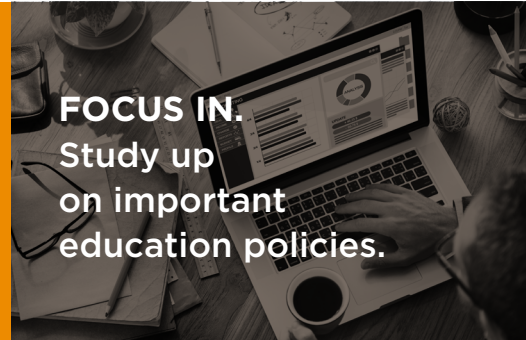




POLICY ANALYSIS



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Charter School Accountability Under ESSA

JENNIFER THOMSEN

This education Policy Analysis provides a brief overview of school accountability over the past several years, and then discusses how the Every Student

STATE ACCOUNTABILITY PLANS REQUIRED BY ESSA GENERALLY APPLY TO CHARTER SCHOOLS IN THE SAME WAY THEY APPLY TO ALL OTHER PUBLIC SCHOOLS.

Succeeds Act's (ESSA's) accountability provisions apply to charter schools. It also provides examples of how states are addressing charter schools in their draft ESSA state plans.

Since the 1980s, many states have continued to strengthen their accountability systems. Coupled with accountability provisions established by the 2001 No Child Left Behind Act, this resulted in state systems of accountability that include:

- Specifying what students should know and be able to do—strong state academic standards.

- Measuring what students should know and be able to do—student assessments.
- Determining how well schools educate students—weighted indicators and public reporting of school performance.
- Intervention and support for low-performing schools—thresholds for performance, improvement plans and support or intervention in low-performing schools.

School Accountability Under ESSA

State accountability plan provisions under ESSA generally apply to charter schools in the same way as all other public schools. In fact, many state plans do not specifically mention charter schools. Although ESSA defines requirements for states' accountability systems, states have a good deal of flexibility within these requirements.² ESSA places an emphasis

States are **addressing** charter schools in their **ESSA plans** in a **variety** of ways, with some not referencing charters at all and others including specific charter provisions.

Federal Title IV grants for charter schools **focus** “not only on supporting the growth of new charter schools, but also on **improving the quality of all charter schools.**”¹

on equity—success for all students—including subgroups of students historically underserved.³

Accountability indicators help states and districts identify schools in need of improvement. The federal law defines two types of support for schools in need of improvement: comprehensive and targeted. Local education agencies and schools must develop and implement improvement plans for schools that are identified for either type of support. For more information, refer to pages 15-17 of Education Commission of the States' [ESSA: Quick guides to top issues](#).^{4,5}

The state accountability systems required by ESSA must include five measures—indicators—of school performance for all public schools in the state, including charter schools:⁶

1. **What students should know:** performance on assessments at all grade levels.
2. **Student achievement for elementary and middle schools:** a measure of student growth or another academic indicator that allows meaningful differentiation in these schools' academic performance.
3. **Student achievement for high schools:** measured by graduation rates.
4. **Growth in English proficiency for English learners.**
5. **School quality or student success (SQSS)**—an indicator chosen by states. The indicator of SQSS must:
 - a. Allow for meaningful differentiation in school performance.
 - b. Be valid, reliable, comparable and statewide.

The fifth indicator is to be given less than “substantial weight” in accountability calculations. In the aggregate, the other four required indicators must be given “much greater weight” than the measure of SQSS.⁷

All five indicators must:

- Be measured annually for all students and for each subgroup.
- Be based on the long-term goals in the state plan.
- Provide for meaningful differentiation between schools.
- Be included in state and district report cards.

Where Do Charter Schools Fit In?

Where do charter schools fit in the bigger ESSA picture? First, ESSA defers to state laws regarding charter school accountability. This gives states flexibility in how they incorporate charter schools into accountability systems, as charter schools are semi-autonomous and exempt from most state laws.⁸ Even so, most state charter school laws hold charter schools to the same standards as traditional public schools.

States may need to **make exceptions** for **very small, rural or alternative schools** where some **small school** and **subgroup sizes** or **student populations may skew measures of quality**. For example, a school might focus on very high-risk students who might otherwise have dropped out of school if a charter school were not there to serve them. Other schools might have existed for only a short time or serve an age group that does not fit with the performance measures, such as a charter school serving pre-K students. In these cases, statewide accountability systems may not present an accurate picture of a charter school's performance.

Second, ESSA provides federal grants to support charter schools.⁹ These Title IV grants focus “not only on supporting the growth of new charter schools, but also on improving the quality of all charter schools.”¹⁰ Grant applicants must provide assurances around: budget and operational autonomy for schools, support for students, school quality, adequate technical assistance, promotion of quality authorizing, charter school involvement in decision-making in the state's public school system, and public, annual reports on each charter school's performance.¹¹

State Examples

The following examples from ESSA state plans illustrate two states' approaches to charter school performance and accountability under ESSA. Federal regulations established prior to the 2016 presidential election guided



states as they developed their state plans; however, the new administration repealed the regulations in March 2017, so states' approaches to accountability could change.

