



December 21, 2018

Johnny Collett  
Assistant Secretary  
Office of Special Education and Rehabilitative Services  
400 Maryland Ave., SW  
Washington, DC 20202-7100

RE: Results Driven Accountability. Submitted via email to: [RethinkRDA@ed.gov](mailto:RethinkRDA@ed.gov)

Dear Assistant Secretary Collett:

We are writing to provide input regarding the Office of Special Education and Rehabilitative Services (OSERS) and Office of Special Education (OSEP) inquiry on Results Driven Accountability (RDA). The mission of the National Center for Special Education in Charter Schools (NCSECS) is to advocate for students with diverse learning needs to ensure that if they are interested in attending charter schools, they are able to access and thrive in schools designed to enable all students to succeed. To date, 43 states and the District of Columbia have enacted charter school laws and currently approximately 300,000 students with disabilities attend public charter schools<sup>1</sup>. Charter schools are public schools of choice granted varying degrees of autonomy from state laws in exchange for accountability for meeting student performance goals; however, they must meet the requirements under the Individuals with Disabilities Education Act (IDEA) and other public laws. With recent investments by Congress and state authorizers, charter school growth is occurring, both according to total number of schools and overall enrollment, across the U.S. With that growth, the enrollment of students with disabilities continues to trend upward.<sup>23</sup>

Since NCSECS was founded, we have consistently weighed in on OSEP's state compliance and monitoring system including supporting the design and implementation of Results Driven Accountability (RDA). NCSECS believed in

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<sup>1</sup> L. Rhim, S. Kothari, *Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection*, 2018 at:

[https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5a9556768165f588f48664fe/1519736443922/280272+NCSECS+Full+Report\\_WEB+%281%29.pdf](https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5a9556768165f588f48664fe/1519736443922/280272+NCSECS+Full+Report_WEB+%281%29.pdf)

<sup>2</sup> R. David, K. Hesla, *Estimated Public Charter School Enrollment*, National Alliance for Public Charter Schools, 2018 at: <https://www.publiccharters.org/sites/default/files/documents/2018-03/FINAL%20Estimated%20Public%20Charter%20School%20Enrollment%2C%202017-18.pdf>

<sup>3</sup> L. Rhim, S. Kothari, *Key Trends in Special Education in Charter Schools: A Secondary Analysis of the Civil Rights Data Collection*, 2018 at:

[https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5a9556768165f588f48664fe/1519736443922/280272+NCSECS+Full+Report\\_WEB+%281%29.pdf](https://static1.squarespace.com/static/52feb326e4b069fc72abb0c8/t/5a9556768165f588f48664fe/1519736443922/280272+NCSECS+Full+Report_WEB+%281%29.pdf)

what we originally thought was a shared goal -- to ensure the academic performance of students with disabilities would be given focused attention by States and Local Education Agencies (LEAs) via RDA. Our primary aim in our work has been to work at all levels of policy and practice to ensure that students with disabilities have access to exemplary public schools. Yet, even with hefty federal investments made to support charter growth, autonomy, and innovation, when it comes to educating students with disabilities, the charter sector has arguably not fulfilled its potential when it comes to developing exemplary or innovative strategies. OSEP bears some responsibility due to lack of provision of focused technical assistance (TA) to States who fall short in supporting their own charter schools. The shortcomings across the system have resulted in RDA not meeting its original mission, consistent with IDEA's required federal and state monitoring activities, to improve "educational results and functional outcomes for all children with disabilities."<sup>4</sup>

On this basis, we provide insight and recommendations critical to ensuring students with disabilities attending charter schools receive more attention and support. Therefore, we urge OSERS to:

**I. Redesign RDA to require States to include robust measures that utilize data related to student progress and performance**

In 2015, OSERS indicated the new approach [under RDA and its related Matrix] was intended to provide "detailed data and infrastructure analysis that will guide the development of strategies to increase the state's capacity to structure and lead meaningful change in LEAs." The new Matrix was also designed to help states better identify LEAs who may need support in educating students with disabilities. To date, this has not occurred, and the RDA Matrix used to make final state determinations does not include any meaningful measures of academic performance. Furthermore, we have not seen states use the indicator data to provide focused support to specific LEAs. The Advocacy Institute has provided a robust report<sup>5</sup> on the failings of the RDA system to date.

**II. Dedicate resources to support rigorous research and evaluation of RDA.**

Consistent with recommendations made in 2014, NCSECS urges OSEP "to examine the implementation of the RDA initiative as it relates to state reporting on the State Performance Plan (SPP); paying particular attention to states identified as Needs Intervention."<sup>6</sup> <sup>7</sup> Given the number of students, including students with disabilities, enrolled in charter schools in states identified as Needs Assistance and Needs Intervention (e.g., Michigan and Washington, DC), it is essential that states ensure charter schools are included in improvement plans and able to access proportionate resources.

**III. Provide Technical Assistance to states dedicated to support charter schools and students with disabilities.**

As indicated, the Results Matrix is not designed nor is it used adequately to help states identify LEAs that need intervention as well as technical assistance and support. For charter schools and the students with

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<sup>4</sup> See: 20 USC 1416 (a) (2) (A); 34 CFR §§300.600-300.604

<sup>5</sup> C. Cortiella, *Results Driven Accountability: Needs Substantial Intervention*, The Advocacy Institute, 2018, at: <https://www.advocacyinstitute.org/resources/AdvocacyInstitute.RDA.Report.Nov2018.pdf>

<sup>6</sup> See: Letter to McLaughlin & Brock, October 30, 2014 at: <http://www.ncsecs.org/blog/2014/11/4/ncsecs-weighs-in-on-research-priorities?rq=research%20priorities>

<sup>7</sup> See: U.S. Department of Education IDEA Part B and Part C ratings summary, 2018 at: <https://www2.ed.gov/fund/data/report/idea/ideafactsheet-determinations-2018.pdf>

disabilities attending them, the problem is exacerbated. Consistent with the current Administration's agenda to grow choice and educational opportunity via charter schools, we encourage OSEP to work more intentionally and proactively to provide targeted technical assistance with the primary focus to help states partner with charter authorizers, networks, charter management organizations, and other stakeholders to reach the charter schools in the greatest need of improvement. In addition to technical assistance available through OSEP, SEA's also have access to funds via the *Every Student Succeeds Act* which requires Charter School Program grant recipients to set aside seven percent of funds to use for state-level technical assistance activities.<sup>8</sup> We encourage OSEP to proactively communicate with state directors of special education to help leverage the CSP funds to provide well-designed, research based technical assistance to charter schools. Overall, with more targeted assistance, OSEP can support growth and innovation in quality charter school programs for students with disabilities.

Thank you for considering our input. We look forward to continuing a dialogue with you.

Sincerely,

A handwritten signature in blue ink that reads "Lauren Morando Rhim". The signature is written in a cursive, flowing style.

Lauren Morando Rhim, Ph.D.  
Executive Director and Co-Founder

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<sup>8</sup> See: Sec. 4303, P.L. 114-95 at:

<https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>