



## Action Alert #10: BESE and LDOE needs to hear from you regarding ESSA

March 2, 2017

Next week, BESE will be considering important issues related to students with disabilities.

- What action should BESE take when charter schools fail to serve their fair share of students with disabilities, as required by law?
- Do you believe all school systems should receive the necessary funding needed to serve all students enrolled in their schools? Or, should LDOE continue to use a different funding formula for charter and traditional schools, even though this approach siphons away millions of dollars from schools serving students with the most needs?
- Do you think BESE should allow a charter school to have admission requirements that include passing an assessment of grade-level proficiency in any subject?
- Do you believe Louisiana should create an accountability system that values ALL students, including students with disabilities?

### Schedule of Meetings:

What: [Board of Elementary and Secondary Education](#)

When: Tuesday, March 7, 2017, Committee Meetings begin at 9:00 a.m.

Wednesday March 8, 2017, Full Board Meeting begins at 9:00 a.m.

Where: Claiborne Bldg, Room 1-136, 1201 N. Third St., Baton Rouge

### How to Take Action

#### If you are concerned about:

- education funding and whether schools are being funded appropriately

- based on the students they enroll; and/or
- BESE ensuring that Charter Schools are enrolling and serving their fair share of students with disabilities as required by law.
1. Contact your [BESE Member and the At-Large BESE Members](#)
  2. Put on your Yellow Shirt and attend the BESE Committee meetings

Tuesday, March 7, 2017

11:30 a.m. Innovation and Turnaround Committee

9:30 a.m. Administration and Finance Committee

**If you are concerned about** Louisiana having an education accountability system that values ALL students and having time for stakeholder input to be considered into Louisiana's ESSA plan send your comments to the LDOE regarding their ESSA draft state plan.

Additional information on agenda items of particular interest can be found below.

## Additional Information

### BESE Committee Meetings - March 7, 2017

BESE will make decisions on a number of issues that will determine whether students with disabilities have equal access to participate in the education reform choice options and whether some schools are given the resources needed to support students with disabilities.

Charter schools were established by Louisiana law in 1995 to serve students deemed "[At-Risk](#)." Students with disabilities are included in the definition of 'at-risk' and are required to be served by charter schools. A bill passed two years ago, [Act 467 of 2015](#), strengthened the intent of the Legislature and Governor related to students served by charter schools. Act 467 required charter school student populations to closely reflect the rate of students with disabilities found in traditional public school systems. BESE is required to determine if a charter school is not meeting the requirements for enrolling an expected number of students with disabilities. And if a charter school does not enroll a fair share of students with disabilities BESE needs to establish responsibilities of the charter school, local school board and themselves for meeting the needs of students with disabilities.

Act 467 of 2015 was also one more attempt by Senator Claitor and the rest of the Legislature to have the Louisiana Department of Education use the same funding formula for charter schools as is used for traditional public schools. In simple

terms, the funding formula recognizes more money is needed to educate students with disabilities than students without disabilities. The state and local taxes pay a share of the cost to educate each student based on their needs. Unfortunately, the amount of money schools need to educate the students in their schools based on the formula has not been followed. As a result millions of dollars continue to be removed from school systems who serve higher rates of students with disabilities while some schools with lower rates of students with disabilities. This leaves the schools serving more than their fair share of students with disabilities with fewer dollars to serve those students.

**School Innovation and Turn Around Committee meeting (11:30 a.m. Tuesday, March 7th)** will consider two items critical in charting the direction Louisiana takes in requiring charter schools to serve all students, particularly students with disabilities.

During Item 2.3 on the agenda BESE will consider a report on the student enrollment percentages of At-Risk students and students with disabilities for all public schools statewide. While the report BESE will consider is not available yet (the website indicates it will be available Friday, March 3rd), the [Special Education Data Profile from 2014-2015](#) reveals some charter schools clearly do not have the number (rate) of students with disabilities as required by law. Advocates are pleased BESE has included this item on the agenda and look forward to the development of action plans to address those schools who are not following the law. Rates of students matter for multiple reasons. First, choice should be accessible to all students, particularly the students charter schools were created to serve. Second, Louisiana's school accountability system uses performance on standardized tests, and this tends to favor schools that serve fewer students with disabilities because students with disabilities tend to score lower on standardized tests than students without disabilities. Finally, and this will be covered in more detail in the next section, the way the Department of Education funds charter schools financially rewards the school for not serving a fair share of students with disabilities.

Item 2.4 on the agenda included a consideration of changing state rules to allow a charter school to include a requirement that students entering the first grade and beyond must pass an assessment based on grade appropriate proficiency. The assessment is in French-Language, and the school's mission is a french language immersion program. However, the assessment requirement is likely one of the reasons the school is failing to meet the requirement of serving a fair share of students with disabilities.

As a result of Act 467, LDOE corrected only the state share portion of the MFP

dollars for the 2015-2016 school year. Due to the low rate of students with disabilities in this school the correction of state share funds was a reduction of \$750,000. In other words this school had been receiving \$750,000 more of state funds than it needed based on the needs of students enrolled in this school. While this is a lot, it is really only half the picture. The LDOE continues to send charter schools the local share of funding based on an average for every student and not based on each enrolled student's needs as indicated in the MFP formula. The local share of money over paid to this school is estimated to be about the same as the amount of state funds corrected two years ago - or about \$750,000. So, it is estimated this school receives about \$1,750 more for every student enrolled in the school than what is deemed necessary to educate the students according to the MFP formula. These funds are being removed from the traditional local public school system which maintains the responsibility of educating students who cannot pass the admissions tests based on grade level proficiency. Now the LDOE recommends allowing these admission requirements to be put into rule by BESE. What do you think?

