



Introductory Statement:

The Club for Growth Foundation's ("Foundation") core mission is to inform the general public about the many benefits of economic freedom and limited government. As part of this mission, the Foundation educates the public about the benefits of free-market choices in education, including the numerous benefits associated with the creation and expansion of high-quality public charter schools. This year Congress provided 440 million dollars to fund programs under *Sec. 4301 of the Elementary and Secondary Education Act of 1965*. The title of this section of the Act is "Expanding Opportunity Through Quality Charter Schools." The statutory purposes for the grant funds are to:

- (1) improve the United States education system and education opportunities for all people in the United States by supporting innovation in public education in public school settings that prepare students to compete and contribute to the global economy and a stronger Nation;
- (2) provide financial assistance for the planning, program design, and initial implementation of charter schools;
- (3) increase the number of high-quality charter schools available to students across the United States;
- (4) evaluate the impact of charter schools on student achievement, families, and communities, and share best practices between charter schools and other public schools;
- (5) encourage States to provide support to charter schools for facilities financing in an amount more nearly commensurate to the amount States typically provide for traditional public schools;
- (6) expand opportunities for children with disabilities, English learners, and other traditionally underserved students to attend charter schools and meet the challenging State academic standards;
- (7) support efforts to strengthen the charter school authorizing process to improve performance management, including transparency, oversight and monitoring (including financial audits), and evaluation of such schools; and
- (8) support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies, including state educational agencies, local educational agencies, and other authorizing entities."

Unfortunately, the U.S. Department of Education has proposed rules that, in substantial part, appear to contradict and thwart the statutory purpose of expanding student access to high-quality charter schools. After over 2 years of COVID and related learning losses by students, instead of providing greater opportunities to open new public charter schools and to replicate or expand high-quality charter schools, the proposed regulations would actually decrease student opportunities to attend high-quality charter schools.

CSP Proposed Requirements, Priorities, and Assurances 3/14/2022 - <https://www.federalregister.gov/documents/2022/03/14/2022-05463/proposed-priorities-requirements-definitions-and-selection-criteria-expanding-opportunity-through>

This is of special concern when the data demonstrate that students in charter schools, particularly poor minority students in urban areas, are making greater gains than similar students in district schools when controlling for demographics, and that even students in district schools are experiencing learning gains from the presence of charter schools, as a result of district schools responding to increased competition from charter schools. See *Shakeel, M.D., and Peterson, P.E. (2021). Charter Schools Show Steeper Upward Trend in Student Achievement than District Schools: First nationwide study of trends shows large gains for African Americans at charters.* Education Next, 21(1), 40-47. See Also *Michael Gilraine & Uros Petronijevic & John D. Singleton, 2021. "Horizontal Differentiation and the Policy Effect of Charter Schools," American Economic Journal: Economic Policy*, American Economic Association, vol. 13(3), pages 239-276, August. (Finding “learning gains that are driven by public schools responding to increased competition from non-horizontally differentiated charter schools, even before those charters actually open.”)

Our specific comments to these proposed regulations are set out below, and we strongly oppose the Department of Education’s new proposals for the Charter Schools Program. With little time to consider input before awarding grants and no real stakeholder engagement in developing the regulations, we suggest that any proposed new rules should be put on hold and the Department should proceed with the grant guidelines from the last competition for the FY22 awards.

Community Engagement proposed application requirement (pages 14201-14202): Each sub/grant applicant must provide a community impact analysis that demonstrates that there is sufficient demand for the proposed project and that the proposed project would serve the interests and meet the needs of students and families in the community or communities from which the students are, or will be, drawn to attend the charter school, and that includes the following:

Community Engagement - Proposed Application Requirements	Discussion
(a) Descriptions of the community support and unmet demand for the charter school, including any over-enrollment of existing public schools or other information that demonstrates demand for the charter school, such as evidence of demand for specialized instructional approaches.	(1) Requiring a discussion of over-enrollment of existing public schools misses the mark when it comes to determining the demand for new charter schools. It is very common for a school district to have some schools that are at or above capacity, and other schools that are below capacity. In fact, the best performing public schools are often at capacity, and the worst-performing schools often are below capacity. Student demand for a charter school is often disconnected

