qualifications)

#### Reporting Assurances
- New or modified subgroups, including n-size requirements; new or modified state reporting requirements

#### Teacher Quality
- Teacher quality requirements and Title II compliance assurances (such as teacher evaluation plans or credential requirements, if/as required by state)

#### Special Communities
- Some states have limitations or priorities for serving specific populations or communities. The designation of that community may be based on an element of a state accountability system.

### OTHER

#### Charter Transfers
- Performance threshold requirements for charter transfers

#### Facilities
- Performance threshold requirements for facilities programs and/or facilities preferences
# STATE ESSA CONTACTS

Staying in touch with your SEA about the ESSA transition is important, so we did some of the leg work for you. We found state ESSA web hubs if they had them (hint: bookmark your page, use it to sign up for state updates, or see what participation opportunities are out there!). Then we called up each SEA and asked who authorizers should contact if they have questions about the ESSA transition.

It is our hope that these contacts remain accurate, but if one of these is a dead end please let us know so we can keep this list up-to-date for the authorizers in your state.

<table>
<thead>
<tr>
<th>State</th>
<th>Contact Name</th>
<th>Phone Number</th>
<th>Email Address</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alabama</td>
<td>Logan Searcy</td>
<td>(334) 353-1815</td>
<td><a href="mailto:lsearcy@alsde.edu">lsearcy@alsde.edu</a></td>
<td><a href="https://www.alsde.edu/dept/essa/Pages/home.aspx">https://www.alsde.edu/dept/essa/Pages/home.aspx</a></td>
</tr>
<tr>
<td>Alaska</td>
<td>Contact local school district</td>
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<td><a href="https://education.alaska.gov/DOE_Rolodex/Qdistricts_1.cfm">https://education.alaska.gov/DOE_Rolodex/Qdistricts_1.cfm</a> <a href="https://education.alaska.gov/akessa/">https://education.alaska.gov/akessa/</a></td>
</tr>
<tr>
<td>California</td>
<td>Kimberly Born</td>
<td>(916) 445-6770</td>
<td><a href="mailto:kborn@cde.ca.gov">kborn@cde.ca.gov</a></td>
<td>Patricia Ramirez</td>
</tr>
<tr>
<td>Colorado</td>
<td>Brad Bylsma</td>
<td>(303) 866-6937</td>
<td><a href="mailto:bylsma_b@cde.state.co.us">bylsma_b@cde.state.co.us</a></td>
<td>Steve Durham</td>
</tr>
<tr>
<td>Delaware</td>
<td>David Blowman</td>
<td>(302) 735-4071</td>
<td><a href="mailto:david.blowman@doe.k12.de.us">david.blowman@doe.k12.de.us</a></td>
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<tr>
<td>State</td>
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<tr>
<td>Florida</td>
<td>Adam Emerson</td>
<td>(850) 245-0502</td>
<td><a href="mailto:adam.emerson@fldoe.org">adam.emerson@fldoe.org</a></td>
<td><a href="http://www.fldoe.org/academics/essa.stml">http://www.fldoe.org/academics/essa.stml</a></td>
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<tr>
<td>Georgia</td>
<td>Matt Cardoza</td>
<td>(404) 651-7358</td>
<td><a href="mailto:mcardoza@doe.k12.ga.us">mcardoza@doe.k12.ga.us</a></td>
<td><a href="http://www.gadoe.org/External-Affairs-and-Policy/communications/Pages/ESSA.aspx">http://www.gadoe.org/External-Affairs-and-Policy/communications/Pages/ESSA.aspx</a></td>
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<tr>
<td>Hawaii</td>
<td>Hubert Minn</td>
<td>(808) 586-3334</td>
<td><a href="mailto:hubert_minn@notes.k12.hi.us">hubert_minn@notes.k12.hi.us</a></td>
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</tr>
<tr>
<td>Idaho</td>
<td>Jeff Church, Karen Seay</td>
<td>(208) 332-6934</td>
<td><a href="mailto:jchurch@sde.idaho.gov">jchurch@sde.idaho.gov</a>, <a href="mailto:kseay@sde.idaho.gov">kseay@sde.idaho.gov</a></td>
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<tr>
<td>Illinois</td>
<td>Melina Wright</td>
<td>(217) 524-4832</td>
<td><a href="mailto:mwright@isbe.net">mwright@isbe.net</a></td>
<td><a href="http://isbe.net/essa/">http://isbe.net/essa/</a></td>
</tr>
<tr>
<td>Indiana</td>
<td>Danielle Shockey</td>
<td>(317) 234-6904</td>
<td><a href="mailto:dshockey@doe.in.gov">dshockey@doe.in.gov</a></td>
<td><a href="http://www.doe.in.gov/essa">http://www.doe.in.gov/essa</a></td>
</tr>
<tr>
<td>Iowa</td>
<td>Geri McMahon, Amy Williamon</td>
<td>(515) 281-3944</td>
<td><a href="mailto:geri.mcmahon@iowa.gov">geri.mcmahon@iowa.gov</a>, <a href="mailto:amy.williamson@iowa.gov">amy.williamson@iowa.gov</a></td>
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</tr>
<tr>
<td>Kansas</td>
<td>Tate Toedman</td>
<td>(785) 296-6714</td>
<td><a href="mailto:ttoedman@ksde.org">ttoedman@ksde.org</a></td>
<td><a href="http://www.ksde.org/Agency/Division-of-Learning-Services/Early-Childhood-Special-Education-and-Title-Services/Every-Student-Succeeds-Act-ESSA">http://www.ksde.org/Agency/Division-of-Learning-Services/Early-Childhood-Special-Education-and-Title-Services/Every-Student-Succeeds-Act-ESSA</a></td>
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<tr>
<td>Maryland</td>
<td>Mary L. Gable</td>
<td>(410)767-0473</td>
<td><a href="mailto:mary.gable@maryland.gov">mary.gable@maryland.gov</a></td>
<td><a href="http://www.marylandpublicschools.org/about/Pages/DAPI/ESSA/index.aspx">http://www.marylandpublicschools.org/about/Pages/DAPI/ESSA/index.aspx</a></td>
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<tr>
<td>State</td>
<td>Contact Person 1</td>
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<tr>
<td>Massachusetts</td>
<td>Russell Johnston</td>
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<td><a href="mailto:esa@doe.mass.edu">esa@doe.mass.edu</a></td>
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</tr>
<tr>
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<td>Venessa A. Keesler</td>
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<tr>
<td>Minnesota</td>
<td>Michael Diedrich</td>
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<td><a href="mailto:ddonovan@mdek12.org">ddonovan@mdek12.org</a></td>
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<td>Missouri</td>
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<td>Jill Hulnick</td>
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