



Senator Mitch McConnell
Majority Leader
US Senate
Washington, DC 20510

Representative Nancy Pelosi
Speaker of the House
US House of Representatives
Washington, DC 20515

Senator Charles Schumer
Minority Leader
US Senate
Washington, DC 20510

Representative Kevin McCarthy
Minority Leader
US House of Representatives
Washington, DC 20515

May 12, 2020

Dear Senators and Representatives,

I write on behalf of the more than 7,500 charter schools and the 3.3 million students they serve, as well as their families and their communities. Our schools have not only used their unique flexibility and autonomy to quickly respond to the needs of their students during the COVID-19 pandemic, but many have gone above and beyond to support their broader communities and first responders. It has not been easy and has required that schools stretch their budgets to meet pressing and unexpected needs. Some charter schools have even launched online fundraising campaigns to support their response efforts. We're proud of the work of our schools under very difficult circumstances. We believe that these current efforts are just the beginning. Looking forward, schools face even steeper challenges as they work to safely bring students, teachers, and other staff back to school buildings. Schools will be tasked with helping students catch up after months of educational disruption *and* preparing for the very real possibility of additional shutdowns in the fall and winter. This will be complex and costly. Our schools are prepared to take on that work but will need additional federal support to do so safely and successfully.

The needs of charter schools and their students are, in the vast majority of cases, identical to the needs of other public schools and public school students. But, in the particular case of charter schools, three important factors come into play:

1. **Charter schools, in the aggregate, serve higher percentages of low-income students and students of color than do district-operated public schools.** These are the students who faced the greatest challenges *before* the crisis. The crisis has hit their communities and families hardest. And it is reasonable to expect that this necessary disruption of their education will have greater negative impacts on these students than on other students.
2. **Charter schools receive less funding from their localities and states than do district-operated schools, even while serving student populations facing greater challenges.** Our schools, for the most part, are masters of doing more with less, but that approach will only take our schools and

students so far. It is not at all clear that charter schools' already more limited resources will stretch sufficiently to rise to the challenges that lie ahead.

3. **Charter schools, unlike district-operated schools, cannot turn to school districts to fund capital expenditures.** It is likely that a safe return to school will require at least minor—and perhaps more than minor—modifications in their physical space. Charter schools will need special consideration and support if they are to do all that needs to be done to keep students and staff safe.

It is for these reasons that we ask Congress to ensure that charter schools—which are a critical part of a healthy public education ecosystem—receive their fair share of any federal funds made available to support public schools. That said, we are making the requests below on behalf of the whole public school community, but most especially on behalf of the most vulnerable students.

1. **Equitable treatment of charter schools in federal funding**

In order to meet the needs of charter schools, funds need to be allocated fairly to them. In 16 states charter schools are not their own Local Educational Agencies (LEAs) and are at a disadvantage when it comes to accessing funding from the CARES Act. Moreover, charter schools in many states rely on school district LEAs for special education funding and are concerned that they may not receive continued funding from school districts, especially in cases where a charter school provides special education services while a school district is closed. Therefore, to address the needs of these schools we request that the following policies be included in any future education funding:

- a. **Allocations:** Any funds allocated to LEAs should be allocated on an equitable basis to charter schools in that school district and in consultation with charter school leaders. Additionally, we have concerns that using the Title I formula for LEA allocations may prevent funds from reaching small, single-school LEAs that may be eligible for, but do not receive, Title I funding.
- b. **District-wide activities:** If an LEA uses a portion of its allocation to fund district-wide activities (rather than distributing all of those funds to individual schools), it must ensure that those district-wide activities benefit all schools in the district, including charter schools.
- c. **Special education funding:** State Educational Agencies (SEAs) must ensure that school districts provide charter schools with reimbursement for provision of temporary special education services, even if the LEA was closed during a period that charter schools continued services. In addition, in the event that compensatory services are needed, the LEA retains the responsibility to pay for such services.
- d. **Facilities access:** As a condition of receiving funding, SEAs and LEAs may not displace charter schools from public buildings or co-locations to address social distancing requirements without providing a building that equally meets the charter schools' needs.

