



# **Every Student Succeeds Act: Charter Schools**

Consolidated Planning & Monitoring



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# Objectives

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- Overview of Charter Schools
- Funding Allocations
- Significant Expansion
- Resources



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# **Overview of Charter Schools**

# Overview of Charter Schools

- What is a Charter School?:
  - A non-sectarian, publicly funded, independent public school of choice
  - Operates under a contract or charter from an authorizer
  - Exempt from certain state and local regulations
    - Not civil rights, audit, health and safety, or charter requirements
  - Admits students based on parent choice and/or lottery
  - May operate as its own LEA (in other states), or as part of another LEA
  - A charter school must meet each element of this definition in order to receive funds under a covered program in accordance with the final regulations. 34 CFR §76.787.

# Key Parties

- Authorizer
  - Created/assigned by state charter school laws
  - Tasks:
    - Approve charter applications and renewals
    - Set requirements of charter
    - Oversee schools and monitor compliance
    - Close schools if needed
- Types:
  - LEAs
  - SEA
  - State Board

# Key Parties

- Operator
  - Charter Management Organization (CMO) – may have a national presence or just local
- Teachers
  - In most cases, the teachers are employees of the charter school
  - Must be licensed
- Students
  - Enroll based on choice or lottery system
  - Charter may not be selective



# Autonomy

- May develop and set own policies regarding:
  - Use of specific curricula, materials, or instructional methods
  - Use of tutoring programs
  - Budget decisions
  - Staffing decisions and policies
  - May offer pay-for-performance, other incentives

# Accountable

- Required to meet ALL federal and State education standards, including:
  - Academic achievement standards
  - Health and safety requirements
  - Civil Rights requirements (ADA, Title VI, Title IX, Section 504, IDEA, etc.)
  - Federal and State audit and fiscal requirements
  - Other requirements as outlined in chartering document



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**Funding Allocations**

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# ESEA Allocations

- Charter as an LEA vs. Charter as part of a larger LEA
  - Either way, subject to Title I funding formula
- Title I funding based on poverty and enrollment data from previous years
- What about new or expanding charters?
  - ESSA included provisions allowing more up to date figures

# Significant Expansion Determination

- How does a State or LEA determine whether a charter school has undergone a significant expansion of enrollment?
  - “Substantial increase in the number of students attending a charter school due to a significant event that is unlikely to occur on a regular basis, such as the addition of one or more grades or educational programs in major curriculum areas.”
  - It is not enough for a charter school to experience a significant event, but the event must also result in a substantial increase in the number of students attending the charter school.

# ESSA Allocations

- Provisions triggered:
  - Charters in their first year of operation; or
  - Charters undergoing significant expansion
- Must receive full amount to which it is entitled within 5 months of
  - Opening; or
  - When the expansions began

# SEA Role

- Regulations give States unfettered discretion to determine any expansion of enrollment in a charter school to be significant.
- This authority does not extend to LEAs. Nor does it permit a State to treat a significant expansion of enrollment as insignificant in order to avoid obligations.

# Charter School Role

- A charter school that is opening for the first time or significantly expanding its enrollment must notify the responsible State or local agency, in writing, at least 120 days in advance, of the date the charter school is scheduled to open or expand.
- They must establish their eligibility to receive funds under the particular program and comply with all program requirements.
- If they have not yet opened or expanded, they must provide the responsible LEA with any data or information available to the charter school that the LEA may reasonably need to estimate the amount of funds the charter school will be eligible to receive when it actually opens or expands.
- Once a charter school actually opens or expands, it must provide actual enrollment and eligibility data to the LEA.



# What happens if criteria are not met?

- An LEA that does not receive written notice that a charter school has opened or expanded is not required to comply with the final regulations when allocating funds to the charter school.
- If the LEA does not receive 120 days notice, the LEA is no longer bound to provide the adjusted funds within five months.

# What happens if criteria are not met?

- The LEA may elect not to provide any funds to a new or expanding charter school until the charter school has provided the LEA with actual enrollment and eligibility data. 34 CFR §76.788(b).
- The regulations allow flexibility on the LEAs to set up reasonable timeframes for collecting actual enrollment and eligibility data from charter schools.

# No Data

- LEAs may rely on enrollment or eligibility data from a prior year to estimate an expanding charter school's projected enrollment.
- A charter school that is opening for the first time will not have any prior year data.
- States and LEAs may rely on other reasonable data to estimate the amount of funds to reserve for a new charter school.
- Although the final regulations permit LEAs to provide funds to new or expanding charter schools based on estimates of projected enrollment, LEAs are not required to provide any funds until the charter school actually opens or expands and provides the responsible LEA with actual enrollment or eligibility data.

# ESSA Allocations

- To qualify for New or “Significantly Expanded” allocations:
  - 120-day notice
  - Establish eligibility
  - Provide data needed to reasonably estimate allocation amount
  - Provide actual enrollment data

# IDEA Allocations

- Charters within an LEA must:
  - Fit within ESEA definition of a charter school
  - Be a non-profit entity
  - Comply with any federal enrollment data requirements
- Submit to LEA:
  - Eligibility information
  - Enrollment data
  - Other necessary documentation

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**Resources**

# Resources

- U.S. Department of Education and other state resources:
  - [Missouri Department of Education Definition](#)
  - [USED Non-regulatory Guidance](#)
  - [Charter Schools and Fiscal Issues](#)
  - [Indiana Department of Education Memorandum](#)
  - [Michigan Department of Education Memorandum](#)

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**Questions**



# Questions





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