Community Engagement - Proposed Application Requirements	Discussion
	<p>from the total existing district capacity. If a district has poor-performing schools, there will be demand for quality charters, without regard for the available space in poor-performing schools. As such, using this criterion to evaluate demand is contrary to the statutory purpose and capricious. See also the study noted in the introduction, finding that charter schools improve results in regular public schools.</p> <p>Additionally, requiring evidence of demand for specialized instructional approaches misses the point. Some charters may have specialized instructional approaches, but a charter that provides instruction to state standards with teachers that have a proven track record of performance is of huge value to struggling students, even though that might not be specialized instruction. A potential charter should not have to demonstrate specialized instruction to benefit from a grant.</p>
<p>(b) Descriptions of the targeted student and staff demographics and how the applicant plans to establish and maintain racially and socioeconomically diverse student and staff populations, including proposed strategies (consistent with applicable legal requirements) to recruit, enroll, and retain a diverse student body and to recruit, hire, develop, and retain a diverse staff and talent pipeline at all levels (including leadership positions).</p>	<p>(2) Charter schools should not be punished for seeking to serve the students most in need of services. The demographic characteristics of those students tend to be minority populations with Title I eligibility.</p> <p>Charter schools seeking to serve these students, if the facilities are appropriately sited, will have high minority and Title I student populations, and it may not be possible to attract a diverse student or staff population, by legally acceptable means.</p>
<p>(c) Analyses of publicly available information and data on student academic achievement, demographics, and enrollment</p>	<p>No Comment.</p>

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Community Engagement - Proposed Application Requirements	Discussion
<p>trends of students in schools in the public school district and schools from which students are, or will be, drawn or in which the charter school is or will be located, including citations and sources and an explanation of how the area from which the proposed charter school would reasonably expect to draw students was determined.</p>	
<p>(d) An analysis of the proposed charter school’s demographic projections and a comparison of such projections with the demographics of public schools and school districts from which students are, or will be, drawn to attend the charter school.</p>	<p>No Comment.</p>
<p>(e) Evidence that demonstrates 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, including projected enrollment for the charter schools based on analysis of community needs and unmet demand and any supporting documents for the methodology and calculations used to determine the number of schools proposed to be opened, replicated, or expanded.</p>	<p>(3) This is troubling, since as noted in Comment (1), real charter school demand is often detached from an analysis of existing public school seats. Even if a community has 2000 empty seats, if those seats are not in schools desired by the neediest students, it is entirely likely that a quality charter may enroll 1500 students, freeing up another 1500 regular public school seats. This is a desirable expansion of quality charter schools and to bar it would be contrary to the statutory authorization.</p>
<p>(f) A robust family and community engagement plan designed to ensure the active participation of families and the community that includes the following: How families and the community are or were engaged in determining the vision and design for the charter school, including specific examples of how families’ and the community’s input was, or is expected to be, incorporated into the vision and design for the charter school. (2) How the charter school will meaningfully engage with both families and the community to create strong and ongoing partnerships. (3)</p>	<p>No Comment.</p>

Community Engagement - Proposed Application Requirements	Discussion
<p>How the charter school will foster a collaborative culture that involves the families of all students, including underserved students, in school decision-making on an ongoing basis. (4) How the charter school’s enrollment and recruitment processes will engage and accommodate families from various backgrounds, including by holding enrollment and recruitment events on weekends or non-standard work hours, making translators available, and providing enrollment and recruitment information in widely accessible formats (e.g., hard copy and online in multiple languages, large print or braille for visually-impaired individuals) through widely available and transparent means (e.g., online and at community locations). (5) How the charter school has engaged or will engage families and the community to develop an instructional model to best serve the targeted diverse student population and their families.</p>	
<p>(g) How the plans for the operation of the charter school will support and reflect the needs of students and families in the community, including considerations for how the school’s location, or anticipated location if a facility has not been secured, will facilitate access for the targeted diverse student population (e.g., access to public transportation or other transportation options, the demographics of neighborhoods within walking distance of the school, and transportation plans and costs for students who are not able to walk or use public transportation to access the school).</p>	<p>No Comment.</p>
<p>(h) A description of the steps the applicant has taken or will take to ensure that the proposed charter school would not hamper, delay, or in any manner negatively affect any desegregation efforts in the public school districts from which students are, or</p>	<p>(4) There are cases where school districts have existing desegregation orders, and have not reached unitary status, where a charter school may need to seek approval or consent from the supervising court regarding compliance. However,</p>

