



Principles for the Reauthorization of The Elementary and Secondary Education Act (ESEA)

Who We Are

The National Center for Special Education in Charter Schools (NCSECS) is dedicated to ensuring that students with disabilities have equal access to charter schools and that public charter schools are designed and operated to enable all students to succeed. NCSECS is based in New York City and was founded in 2013 by long-time school reform and special education advocates, Lauren Morando Rhim and Paul O'Neill

Facts

- Charter schools are public schools authorized in 42 states and the District of Columbia and serve more than 2.5 million K-12 students nationwide.
- Charters identify approximately 10.4% percent of their students as having disabilities as compared to 11 percent in traditional public schools¹. (CRDC data from 2010)
- While charters typically have more flexibility to develop their own operating rules and programs, they are *not exempt* from following the key federal laws affecting K–12 education and covering students with disabilities, including the current requirements under the ESEA and/or ESEA Flexibility.
- The testing and accountability provisions of ESEA are critical to providing all students and most specifically subgroups of students [as specified by ESEA], including those with disabilities, with access to quality curricula and instruction that will enable them to meet rigorous state academic standards.

ESEA Principles – All Students, All Schools

As Congress considers the important and needed updates to ESEA, NCSECS believes Congress must consider the following principles to ensure charters offer quality programs and are held accountable for failing to provide quality programs:

- I. **Honor and maintain a federal role in education** to the extent that states and/or charter authorizers are held accountable for student outcomes on state reading and math assessments as well as other state-determined standards. This role includes requiring states to develop accountability systems that expect and support all students in making the progress each year that leads to graduation from high school with a regular diploma. This should include further and better alignment between the ESEA and The Individuals with Disabilities Education Act (IDEA) as states develop and implement their State Performance Plan (SPP). States must align their ESEA accountability system with their goals under the IDEA requirements and ESEA accountability must assure that:
 - States set annual performance targets for grade level achievement, high school graduation and closing achievement gaps for all students and student subgroups currently authorized under ESEA and develop clear standards for reporting data regarding growth toward targets.
 - Schools and districts implement effective and targeted intervention(s) and monitoring of students' progress within a timeframe that benefits the student. When interventions aren't working, schools must implement alternative approaches to promote and support academic progress for students. When progress is not made/nor sufficient, states and districts are held accountable via Title dollars.
- II. **Require annual, statewide standardized assessments for all students** (in grades 3-8 and at least once in high school) aligned with, and measure each student's progress toward meeting robust state standards that prepare students to be able to succeed in college absent the need for costly remediation. The standards should:
 - Be valid and reliable and meet all other requirements now in ESEA, Title I, Sec. 1111(b)(3)
 - Provide appropriate accommodations for students with disabilities

- Limit alternate assessment based on alternate achievement standards only to students with the most significant cognitive disabilities, up to 1% of all students; terminate assessments based on modified achievement standards; and prohibit use of Individualized Education Programs (IEPs) to measure academic achievement under ESEA.

- III. **Assure federal dollars are targeted to historically underserved students and schools.**
- Title I is used to provide extra (supplemental) resources needed by high-poverty schools to close achievement gaps and improve student outcomes.
 - States, districts and schools serving the highest-need student populations receive more funding than others.
 - Targeted funding is provided to meet the needs of the most vulnerable children including youth in juvenile and criminal justice systems; Native American children; English learners; and foster, homeless, and migrant students.
- IV. **Require states and districts to ensure all Title I schools encourage and promote meaningful engagement and input of all parents/guardians.** Schools communicate and provide information and data in ways that are accessible to all parents (e.g. written, oral, translated)
- V. **Assure states, districts and schools improve data collection and mandate timely and accessible reporting** to parents and the public including data related to enrollment and performance of students with disabilities. Too often, that data is hidden by small N sizes and we can do better while still protecting student privacy.
- VI. **Allow the Secretary of Education to approve plans, ensure state implementation and enforce the law** when states fail to meet their obligations to close achievement gaps for any/all student groups.

ESEA Principles Specific to Charter Schools

The ESEA should include provisions that strengthen and expand the Charter Schools Grant Program to better support and address the learning needs of students with disabilities. Specifically, NCSECS asks Congress to consider and assure that charters are:

- I. Held to high standards and authorizers hold charter schools accountable for performance measures outlined in charter contracts on a prescribed timeline.
- II. Required to implement effective recruitment, enrollment, instruction and retention practices that encourage specific disadvantaged groups to apply, that make concentrated investments in exemplary programs and focus on developing effective practices that benefit all students, including students with a wide range of disabilities.
- III. Allowed to use weighted lotteries in school admissions that comply with state and federal law including guidance that weighted lotteries may not be used for the purpose of creating schools exclusively to serve a particular subset of students.ⁱⁱ
- IV. Required to include in their application for federal funds an explanation of how they will work to meet the needs of students served, including students with disabilities.
- V. Part of a larger state infrastructure developed to support students with a diverse range of disabilities and provided equal access to structures and supports for students with disabilities offered to traditional public schools.

Contact: Lauren Morando Rhim, Ph.D., Co-Founder and Executive Director: lmrhim@ncsecs.org

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National Center for *Special Education* in Charter Schools

ⁱ GAO-12-543: 2012

ⁱⁱ *Non-Regulatory Guidance, Charter Schools Program, Title V, Part B of the ESEA*, U.S. Department of Education, January 2014