2. **Equitable treatment of charter schools in state and local funding**

Charter schools currently receive less state and local funding than traditional public schools—83% of every dollar on average. They also generally rely on state funding, unlike traditional

public schools. As a result, any state education funding cuts will have a disproportionate impact on charter schools. Therefore, as a condition of receiving any federal funding, education or otherwise, we request that states provide assurances that they will not single out charter school funding for cuts, and that they will distribute federal aid in a manner that closes, or at a minimum does not widen, regional and city public school funding gaps. In addition,

- a. Funding for charter schools should not be cut to a greater degree than funding for all public schools; and
- b. Allocations of federal aid to schools within states must be higher on a per pupil basis to schools that receive less state and/or local funding per pupil than other public schools in the same geographic area (school district, county or city).

3. Increased funding for the Education Stabilization Fund

The \$13.5 billion provided to K-12 in the CARES Act was sorely needed and will help meet some of the needs resulting from the COVID-19 crisis. These needs, however, will quickly outstrip the aid that has been provided, particularly in the communities that charter schools serve. It's worth noting that the Learning Policy Institute has estimated that CARES Act funding provided only \$286 per student on average. We know that the impact of the virus and its economic fallout will continue to ripple through charter schools and the communities we serve for years.

Most immediately, as charter schools, like other public schools, prepare to bring students, educators, and support staff back to their buildings, they will face a range of new expenses including:

- Additional staff time to develop (with public health officials, parents and community stakeholders) building reopening plans and costs associated with preparation for re-opening buildings;
- Implementation of student re-engagement strategies to bring students who have lost touch with their schools back into the classroom—*Education Week* reports that 36 percent of low-income students have lost touch with their schools since school buildings were shuttered;
- Supporting English language learners. Students for whom English is not their first language may also face significant challenges in accessing distance learning. Schools working to serve EL students remotely will also face additional challenges of appropriately adapting instruction.
- Hiring additional teachers to allow for smaller classes;
- Administration of diagnostic assessments to gauge the amount of “learning loss” caused by the abrupt transition to an extended period of distance learning—by some estimates, students could lose a year of learning in math due to the crisis;
- Ramping up to provide extended learning time in order to help students who have fallen behind catch up;
- Launching professional development for teachers to help them hone their skills in accelerated learning so that they are well prepared to help students catch up;
- Providing—at a much greater scale than ever—a range of non-academic support services to help students recover from the crisis and navigate the “new normal” inside and outside of school;
- Reconfiguring, remodeling, and expanding spaces so as to maintain physical distancing in schools;

- Acquiring and regularly replacing appropriate personal protective equipment to protect both staff and students once they return to their buildings;
- Frequent and deep cleanings of school buildings, supplies, and equipment, as well as the purchase of additional supplies—especially in high poverty schools—to avoid situations in which children would have to share supplies; and
- Addressing a range of transportation challenges to allow for physical distancing.

These are just a few of the expenses that we now expect our schools to have to shoulder. How many of these activities any particular school will have to undertake will depend heavily on the circumstances of the schools, their students, and the communities that they serve. Now more than ever, as we daily learn more about the virus and its impacts, we must be sensitive to the fact that there will be unexpected challenges and costs in re-opening school buildings and resuming in-person instruction. Charter schools, like all public schools, need flexible funding to meet these and other costs and to serve their students well.

We are requesting that the Education Stabilization Fund be increased by \$250 billion to provide schools with the funds and flexibility needed to meet these challenges.