Community Engagement - Proposed Application Requirements	Discussion
<p>would be, drawn to attend the charter school, including efforts to comply with a court order, statutory obligation, or voluntary efforts to create and maintain desegregated public schools, and that it would not otherwise increase racial or socio-economic segregation or isolation in the schools from which the students are, or would be, drawn to attend the charter school.</p>	<p>extending compliance beyond existing court orders, to compliance with “voluntary” desegregation (it is not clear what this is since in the absence of a desegregation court order, assigning students based on race is unlawful discrimination without a compelling interest narrowly tailored), or statutory requirements, which of course are preempted by federal constitutional standards, is contrary to existing legal requirements and the CSP authorizing statute’s goal of supporting new high quality charter schools.</p> <p>Additionally, there is no legal requirement that a charter “would not otherwise increase racial or socio-economic segregation or isolation in the schools from which the students are, or would be, drawn to attend the charter school.” This imposition therefore, on potential new charter schools, is contrary to the CSP authorizing statute.</p>

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For-Profit Proposed application requirement (page 14202): each sub/grant applicant must provide more detailed information regarding the nature of any management contracts with for-profit EMOs, including non-profit CMOs operated by or on behalf of for-profit entities

For-Profit - Proposed Application Requirement	Discussion
For any existing or proposed contract with a for-profit management organization (including a non-profit management organization operated by or on behalf of a for-profit entity), without regard to whether the management organization exercises full or substantial administrative control over the charter school or the CSP project, the applicant must include—	(5) By definition, a not-for-profit 501 (c)(3) entity cannot lawfully be operated for the benefit of a for-profit entity, so this is meaningless and should be omitted. See e.g., <i>PRIVATE BENEFIT UNDER IRC 501(c)(3)</i> , https://www.irs.gov/pub/irs-tege/eotopich01.pdf .
(a) The name and contact information of the management organization;	No Comment.
(b) A detailed description of the terms of the contract, including the cost (i.e., fixed costs and estimates of any ongoing costs or fees) and percentage such cost represents of the school’s total funding, amount of CSP funds proposed to be used towards such cost (with an explanation of why such cost is reasonable), duration, roles and responsibilities of the management organization, and steps the applicant will take to ensure that it pays fair market value for any services or other items purchased or leased from the management organization, makes all programmatic decisions, maintains control over all CSP funds, and directly administers or supervises the administration of the grant in accordance with 34 CFR 75.701;	No Comment.
(c) A description of any business or financial relationship between the charter school developer and the management organization, including payments, contract terms, and any property owned, operated, or controlled by the management organization or related individuals or entities that will be used by the charter school;	No Comment.
(d) The name and contact information for each member of the governing board of the proposed charter school;	No Comment.

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For-Profit - Proposed Application Requirement		Discussion
(e) A list of all individuals who have a financial interest in the management organization, including—	(1) Descriptions of any affiliations or conflicts of interest for charter school staff, board members, and management organization staff;	No Comment.
	(2) A list of all related individuals or entities providing contractual services to the charter school and the nature of those services; and	No Comment.
	(3) Detailed descriptions of any actual or perceived conflicts of interest, the steps the applicant took or will take to avoid any actual or perceived conflicts of interest, and how the applicant resolved or will resolve any actual or perceived conflicts of interest to ensure compliance with 2 CFR 200.318(c);	(6) A description of any actual legally prohibited conflicts of interest is one thing, but to extend this requirement to a “perceived” conflict of interest is contrary to the statutory authorization and capricious. By definition, a “perceived” conflict of interest, that is not an actual conflict of interest is not a conflict.
(f) An explanation of how the applicant will ensure that the management contract is severable, severing the management contract will not cause the proposed charter school to close, the duration of the management contract will not extend beyond the expiration date of the school’s charter, and renewal of the management contract will not occur without approval and affirmative action by the governing board of the charter school; and	No Comments.	
(g) A description of the steps the applicant will take to ensure that it maintains control over all student records and has a process in place to provide those records to another public school or school district in a timely manner upon the transfer of a student from the charter school to another public school, including due to closure of the charter school, in accordance with section 4308 of the ESEA.	No Comments.	