Maryland

In the parent, family and community engagement section of **Maryland's** draft state plan, the state incorporates charter schools in several ways.¹² For example, the state proposes increasing access to charter schools for disadvantaged students. Additionally, the state will identify high-quality charter schools—with a proven record of serving disadvantaged students—as candidates for replication. Maryland will also provide technical assistance to increase charter schools' capacity to secure Title IV grant funding, which could benefit schools serving disadvantaged populations. Finally, the state will provide training to charter school leaders and authorizers on the use of weighted lotteries to ensure that students from all backgrounds have access to charter schools.

Tennessee

Tennessee's state plan contains several charter-specific provisions.¹³ First, in an effort to close opportunity gaps in the state's bottom 5 percent of schools, schools will continue to be supported using the existing Achievement School District (ASD), a turnaround strategy highlighted in Education Commission of the States' policy report,

Emerging State Turnaround Strategies. This involves continued "partnerships with charter school operators and increased autonomy at the school level..."¹⁴

In its state plan, Tennessee also developed a School Improvement Continuum proposing three intervention tracks for the bottom 5 percent of schools identified for comprehensive support. Additionally, the state will identify high-quality charter schools—with a proven record of serving disadvantaged students—as candidates for replication. For schools on the second track, the state provides the option of a district-led charter conversion—one of the four options available for school improvement. Under this option, the district must partner with a charter operator "with a record of effectiveness" to operate the school.¹⁵

Finally, the plan declares the state's commitment to high-quality charter school growth and identifies three goals:

1. Increase the number of high-quality charter schools through new start-ups, expansion of existing schools and replication of successful models.
2. Decrease the number of academically poor-performing charter schools by strengthening charter school accountability and authorizer oversight.
3. Support improvement in all schools with emphasis on closing achievement gaps for economically disadvantaged students.¹⁶

AUTHOR

Jennifer Thomsen is the director of the Knowledge and Research Center with Education Commission of the States. Jennifer spent many years as non-partisan staff at the Colorado legislature prior to joining Education Commission of the States, so she knows how the sausage is made. Contact Jennifer at jthomsen@ecs.org or 303.299.3633.

Endnotes

1. Amanda Fenton, “Get Your Charter Sector Ready for ESSA. Do You Need a Gut Job or a Coat of Paint?” *Education Commission of the States Ed Note blog*, 2017, <http://www.ecs.org/get-your-charter-sector-ready-for-essa-do-you-need-a-gut-job-or-a-coat-of-paint/> (accessed March 13, 2017).
2. This flexibility includes authority to decide, among other things: what state academic standards to use; the minimum number of students in subgroups that will result in statistically reliable information and not reveal personally identifying information; state goals for the measures of school quality; and which student assessments to use and the thresholds for student proficiency.
3. Every Student Succeeds Act, Public Law No. 114-95, Sec. 1005(b)(2)(B)(xi).
4. 4 Every Student Succeeds Act, Public Law No. 114-95, Sec. 1005(d)(1)(B).
5. Stephanie Aragon, et al. “ESSA: Quick guides to top issues.” *Education Commission of the States*, August 2016, <http://www.ecs.org/ec-content/uploads/ESSA-Quick-guides-on-top-issues.pdf> (accessed March 2017).
6. Every Student Succeeds Act, Public Law No. 114-95, Sec. 1005(c)(4)(B)(i)-(v).
7. Every Student Succeeds Act, Public Law No. 114-95, Sec. 1005(c)(4)(C)(ii)(I)-(II).
8. Every Student Succeeds Act, Public Law No. 114-95, Sec. 1005(c)(5).
9. Every Student Succeeds Act, Public Law No. 114-95, Title IV, Part C.
10. Amanda Fenton, “Get Your Charter Sector Ready for ESSA. Do You Need a Gut Job or a Coat of Paint?” *Education Commission of the States Ed Note blog*, 2017, <http://www.ecs.org/get-your-charter-sector-ready-for-essa-do-you-need-a-gut-job-or-a-coat-of-paint/> (accessed March 13, 2017).
11. Every Student Succeeds Act, Public Law No. 114-85, Sec. 4303(f)(2).
12. Maryland Consolidated State Plan, December 2016, (Baltimore: Maryland State Department of Education) <http://www.marylandpublicschools.org/about/Documents/DAP/ESEA/MarylandConsolidatedStatePlanDRAFT1.pdf> (accessed March 2017).
13. Every Student Succeeds Act: Building on Success in Tennessee ESSA State Plan, April 2017, (Nashville: Tennessee Department of Education) https://www.tn.gov/assets/entities/education/attachments/ESSA_state_plan.pdf (accessed April 2017).
14. *Ibid.*, 69.
15. *Ibid.*, 73.
16. *Ibid.*, 177.

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