

# United States Senate

WASHINGTON, DC 20510  
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April 6, 2022

[Docket \(ED-2022-OESE-0006\)](#)

Delivered via E-Mail

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

Dear Miguel:

On March 14, 2022, the U.S. Department of Education (Department) issued a Notice of Proposed Priorities, Requirements, Definitions, and Selection Criteria for the Charter School Programs (CSP) and opened a 30-day public comment period. We ask that you, at a minimum, extend the public comment period.

The proposed requirements for the CSP are a blatant reversal of three decades' worth of bipartisan support for charter schools. In addition to being overly prescriptive and overburdensome, the Department proposes foisting such prescriptions and burdens solely upon charter schools which can only be viewed as an attempt by this Administration to disadvantage charter schools over their traditional public school peers. Destroying future charter schools harms school choice for parents and students during a time when school choice is more important than ever.

In addition to the direct attack on charter schools and school choice, these proposed policies were released immediately after Congress approved Fiscal Year 2022 appropriations. Congress, after determining these proposals were bad policy, intentionally excluded them from the FY 2022 appropriations package. Such blatant disregard is yet another example of this Administration ignoring the will of Congress and acting by executive fiat.

Following publication of the Notice, Ranking Member Burr's staff requested to meet with Department staff, a request the Department has denied on the basis of a specious rule making argument. However, Ranking Member Burr's staff has also been made aware that the Department is conducting meetings with outside groups on the proposed policies. This refusal to meet with Congressional staff is a new interpretation of procedure by the Biden Administration that seems deliberately designed to avoid Congressional oversight.

For these reasons, we, at a minimum, request an extension of the public comment period by 30 days in order for teachers, parents, students, and Congress to have proper time to review these troublesome policy changes and provide comment. However, we ultimately request that the

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Department does not finalize this proposal, rushing through the most burdensome and robust changes that have been made to the CSP.

Please respond by April 8, 2022, to inform us of whether the Department will allow for authentic and valuable engagement from the community.

Sincerely,



Richard Burr  
United States Senator



Bill Cassidy, M.D.  
United States Senator



Mike Braun  
United States Senator



Tim Scott  
United States Senator



John Cornyn  
United States Senator



Marco Rubio  
United States Senator