Proposed Priorities

Proposed Priorities	Discussion
<i>Proposed Priority 1—Promoting High Quality Educator- and Community Centered Charter Schools to Support Underserved Students.</i>	No Comments.
(a) Under this priority, an applicant must propose to open a new charter school, or replicate or expand a high-quality charter school, that is developed and implemented—	No Comments.
(1) With meaningful and ongoing engagement with current and former educators, including current and former teachers, including in founding the school, board governance, school-level decision-making related to curriculum and instruction, and day-to-day operations of the school; and	No Comments.
(2) Using a community-centered approach that includes an assessment of community assets, informs the development of the charter school, and includes the implementation of protocols and practices designed to ensure that the charter school will use and interact with community assets on an ongoing basis to create and maintain strong community ties.	No Comments.
(b) In its application, an applicant must provide a high-quality plan that demonstrates how its proposed project would meet the requirements in paragraph (a) of this priority, accompanied by a timetable with milestones.	See Comment (7) below.
<i>Proposed Priority 2—Charter School and Traditional Public School or District Collaborations That Benefit Students and Families</i>	No Comment.
(a) Under this priority, an applicant must propose to collaborate with at least one traditional public school or traditional school district in an traditional school district in an activity that is designed to benefit students and families served by each member of the	(7) This might seem, at first glance, to be a reasonable priority, but is actually a huge barrier to opening new high-quality charter schools. In effect, it gives a school district an unappealable veto

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Proposed Priorities	Discussion
<p>collaboration, designed to lead to increased educational opportunities and improved student outcomes, and includes implementation of— activity that is designed to benefit students and families served by each member of the collaboration, designed to lead to increased educational opportunities and improved student outcomes, and includes implementation of—</p>	<p>over charter schools that has nothing to do with the proposed collaboration.</p> <p>For example, a district can (and often will) say when charters are proposed, we will collaborate with you on x, but only if, for example, you agree not to enroll more than x students, locate your school at x, or serve more than these grades, or any other restriction that the district chooses to raise. Giving a district a veto by allowing them to negate a priority at will is contrary to the statutory intent of funding high-quality charter schools.</p>
<p>(1) One or more of the following services and resources:</p> <ul style="list-style-type: none"> (i) Curricular and instructional resources or academic course offerings. (ii) Professional development opportunities for teachers and leaders, which may include professional learning communities, opportunities for teachers to earn additional certifications, such as in a high need area or National Board Certification, and partnerships with educator preparation programs to support teaching residencies. (iii) Evidence-based (as defined in section 8101(21) of the ESEA) practices to improve academic performance for underserved students. (iv) Policies and practices to create safe, supportive, and inclusive learning environments, including systems of positive behavioral intervention and support; and 	<p>See Above Comment.</p>
<p>(2) One or more of the following initiatives:</p> <ul style="list-style-type: none"> (i) Transparent enrollment and retention practices and processes that include clear and consistent disclosure of policies or requirements (e.g., discipline policies, purchasing and wearing specific uniforms and other fees, or caregiver participation), and 	<p>See Above Comment.</p>

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Proposed Priorities	Discussion
<p>any services that are or are not provided, that could impact a family’s ability to enroll or remain enrolled (e.g., transportation services or participation in the National School Lunch Program).</p> <p>(ii) A shared transportation plan and system that reduces transportation costs for partners in the collaboration and takes into consideration various transportation options, including public transportation and district-provided or shared transportation options, cost sharing or free or reduced-cost fare options, and any distance considerations for prioritized bus services.</p> <p>(iii) Other collaborations designed to address a significant barrier or challenge faced by both charter schools and traditional public schools and improve student outcomes.</p>	
<p>(b) In its application, an applicant must provide a letter from each partnering traditional public school or school district demonstrating a commitment to participate in the proposed charter-traditional collaboration. Within 45 days of receiving a grant award, the applicant must submit to the Department a written agreement (e.g., Memorandum of Understanding), signed by officials authorized to sign on behalf of the charter school and each partnering traditional public school or school district, that—</p>	<p>See Above Comment.</p>
<p>(1) Identifies and describes each member of the collaboration;</p> <p>(2) States the purpose and duration of the collaboration;</p> <p>(3) Describes the roles and responsibilities of each member of the collaboration, including key staff responsible for completing specific tasks;</p> <p>(4) Describes how the collaboration will benefit each member, including how it will benefit students and families affiliated with each member and lead to increased educational</p>	<p>See Above Comment.</p>