**Administration and Finance Committee meeting (9:30 a.m. Tuesday, March 7th)** will consider the Minimum Foundation Program (MFP).

Money matters! The Minimum Foundation Program, or MFP, is the formula for how elementary and high schools get their piece of \$7,000,000,000 - which is 3.5 Billion dollars of state funds and 3.5 Billion dollars of local funds. While the formula is complex, the concept of how the formula creates inequities across schools is simple. Relative to the amount provided for students without disabilities, each student identified with a disability in a traditional public school system brings in 2.5 times as many dollars as a child without a disability. The amount of money is shared between the state and local school systems (parishes). Historically, the amount of all money taken from traditional public schools and provided to charter schools run by BESE and other school choice programs was determined by a different formula - an average amount of money which is the same amount for every student - regardless if the student has a disability or not. Two years ago LDOE fixed the formula for the state share, but continues to use different formula for the local share of funds.

So when the La. Department of Education calculates the amount of the local funds for charter schools based on an average for every student - regardless of the student's needs - inequities occur.

Using an average amount of funds would not be a problem for charter school

funding **IF** charter schools served an average amount of students with disabilities. However, charter schools do not always serve a fair share of students with disabilities. The end result is LDOE is removing more local funds from the traditional public school systems than the MFP formula indicates should be in traditional public schools based on the students enrolled in the schools. Funds removed from the traditional public school systems are provided to the charter schools - even if those charter schools do not have students identified with more high costs needs to justify the additional funding. The result, when all transactions are complete, is that schools serving higher percentages of students with disabilities, particularly students with severe disabilities, tend to have less funding than expected according to the state funding formula (MFP).

Did you know LDOE provides a different funding formula for charter schools than traditional public schools? And data has consistently showed nearly every Type 2 charter school receives a lot more money than they should for the students they serve, while traditional public schools are getting short changed based on the funding formula because they tend to have more students with higher cost needs, like students with disabilities

Across the state the inequity exceeds five million dollars - that is five million dollars of local funds that should be left in traditional public schools for services needed by students with disabilities and other high cost factors.

## Every Student Succeeds Act (ESSA)

The Every Student Succeeds Act became the latest version of federal law in December 2015 (previously this federal law was referred to as No Child Left Behind and the Elementary and Secondary Education Act). According to the ESSA each state must submit a plan for approval from the U.S. Department of education. The U.S. DOE indicated two dates for submitting plans, April 3, 2017 and September 18, 2017. Superintendent John White has indicated he intends to submit Louisiana's plan at the earlier date, April 3rd, 2017.

A draft of the Louisiana ESSA plan is available for public comment.

[Click here](#) to read the draft of Louisiana's plan pursuant to the ESSA.

Louisiana's ESSA plan will require approval from BESE. So it is expected BESE will hold a special meeting at the end of March 2017 to consider this draft plan.

Governor John Bel Edwards convened an Advisory Council on the ESSA to conduct an extensive review of the ESSA and make recommendations on specific actions necessary for implementation of the ESSA in Louisiana. [Click here](#) to read the initial report and [click here to read the final report](#) from the Governor's

Advisory Council on the ESSA. In summary the Governor Edwards Advisory Council on the ESSA recommended Louisiana:

- Delay submitting Louisiana's plan until September to allow for meaningful stakeholder input.
- Reduce the number of statewide standardized tests.
- Not take an additional 3% of Title I federal dollars from all schools and redistribute those dollars to schools on a competitive basis. The state has 7% of Title I federal dollars (about 20 million dollars) for improving low-performing schools.
- Develop a quality indicator that meets the intent of the ESSA, address the learning needs of Louisiana's students and for LDOE to provide data to families to ensure understanding of each school's quality.
- Allow for two years of data to be collected prior to making school determinations.
- Have transparency in how funds are distributed.
- Embrace school improvement innovation that emphasizes sustaining community schools and local control of schools.
- Reapply for the Preschool Development Grant (set to expire in 2018).
- Recruit National Board Certified Teachers to work in low performing schools and provide financial incentives for teachers to become nationally certified.
- Extend the timeframe and scope of the Advisory Council to review the application and initial implementation of Louisiana's ESSA.

## Confirm Your Action

**Don't forget to let us know that you took action!** Reply to this email or notify your [LaCAN Leader](#) to confirm your action.

Why confirm your action? This helps the Council know how important these issues are to you and allows us to better work together in advocating for educational policies and practices that improve services and outcomes of students with disabilities.

## Contact Us

LaCAN is an initiative of the LA Developmental Disabilities Council. If there are any questions about the information in this email, contact the Council by replying to this email, or calling the toll free number listed below:

phone: 1-800-450-8108  
email: [info@laddc.org](mailto:info@laddc.org)  
website: [www.lacanadvocates.org](http://www.lacanadvocates.org)  
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