

Dr. Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

April 11, 2022

Dear Dr. Cardona:

On behalf of the 64,000 Illinois public school students educated in our member charter public schools, I am writing to strongly oppose the Department of Education's proposed new rules for the Charter Schools Program (CSP). The CSP was designed to provide critical resources to expand access to high-quality charter schools, but instead of providing more resources and opportunities to open these unique public schools, the Department of Education is trying to make it harder for the communities most in need to serve their students.

In Illinois, charter public schools educate over 64,000 students at 137 schools and provide a high-quality public education to a student population that is 97% students of color and 85% students who qualify for free or reduced lunch – the same student populations that have systemically been left behind by our country's public education system. In fact, publicly available data show that charter schools are making progress to provide a high-quality public education to historically underserved students. **In Chicago, charter schools are four times more likely to “beat the odds” and be considered a high-performing school by the district’s own accountability system**, compared to district-run schools with comparable student populations. These high-quality charter school models and successful outcomes for students are in large part due to the \$42 million Charter Schools Program grant that Illinois received in 2015, which was a critical lifeline to allow our state to grow and expand high-quality public charter schools for students and families in need.

Given that these newly proposed rules would upturn years of established federal charter school policy with little time to consider input before awarding grants, and that there was no stakeholder engagement in developing the regulation, the proposed regulations should be put on hold until the Department can appropriately seek input and work in collaboration with the charter community.

Specifically, I would like to highlight the following major issues with the proposed rules and recommend necessary changes moving forward:

- 1.) The regulations should not create a new federal standard for measuring whether a charter school has enough community support to open. Using vague standards, the “community impact analysis” in Application Requirement 1 would give anonymous grant reviewers in Washington the power to veto parent, community, and state efforts to open a new school with an approved charter. Instead of respecting voices and policies at the state and local level, these requirements focus on maintaining district enrollment and funding. **The Department should focus on whether there are enough seats in high performing public schools to serve all students. This requirement should be removed for all the competitions.**
- 2.) **The community impact rules should also be removed because they would make it difficult for schools that serve a high concentration of students of color to receive support**, especially those schools that identify as culturally affirming. Schools that exist to protect indigenous cultures and native languages are also at risk because of the proposed rules' strident commitment to opening purportedly “diverse” schools.



- 3.) The regulations would require states to give priority to applicants that can find a school district to “partner” with them. If a large district refuses to partner with charter schools, it would be placing them at a disadvantage for funding. It could also unfairly preference district-authorized charter schools and empower districts to block the opening of charter schools. **The focus of the proposal is on bureaucratic inputs, rather than what is best for families. Proposed priority 2 is unnecessary and should be removed.**
- 4.) **These requirements would create so many new requirements that it would make it harder for under-resourced communities and single-site charter school founders to apply and meet these requirements and submit the significant documentation and follow-up that would be required for monitoring.** It also proposes almost punitive requirements like requiring a school to have a facility before it can receive funds to open their school after the planning phase—when it may need those funds to secure an adequate facility. Further, typically a school district is not prepared to sign a lease with a charter school a year in advance of the school opening. School districts need time to have open dialogue about the use of vacant properties with the community—the same community that these rules purport to include.
- 5.) These requirements also limit the range of potential partners for nonprofit charter schools. School districts across the country routinely contract with a variety of service providers, including special education providers, curriculum consultants, textbook and testing companies, reading specialists, and technology support organizations, among other valuable partners. The proposed regulations would limit charter schools’ ability to partner with any for-profit organization, without regard to the qualifications or expertise of that organization. This creates an uneven playing field: the limitation on charter schools partnering with for profit providers puts a unique disadvantage on charter public schools that is unfair, disproportionate, and damaging to the thousands of Illinois students served by such high-quality providers. For instance, during school closures caused by the COVID-19 pandemic, many of our member schools used special education contractors with specific expertise to ensure that their students with special needs were served in accordance with federal law. Without those critical partnerships, special education students in Illinois would have been left behind. To be clear, our focus in Illinois is on working with partners that can create and support great public schools, not worrying about their tax status.

INCS is disappointed to see that this proposal exhibits a lack of recognition of the current realities for our communities. The COVID-19 pandemic has produced dramatic learning losses, a decline in college enrollment, and a rapid rise in mental health challenges for our students. All of this has led to more families seeking high-performing charter schools that meet the needs of their students. In an unprecedented time of need, the focus should be on providing even more support for students and families. However, these proposed regulations do the opposite.

Given the number of issues, lack of attention to the burden placed on grantees, and no engagement of the charter community in the development of these rules, INCS urges the Department to hold on any new changes to the Charter Schools Program this year and allow grants to go out under the current rules.

Moving forward, the Department should devote the necessary time to engage all stakeholders, especially those most impacted in the charter community, in developing any new rules and regulations related to the CSP to ensure the voices of students and families are represented in this process.

In solidarity,

Andrew Broy
President