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## NCOSEA Voice

### *ESSA and Charter Schools*

Charter schools are not immune from the transformations the Every Student Succeeds Act (ESSA) are bringing. Some provisions of the law and elements of ESSA rule making may warrant a closer look as charters work on their plans for compliance.

ESSA swept away the "highly qualified teacher" definition and requirements that had been in Title I of the Elementary and Secondary School Act (ESEA). There was no transition period for this provision, so it was effective as soon as President Barack Obama signed ESSA into law on December 10, 2015. For Title I programs, teachers and paraprofessionals need only meet applicable state certification and licensure requirements. No ESSA provision or mandate applies to charter school teacher requirements, and charters are subject to whatever provisions exist in state charter law.

As states develop their state plans in response to ESSA and revise their licensure requirements, however, this could change. Under ESSA, if a state has charter schools, it is required to engage in timely, meaningful consultation with charter school leaders during the development of grant application plans, including Title I. Clearly, this is an opportunity for charter schools to work closely with their state education agencies to ensure inclusion of essential charter school objectives in these plans.

ESSA also expanded charter school opportunities (Title IV, part C of ESEA). State charter school boards, governors, and charter school support organizations are now eligible applicants for these charter school program funds, just as state education agencies have been, and this represents another avenue for charter

schools to advance their goals.

There is some ongoing debate regarding systems of educator development, retention, and advancement. Proposed regulation 34 CFR 299.18, which instructs states on what to include in their state plans, has been criticized by some charter school advocates as requiring statewide definitions rather than deferring to local education agencies (LEAs) to establish criteria for effectiveness. Some also read the proposed regulation as mandating teacher evaluation systems. Charter school advocates are concerned that requirements for statewide definition of teacher evaluation would weaken the autonomy they enjoy under current state laws on requirements for teacher credentials and participation in educator evaluation programs. Charter schools can be expected to advocate for keeping their autonomy intact.

The proposed regulations also appear to impose additional requirements for charter schools to meet in regards to annual school report cards. Although not mandated by the statute, proposed regulations call for each authorized public chartering agency in a state to compare the percentage of students in designated subgroups in the authorized charter schools with the percentage of students in the LEAs from which the charter draws a significant portion of its students or the geographic community within the LEA in which the school is located. Additionally, the chartering agency is to compare academic achievement between the same groups. Charter schools may find that these proposed regulatory requirements contradict the overarching spirit of ESSA, which calls for more local decision making and authority. ■