

**United States Senate**  
**Washington, D.C. 20510**

May 5, 2022

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Washington, DC 20202

Dear Secretary Cardona:

We write to express concerns about the Department of Education's ("the Department") recent Notice of Proposed Priorities, Requirements, Definitions, and Selection Criteria (NPP) for the Charter Schools Program (CSP). We respectfully ask that you revise the NPP in a manner that ensures that high-quality public charter schools are able to continue to expand using CSP funds and permit schools to apply under the most recent guidelines issued for Fiscal Year 2020. This will allow grantees to compete fairly for federal funds and give relevant stakeholders the opportunity to review and properly engage with the Department on these proposed changes for consideration in future grant competitions.

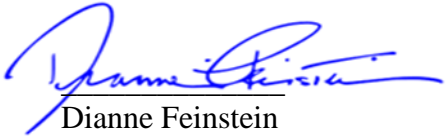
Around the country, high-quality charter schools are making a difference in the lives of students and their families. Since 2020, student enrollment has increased at charter schools despite the COVID-19 public health crisis. During the 2020-2021 academic year, nearly 240,000 new students enrolled in charter schools, representing a seven percent growth as compared to the previous academic year. This clearly demonstrates how critical the CSP is, as it is the only federal program dedicated to supporting the creation of new public charter schools, replicating high-quality public charter schools, and disseminating information about effective practices within charter schools.

However, we are concerned that the new requirements associated with the proposed NPP go beyond the scope of the *Every Student Succeeds Act* (Public Law 114-95). For example, the proposed NPP would require grantees to demonstrate "community impact" to show that there is "sufficient demand," such as that they are not reducing public school enrollment in the same school district, which would not account for whether or not students have access to high-quality public schools. This would empower federal reviewers to ignore state and local decisions to authorize new public charter schools. We are concerned that these requirements would make it difficult, if not impossible, for new public charter schools start-ups, and for high-performing public charter schools seeking to replicate or expand, to access CSP funding. In addition, the proposed rule would add significant burdens and time to an already complex application process, with little time for technical assistance, particularly for the upcoming 2022 grant cycle.

CSP was designed to provide critical resources to expand access to high-quality charter schools, but these proposed regulations could restrict access to new high-quality public charter

schools. As such, we are concerned that the NPP does not prioritize the needs of students and limits high quality choices to certain families. We thank you for your timely consideration and look forward to working with you on this important issue.

Sincerely,



Dianne Feinstein  
United States Senator



Tim Scott  
United States Senator



Michael F. Bennet  
United States Senator



Bill Cassidy, M.D.  
United States Senator



Cory Booker  
United States Senator



Richard Burr  
United States Senator



Marco Rubio  
United States Senator

CC: Honorable Susan Rice, Domestic Policy Advisor to President Biden  
Ron Klain, White House Chief of Staff