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Proposed Priorities	Discussion
opportunities and improved student outcomes, and specific and measurable, if applicable, goals; (5) Describes the resources each member of the collaboration will contribute; and (6) Contains any other relevant information.	

Other Proposed Requirements

Proposed Priorities	Discussion
<i>Proposed Requirement 3 for CMO Grants and Developer Grants: An applicant that has applied to an authorized public chartering agency to operate a new, expanded, or replicated charter school, and has not yet received approval, must provide—</i>	No Comment.
(a) A signed and dated copy of its application to the authorized public chartering agency;	No Comment.
(b) Documentation that it has provided notice to the authorized public chartering agency that it has applied for a CSP grant;	No Comment.
(c) A timeline from the authorized public chartering agency for providing a final decision on the charter application; and	No Comment.
(d) Any planning costs in its proposed budget that are expected to be incurred prior to the date the authorized public chartering agency expects to issue a decision on the applicant’s charter application.	No Comment.
<i>Proposed Requirement 4 for SE Grants: Each SE applicant must provide a detailed description, including a timeline, of how the SE will monitor and report on subgrant performance in accordance with 2 CFR 200.329, and address and mitigate subgrantee risk, including—</i>	No Comment.
(a) How subgrantees will be selected for in-depth monitoring, including factors that indicate higher risk (e.g., charter schools that have management contracts with for-profit EMOs, virtual charter schools, and charter schools with a history of poor performance);	No Comment.
(b) How identified subgrantee risk will be addressed;	No Comment.
(c) How subgrantee expenditures will be monitored;	No Comment.
(d) How monitoring for progress and compliance will be conducted and who will conduct the monitoring;	No Comment.

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Proposed Priorities	Discussion
(e) How monitors will be trained;	No Comment.
(f) How monitoring findings will be shared with subgrantees;	No Comment.
(g) How corrective action plans will be used to resolve monitoring findings; and	No Comment.
(h) How the SE will ensure transparency so that monitoring findings and corrective action plans are available to families and the public.	No Comment.
<i>Proposed Requirement 5 for SE Grants: Each SE applicant must provide explanations and supporting documents for the methodology and calculations used to determine the number of proposed subgrant awards and the average subgrant award amount.</i>	No Comment.

For-Profit Proposed Assurances Applicable to SE Grants, CMO Grants, and Developer Grants

For Profit - Proposed Assurances Applicable to SE Grants, CMO Grants, and Developer Grants:	Discussion	
(a) Each charter school receiving CSP funding must provide an assurance that it has not and will not enter into a contract with a for-profit management organization, including a non-profit management organization operated by or on behalf of a for-profit entity, under which the management organization exercises full or substantial administrative control over the charter school and, thereby, the CSP project.	See Comment (5).	
(b) Each charter school receiving CSP funding must provide an assurance that any management contract between the charter school and a for-profit management organization, including a non-profit CMO operated by or on behalf of a for-profit entity, guarantees or will guarantee that—	(1) The charter school maintains control over all CSP funds, makes all programmatic decisions, and directly administers or supervises the administration of the grant or subgrant;	No Comment.
	(2) The management organization does not exercise full or substantial administrative control over the charter school (and, thereby, the CSP project), except that this does not limit the ability of a charter school to enter into a contract with a management organization for the provision of services that do not constitute full or substantial control of the charter school project funded under the CSP (e.g., food services or payroll services) and that otherwise comply with statutory and regulatory requirements;	(8) This example is unduly limiting and contrary to funding a high-quality charter school. A management company can and should be able to provide many services, in addition to food service or payroll, with the not-for-profit entity holding the charter still exercising substantial control over the CSP project.
	(3) The charter school’s governing	No Comment.

