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April 18, 2022

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

Secretary Cardona:

The changes proposed by the U.S. Department of Education regarding the priorities, requirements, definitions, and selection criteria for upcoming grants issued under the Opportunities Through Quality Charter School Program (CSP) have the potential to reverse the progress this program has fostered over the past 28 years. With the help from CSP grants, now more than 3.4 million students have chosen to attend 7,700 public charter schools nationwide. These proposals will diminish the educational choices that high-quality public charter schools have provided families for decades. They will add a heavy administrative burden to independent public charter schools—something that runs counter to perhaps every public charter school law in the United States—and they may limit the support that states can offer to public charter schools now. To that end, I must express my disapproval of these proposed measures and urge your agency to rescind or amend the proposal and, at the very least, extend the public comment period. A timeline of just little more than 30 days to submit public feedback seems far too short for such a massive proposed change in priorities.

#### **A. Community Impact Analysis**

First and foremost, I speak to your agency's proposed requirement for a "community impact analysis" from eligible CSP sub-grant applicants, wherein prospective public charter schools would be required to demonstrate an unmet demand for the public charter school. The only two examples provided by the proposal that would meet this requirement are "over-enrollment of existing public schools" or "demand for specialized instructional approaches." Limiting an unmet demand for a public charter school in this way goes far beyond showing that a public charter school has community support, which Florida already ensures among approved public charter schools, and completely ignores the purpose of school choice. Parents choose public charter schools because they want their children there, not because the school district does not have space for them. No new priority should conflict with this reality.

Presently, Florida and other states operate systems that celebrate and promote the virtues of personal educational choice—the ability for students and their families to choose an education that suits *them*, regardless of whether there is room to enroll in a traditional public school. The stated purpose of the community impact analysis is to “ensure that families play an active role in informing decision-making regarding the need for charter schools in a specific community[.]” Requiring a demonstration of over-enrollment or specialized instruction would actually limit the role of families who would be served by public charter schools.

### **B. Racial and Socio-Economic Diversity**

Next, let me speak to your agency’s well-intentioned, albeit onerous and problematic effort to foster racial and socio-economic diversity in public charter schools. As written, these changes would require each public charter school applicant to “establish and maintain racially and socio-economically diverse student and staff populations.” Although admirable in concept, this could run afoul of now-commonly-used random student assignment (i.e. lottery) requirements, which allow parents to choose a public charter school, regardless of its demographics. The unintended consequence of these priorities will be to limit choice, rather than promote it. If this requirement works in concert with the community impact analysis, how could Florida utilize the CSP to support a public charter school that has a fully African American staff or student body, inspired by historically black colleges and universities? How could we support a high-performing public charter school that serves the children of migrant farmworkers? These are not hypothetical questions; Florida can point to examples of how the CSP has benefitted public charter schools such as these. While the proposal states that an applicant that proposes to operate in a racially or socio-economically segregated community would still be eligible for a sub-grant, the applicant would need to show that the proposed public charter would not increase segregation or isolation. This requirement is likely to limit the options available to the parents who would benefit the most from a public charter school.

### **C. Collaborations with School Districts**

Next, let me address your agency’s proposed priority for collaborations between public charter schools and school districts, which would require all public charter applicants “propose to collaborate with at least one traditional public school or traditional school district in an activity that is designed to benefit students and families served by each member of the collaboration.” While the notion of collaboration and support is admirable in concept, public charters lack the ability to require district collaboration and there are few, if any, incentives for districts to participate in the same. This proposal is likely to either diminish the number of public charter schools available to parents or, in some states, result in increased regulation of school districts. In the end, it is not necessary for public charter schools to consider the impact they are making upon local school districts. It is necessary for them to focus on the impact they are having on the academic achievement of the students in their care. That is, at least, what the CSP has assumed since it was passed by Congress in 1994 and signed into law by President Bill Clinton.

### **D. For-Profit Management Companies**

Finally, I must speak to the proposal to dissuade public charter schools from operating with the support of for-profit Education Service Providers (ESP), or management companies. The

proposed requirements for CSP sub-grants is that schools would have to show that no for-profit management company exercises “full or substantial administrative control” over the school and its CSP grant. Florida is confident that it can show that the public charter schools to which it currently awards CSP grants must have an arms-length relationship with any ESP, and that any agreement between school and ESP is severable with no fatal consequence to the school. This is true regardless of whether the ESP or management company is for-profit or not-for-profit. However, it is impossible to know whether a federal monitor would agree with that assessment, and thus may threaten the state from making awards to many ESP-managed schools. This is no small matter, as some of Florida’s highest-performing public charter schools operating in the highest-need regions of the state are managed by ESPs.

**E. Conclusion**

In closing, as much as we may disagree politically, know that I understand and respect that a new administration and its various agencies have the right to tweak and tune priorities for their grant programs. However, the changes proposed by your agency have the potential to upend the public charter school concept and depress—not enhance—the educational choice families deserve.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Corcoran", with a long horizontal flourish extending to the right.

Richard Corcoran  
Commissioner of Education