



nacsa
NATIONAL ASSOCIATION OF
CHARTER SCHOOL AUTHORIZERS

February 12, 2016

John King
Acting Secretary of Education
U.S. Department of Education
400 Maryland Ave, S.W.
Washington, D.C. 202020

Dear Acting Secretary King:

As you know, the *Every Student Succeeds Act* (ESSA) makes important improvements to the Charter Schools Program (CSP), especially to Grants to Support High Quality Charter Schools (Sec. 4303). The statute provides the Secretary with flexibility in transitioning to the new statute. We believe that the Department should make use of this flexibility by applying certain provisions to the FY 2016 competitions as well as applying several provisions to grantees that received their initial awards in FY 2015. All of these provisions are changes that the U.S. Department of Education can implement without any significant modifications to the current application process and should not delay making new awards this year.

For FY 2016 grantees, the following provisions should be effective immediately:

1. **Definition of an Eligible Entity for the State Grants program (Sec. 4303(a))** ESSA permits Governors, Charter Support Organizations and State Charter School Boards to compete for state grants. These entities should be able to apply for grants this year and should not have to wait.
2. **Seven percent state reservation for technical assistance and authorizer quality.** ESSA requires recipients of state CSP grants to provide technical assistance to eligible applicants, and to work with authorized public chartering agencies in the State to improve authorizer quality, including developing capacity for, and conducting, fiscal oversight and auditing of charter schools.

For FY 2016 and FY 2015 grantees, the following provisions should be effective immediately:

1. **Provision that permits charter schools that prioritize students enrolled in schools within the same network to open or expand with CSP funds, consistent with the definition of a charter school in Section 4310(2)(H).** Commonly referred to as "feeder patterns," the new law modifies the definition of a charter school for purposes of

federal grants in order to permit the CSP to fund the opening or expansion of schools that automatically enroll students attending the immediate prior grade of an affiliated school. Grantees must fill any openings due to attrition through a lottery. This newly modified definition of a charter school should be effective immediately, and FY 2015 grantees should be able to request modification of their grants in order to access this new flexibility.

2. **Provision that permits weighted lotteries unless prohibited by state law, consistent with Sec. 4303(c)(3).** Weighted lotteries are permitted by guidance, but only if they are not prohibited by state law. All grantees should be able to permitted to use weighted lotteries that meet the requirements of the new law.
3. **Definition of a “high quality charter school” (Section 4310).** The U.S. Department of Education has established a definition for CSP grant competitions that is not consistent with the new law. This new definition should be effective in FY 2016.
4. **Definition of “expand” (Section 4310(7)):** ESSA defines “expand” as one or more grades. Current regulations require two or more grades or a 50 percent increase in the size of the school over the life of the grant in order to use CSP funds for expansion purposes.

We look forward to working with you and your staff to ensure a smooth transition to the newly improved Charter Schools Program. Thank you for considering our request.

Sincerely,



Nina Rees
President and CEO
NAPCS



Greg Richmond
President
NACSA