



April 6, 2022

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

**Re: Proposed Federal Rule Setting Priorities and Requirements for Charter Schools Program (CSP) Grants**

Dear Secretary Cardona:

I write to share serious concerns about the U.S. Department of Education's new proposed rule outlining requirements for grants under the Charter Schools Program (CSP). Some of the proposed requirements threaten to undermine core goals of the program. As the introduction to the proposed rule notes, some of CSP's "major purposes" include expanding opportunities for all students, especially underserved students, to attend charter schools and meet state standards, and increasing the number of high-quality charter schools.

Despite these clear purposes, the proposed rule stipulates that CSP applicants must provide a "community impact analysis" offering evidence that "the number of charter schools proposed to be opened, replicated, or expanded under the grant does not exceed the number of public schools needed to accommodate the demand in the community." This requirement would limit, not expand, access to public charter schools. It would compel applicants to procure what amounts to a "certificate of need" before they can receive federal grant dollars to increase charter options in their communities. This requirement would withhold public charter schools from families, simply because a traditional public school with seats for students already exists in the area.

Such a practice would disenfranchise the very voices CSP purports to amplify: those disadvantaged students who are not well-served by their community's current educational options.

This practice would also set a concerning federal precedent, elevating enrollment in one form of public school over another. It would privilege traditional public school enrollment over public charter school enrollment, without consideration of the needs of students, the desires of families, or the quality of the community's current educational offerings. It would treat charter schools as nothing more than overflow

spaces—only to be established and expanded in communities where district schools are full. Invariably, in so doing, it would also deprive underserved students in some communities of access to a high-quality public charter school, and at a time when they need it the most.

Data on the benefits of high-quality public charter schools continue to accrue. This has become even more apparent as educators begin to understand the full effects of learning loss during the pandemic, with disadvantaged students incurring the greatest losses of all. Surely, now is not the time to impede access to high-quality charter schools across the country.

In sum, I believe that the rule proposed by the Department would curtail, rather than expand, access to high-quality public charter schools, especially for underserved students. As a result, I urge you to pause consideration of this proposed rule, providing more and sufficient time for public comment and stakeholder input. I ask you instead to proceed with the most recent guidelines from the FY22 awards competition.

Thank you for your attention to this matter. Please do not hesitate to contact me at 704.231.9767 or [lkakadelis@nc.chartercoalition.org](mailto:lkakadelis@nc.chartercoalition.org) if I can be of any assistance.

Regards,

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North Carolina Coalition for Charter Schools

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