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	board has access to financial and other data pertaining to the charter school, the EMO, and any related entities; and	
	(4) The charter school is in compliance with applicable Federal and State laws and regulations governing conflicts of interest, and there are no actual or perceived conflicts of interest between the charter school and the management organization.	(9) Again, as noted above in Comment (6), it is either an actual conflict or not. A “perceived” conflict that is not an actual conflict is not a conflict. This nonsensical standard should not be used.
(c) Each SE or CMO that has provided CSP funding to a charter school, and each charter school receiving CSP funding, must provide an assurance that it will post on its website, on an annual basis, a copy of any management contract between the charter school and a for-profit management organization, including a non-profit CMO operated by or on behalf of a for-profit entity, and report information on such contract to the Department (or, in the case of a charter school	(1) The name and contact information of the management organization;	No Comment.
	(2) A detailed description of the terms of the contract, including the cost and percentage such cost represents of the charter school’s total funding, amount of CSP funds proposed to be used towards such cost (with an explanation of why such cost is reasonable), duration, roles and responsibilities of the management organization, and the steps the charter school is taking to ensure that it makes all programmatic decisions, maintains control over all CSP funds, and directly administers or supervises the administration of the grant or subgrant in accordance with 34 CFR 75.701 and 76.701;	No Comment.
	(3) A description of any business or financial relationship between the charter school developer or CMO and	No Comment.

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that receives CSP funding through an SE Grant, to the SE), including—	the management organization, including payments, contract terms, and any property owned, operated, or controlled by the management organization or related individuals or entities to be used by the charter school	
	(4) The names and contact information of members of the boards of directors of the charter school	No Comment.
	(5) A list of all individuals who have a financial interest in the management organization, including descriptions of any affiliations or conflicts of interest for charter school staff, board members, and management organization staff, and a list of all related individuals or entities providing contractual services to the charter school and the nature of those services	No Comment.
	(6) A detailed description of any actual or perceived conflicts of interest, the steps the charter school took or will take to avoid any actual or perceived conflicts of interest, and how the charter school resolved or will resolve any actual or perceived conflicts of interest to ensure compliance with 2 CFR 200.318(c); and	(10) Same Comments as (6).
	(7) A description of how the charter school ensured that such contract is severable and that a change in	No Comment.

	management companies will not cause the proposed charter school to close.	
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Other Proposed Assurances

Other Proposed Assurances Applicable to SE Grants, CMO Grants, and Developer Grants:	Discussion
(d) Each charter school receiving CSP funding must provide an assurance that it will disclose, as part of the enrollment process, any policies or requirements (e.g., purchasing and wearing specific uniforms and other fees, or requirements for family participation), and any services that are or are not provided, that could impact a family’s ability to enroll or remain enrolled (e.g., transportation services or participation in the National School Lunch Program).	No Comment.
(e) Each applicant for a CMO Grant, Developer Grant, or subgrant under the SE Grant program, without regard to whether there are any desegregation efforts in the public school districts in the surrounding area, must provide an assurance that it (or, in the case of an applicant for a CMO Grant, each charter school it proposes to fund) will hold or participate in a public hearing in the school districts or communities in which the proposed charter school will be located to obtain information and feedback regarding the potential impact of the charter school, including the steps the charter school has taken or will take to ensure that the proposed charter school would not hamper, delay, or in any manner	(11) Same Comments as (4).

<p>negatively affect any desegregation efforts in the public school districts from which students are, or would be, drawn to attend the charter school, including efforts to comply with a court order, statutory obligation, or voluntary efforts to create and maintain desegregated public schools, and that it would not otherwise increase racial or socio-economic segregation or isolation in the schools from which the students are, or would be, drawn to attend the charter school. Applicants must ensure that the hearing (and notice thereof) is accessible to individuals with disabilities and limited English proficient individuals as required by law, actively solicit participation in the hearing (i.e., provide widespread and timely notice of the hearing), make good faith efforts to accommodate as many people as possible (e.g., hold the hearing at a convenient time for families and provide virtual participation options), and submit a summary of the comments received as part of the application.</p>	
<p>(f) Each applicant for an SE Grant or subgrant, CMO Grant, or Developer Grant must provide an assurance that it will not use or provide implementation funds for a charter school until after the charter school has received a charter from an authorized public chartering agency and has a contract, lease, mortgage, or other documentation indicating that it has a facility in which to operate.</p>	<p>(12) The CSP grants have previously been usable for planning purposes: if this proposal is changing that it would have a negative impact on opening high-quality charter schools.</p>