4. State and local aid

State and local funding is the foundation of public education funding in all 50 states and the District of Columbia. Education is among most states' top expenses. However, states and communities hard hit by the virus are already struggling with severe budget shortfalls. Without federal aid, we expect that states will make deep cuts to public education. We also know that the localities with the lowest property tax bases and those most dependent on state aid are likely to bear the brunt of these cuts. Such cuts would be yet another setback for students who have already had their learning disrupted. This will be particularly harmful to our nation's most fragile learners—many of whom attend charter schools.

To prevent drastic and damaging cuts in K-12 funding and to protect vulnerable students, Congress should provide \$500 billion in flexible funding to state and local governments. Consideration should be given to ensure that funding is focused on localities that have been most impacted by the twin health and economic crises.

5. Distance learning: connectivity, devices, and training

The onset of the virus has revealed a number of deep and dangerous divides in our society. Among those is the digital divide that separates low-income households from more affluent households. More than 6 million students live in communities that face limited access to high speed internet connections or digital devices. These students are also concentrated in schools that typically have fewer resources. Students who attend charter schools are 60% more likely to live in low-access communities than students in traditional district schools.

Public health officials are already concerned about another and even more challenging outbreak of the virus in the fall. This means that distance learning will likely continue in some capacity beyond the end of the current school year. We still have students and teachers who do not have adequate internet connections at home and who do not have access to appropriate devices. In March, these unmet needs left schools and families scrambling to transition to distance learning

when physical school buildings closed. These technology needs must be met now to avoid a similar struggle when the need for distance learning arises again in the fall.

Additionally, teachers with little or no experience in distance learning have been thrust into providing online instruction with only limited support. We know that the vast majority of teachers are doing the best that they can. But that's just not good enough. Not for them. Not for our students. Teachers—as professionals—need and deserve high-quality professional development in distance learning best practices.

Based on our analysis, charter schools need \$243 million to meet the needs of their students that lack devices and connectivity. We support \$2 billion in total funding for distance learning to ensure that all students and teachers are better prepared in the likely event of stay-at-home orders in the future.

6. Mental health services

Charter school students are more likely than other public school students to be low-income, be black and brown, and live in communities that faced daunting challenges *before* the outbreak. COVID-19 has amplified these pre-existing challenges, bringing record levels of unemployment, illness and death into the lives of these young Americans. This is especially true for African American communities, which have been hit harder than other communities by the destructive power of the virus. Even the families that have managed to keep working and avoid contracting COVID-19 are experiencing new levels of stress. Family breadwinners often hold “frontline” or “essential” jobs that now bring new dangers and family-wide stress. Research has repeatedly documented the adverse impact of prolonged stress on learning.

Though the CARES Act provided a much-needed \$100 million increase to the Project SERV program, the scale of the mental health crisis facing students is likely to far surpass the available resources in communities that have long suffered from a critical deficit in mental health services.

We are requesting \$100 million for Title IV(F) National Activities targeted at providing mental health services to students in communities hardest hit by COVID-19.

7. IDEA and McKinney-Vento

Even as we recognize and strive to meet the acute needs of all students, we are well aware that some students bring special challenges into this moment. Students with disabilities and homeless students needed additional support *before* the COVID crisis.

There are more than three million students with disabilities, and the transition to distance learning has made it particularly difficult for schools to meet their needs. Charter schools have led the way in many districts, continuing to provide students with services even when their authorizing LEAs were officially closed. While students with disabilities have rights under various federal and state laws, the realities of distance learning mean students with disabilities may miss out on even more learning than their peers. Once school buildings reopen, schools may be required to provide compensatory and other services and will need additional resources to help close the gap in lost learning.

The number of students experiencing homelessness—already at approximately 1.5 million—is increasing during the COVID crisis as youth and families are unable to maintain already tenuous circumstances due to job loss and the economic impact of shelter-at-home orders. Increased mobility of homeless students makes it even more difficult for schools to maintain connections with students and provide access to vital resources, so these students may fall even further behind their peers in more stable living situations.

