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August 13, 2013

VIA EMAIL AND FACSIMILE: (202) 260-7867

The Honorable Arne Duncan
 Secretary of Education
 U.S. Department of Education
 400 Maryland Avenue, SW
 Washington, DC 20202

Dear Secretary Duncan:

In a July 17, 2013, report entitled *Education Needs to Further Examine Data Collection on English Language Learners in Charter Schools (GAO-13-655R)*, the Government Accountability Office (GAO) found that nonreporting by charter schools, along with other factors, contributes to the lack of data quality on not only English Language Learner (ELL) student enrollment in charter schools, but also measures of school and student performance. This report was the result of a study we commissioned regarding the enrollment of ELL students in public charter schools compared to non-charter public schools. GAO was unable to conduct this study due to data quality issues. We write to call your attention to the troubling findings of this report, and to determine what concrete measures the U.S. Department of Education (ED) will take to address and remedy lack of quality oversight of data collection related to charter schools and student performance.

Although public charter schools represent only a fraction of the total student enrollment in our nation's public school system, the prevalence of charter schools is increasing. Similarly, the population of ELL students is rapidly increasing, and we believe it imperative that public charter schools provide these students and their families with equitable access to quality education options. Unfortunately, GAO found a comparison of ELL enrollment in public charter schools to be impossible to complete because of gaping holes in school-level data due largely to widespread charter school nonreporting. Additionally troubling, the issues uncovered in nonreporting are not limited to ELL enrollment, as GAO and ED determined there to be significant gaps in charter school reporting on student performance data, including reading and math proficiency rates, and graduation rates for all students.

In the 2010-2011 school year, GAO found five states where between 80 and 100 percent of charter schools reported blank ELL counts. According to the National Alliance for Public Charter Schools, three of those states – New Jersey, New York, and Ohio – support robust networks of charter schools.

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For instance, in that academic year, 340 public charter schools served 9.1 percent of all Ohio students.¹ With at least 80 percent of the state's public charter schools not reporting on ELL program participation, we have strong concerns about the quality of Ohio's overall LEA and state-level data.

While we recognize that challenges persist in the collection and dissemination of school-level data more broadly speaking, the failure of public charter schools to submit school-level data, as detailed by GAO, calls into question the validity of both state and local educational agency-level counts required by the Elementary and Secondary Education Act.² We can all agree that all public schools, regardless of school governance structure, in receipt of federal funds are bound by the statutory reporting requirements tied to such funding.

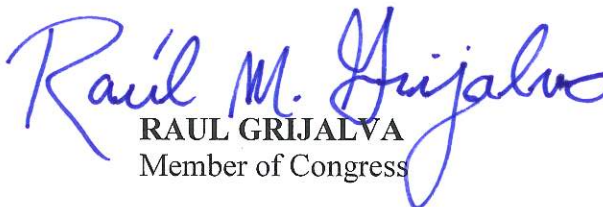
Additionally, while we recognize the existence of a definitional discrepancy between ELL *school* enrollment and *program* enrollment detailed by ED and GAO and acknowledge changes being made to remedy this confusion, we call attention to the fact that GAO does not believe the problem to be wholly dependent on the definitional discrepancy. Although ED initially believed the LEA-level data to be more reliable than the school-level data, GAO found nearly identical ELL counts when examining ELL program enrollment at the state and LEA-level, pointing to the fact that both data collections originated from the same problematic data source. In the words of GAO, "*the problems (GAO) identified with ED's school-level ELL dataset coupled with ED's own findings that key information was missing from other databases that collect information on charter schools, indicate potential broader problems with charter school reporting.*"

It is imperative that ED have reliable and accurate data for all public schools, LEAs, and states in fulfilling our mission to equitably serve all children and families. Transparency must be meaningful. All public schools must be treated equally, with respect to federal funding received and student populations served, not based on school type or reform priority.

Thank you for your leadership in promoting educational quality for all students and families, including English Language Learners. We believe you share our goal of improved data quality, and we look forward to learning about the concrete steps ED is taking to address these issues, both within the Department itself and with outside parties, such as state and local educational agencies.

Sincerely,


GEORGE MILLER
Senior Democratic Member


RAUL GRIJALVA
Member of Congress

¹ <http://dashboard.publiccharters.org/dashboard/schools/page/overview/state/OH/year/2011>

² 20 U.S.C. §§ 6311(b)(3)(C)(ix)(III) and 6311(h)(1)(C)(i).