For Profit - Proposed Assurances Applicable to CSP SE Grants and CMO Grants

<p>Other Proposed Assurances Applicable to SE Grants, CMO Grants, and Developer Grants:</p>	<p>Discussion</p>
<p>Each applicant must provide an assurance that, within 30 days of the date of the grant award notification (GAN), or the date of the subgrant award notification for SE Grants, the grantee or subgrantee will post on its website a list of the charter schools</p>	<p>No Comment.</p>

<p>slated to receive CSP funds, including the following for each school:</p> <ul style="list-style-type: none">(a) The name, address, and grades served.(b) A description of the educational model.(c) If the charter school has contracted with a for-profit management organization, the name of the management organization, the amount of CSP funding the management organization will receive from the school, and a description of the services to be provided.(d) The grant or subgrant award amount, including any funding that has been approved for the current year and any additional years of the CSP grant for which the school will receive support.(e) The grant or subgrant application (redacted as necessary).(f) The peer review materials, including reviewer comments and scores (redacted as necessary) from the grant or subgrant competition.	
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Proposed Selection Criteria

Proposed Selection Criteria		Discussion
<p>(CMO & Developer) (a) Quality of the Community Impact Analysis. The Secretary considers the quality of the community impact analysis for the proposed project. In determining the quality of the community impact analysis, the Secretary considers one or more of the following factors:</p>	<p>(1) The extent to which the community impact analysis demonstrates that the proposed charter school will address the needs of all students and families in the community, including underserved students; will ensure equitable access to diverse learning opportunities; and will not otherwise increase racial or socioeconomic segregation or isolation in the schools from which the students are, or would be, drawn to attend the charter school.</p>	<p>(13) Same as previous Comment (4).</p> <p>Also, the proposed rule says that these particular criteria are in addition to the Criteria in 4305(b)(4) of the ESEA, which includes fact-based criteria that the Secretary takes into consideration, such as (4)(C) a determination that the eligible entity has not experienced significant problems with statutory or regulatory compliance that could lead to the revocation of a school’s charter. However, Proposed Selection Criteria (a)(1-3), are not fact-based criteria, they are opinion-based criteria, such as “the extent to which the community impact analysis demonstrates that the proposed charter will address the needs of all students and families in the community, including underserved students.” Additionally, these criteria involve the analysis of highly-localized issues, which are more appropriately assessed by local officials, not federal officials who are often thousands of miles away from a particular community.</p>
	<p>(2) The extent to which the community impact analysis demonstrates that the proposed charter school has considered and mitigated, whenever possible, potential barriers to application, enrollment, and retention of students and families from diverse backgrounds</p>	<p>No Comment.</p>

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	(3) The extent to which the proposed charter school is supported by families and the community, including the extent to which parents and other members of the community were engaged in determining the need and vision for the school and will continue to be engaged on an ongoing basis in school decision-making, including the academic, financial, organizational, and operational performance of the charter school	No Comment.
(CMO & Developer) (b) Quality of the Charter School’s Management Plan. The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan, the Secretary considers one or more of the following factors:	(1) The adequacy of the applicant’s plan to maintain control over all CSP grant funds.	No Comment.
	(2) The adequacy of the applicant’s plan to make all programmatic decisions.	No Comment.
	(3) The adequacy of the applicant’s plan to administer or supervise the administration of the grant and maintain significant management or oversight responsibilities over the grant.	No Comment.
(SE) (a) Quality of the Project Design. The Secretary considers	(1) The extent to which the number of subgrant awards	No Comment.

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the quality of the project design for the proposed project. In determining the quality of the project design for the proposed project, the Secretary considers the quality of the SE’s process for awarding subgrants, including—	anticipated for each grant project year is supported by evidence of demand and need; and	
	(2) The extent to which the proposed average subgrant award amount is supported by evidence of the need of applicants.	No Comment.