Students with special challenges have always needed additional support. Going forward, they will need even more help to recover and thrive.

We support additional funding for IDEA, with the condition, as described under section 1, that SEAs ensure that school districts meet their funding obligations to charter schools, including for the provision of temporary services, even if the LEA was closed during a period that charter schools continued services.

We also support a \$500 million supplemental appropriation to the McKinney-Vento Act’s Education for Homeless Children and Youth (EHCY) program, which would allow for targeted support through an existing service delivery system that is already charged with identifying and supporting homeless students. Congress should ensure that these funds can be used for a broader range of activities than is currently permitted by statute, to allow for immediate relief for families and youth as soon as they are identified by schools, and in recognition of the loss of support from typical community partners.

8. Parent support services

As parents face the prospect of juggling full time work with home learning for an extended period of time, they are in tremendous need of support to meet their children’s learning needs. Statewide Family Engagement Centers (SFECs) promote and implement family engagement strategies and provide technical assistance and partnership development to states and school districts to foster meaningful engagement with families to further their children’s academic and developmental progress. SFECs also provide vital direct services to parents seeking to better engage with schools and teachers.

While many SFECs are not in locations with significant numbers of charter schools, we recognize the role that they can play in supporting all families during this crisis and therefore support increased funding for them. Expanding SFECs can help teachers be the conduit for learning at home, provide families with simple, yet effective, activities they can do with their children, and identify high-quality learning resources for parents. Equally important is the ability of SFECs to connect with low-income families, students learning English and other marginalized student groups to ensure their needs are met.

For years, we have all heard and used the rhetoric about parents being their child’s “first and most important teachers.” Now they are being called on to do more than ever and they need our support.

We support the PTA, the National Center for Families Learning and PACER in their requests for a one-time investment of \$245 million in Statewide Family Engagement Centers in order to expand their reach to more states and so that more charter school parents can access support.

9. School facilities

Our requests for school facilities are related to immediate needs related to the pandemic, as well as to future efforts to stimulate the economy through infrastructure spending. Bringing students and staff back to school buildings will pose a range of challenges. Among the most pressing will be physical distancing in the traditional school environment. While there is currently conversation about staggered daily schedules and alternate-day in-person attendance, schools will most likely have to consider other measures, including renovations to and expansion of their structures to allow for appropriate physical distancing. This will pose a challenge for all schools, but particularly for charter schools that cannot turn to a school district for support for building modifications. In addition, new charter schools will face hurdles and delays to secure buildings and financing. We anticipate that charter schools planning to open next year will face additional hurdles finding space and financing buildings due to financial pressures and social distancing requirements.

We request the inclusion of community facilities as part of any infrastructure or stimulus package, in order to meet the needs of all schools, including charter schools. In addition, Congress should permanently extend the NMTC along the lines of the NMTC Extension Act of 2019.

The COVID-19 crisis has challenged our society in unprecedented ways and has required an unprecedented response. Schoolchildren everywhere have had their lives and learning upending by the pandemic and its economic impacts. Congressional action to date has provided critical funding to help schools, teachers, students, and families through the immediate crisis, yet challenges will persist for months if not years. It is imperative that Congress continue to address the educational, technology, and health needs of students—especially those who are most vulnerable. Charter schools serve a disproportionate share of students from low-income communities and students of color—the students and families who already faced steep challenges prior to COVID-19 and who have been most severely affected by the current crisis. The critical investments outlined above would help safeguard the futures of millions of students who must not be allowed to fall further and forever behind their peers from more affluent communities. States and localities will not be able to finance the necessary expenditures alone. In a national crisis, Congress must use its spending and borrowing power to help state and local leaders maintain and supplement their education budgets. In doing so, it must also ensure that states and school districts treat charter schools and their students fairly and equitably. Now is not the time for divisions of any sort. Now is the time to work together to deliver the urgent help students need.

Sincerely,



Nina Rees

President and CEO